(2) Conduct examinations to ascertain the qualifications and fitness of applicants for licenses to practice dentistry and for licenses to practice dental hygiene.

(3) Prescribe rules and regulations for examination of candidates.

(4) Formulate rules and regulations by which dental schools and colleges, dental hygiene schools and colleges, schools of dental technology and dental assisting shall be approved.

(5) Conduct hearings on proceedings to revoke or suspend, and revoke or suspend, a license, license certificate, renewal certificate, or dental registration certificate granted under the authority of this chapter or previous laws, when evidence has been presented showing violation of any of the provisions of this chapter by the holder of such license, license certificate, renewal certificate, or laboratory registration certificate.

(6) Conduct proceedings relative to the issuance or renewal of licenses, license certificates, renewal certificates or dental laboratory registration certificates which have been revoked or suspended by board order.

(7) Grant licenses, issue license certificates, renewal certificates or dental laboratory registration certificates in conformity with this chapter to such applicants as have been found qualified.

(8) Issue permits for dental internes, institutional dentists and nonprofit corporations in conformity with this chapter to such applicants as have been found qualified.

(9) Make such rules and regulations as are necessary to carry out and make effective the provisions of this chapter.

**466.09 Definitions.**—For the purposes of this chapter, the following terms are defined as:

(1) **License**—The grant of authority by the board to any person to engage in the practice of dentistry or dental hygiene. Such license shall be a privilege personal to the licensee, and may be revoked or suspended by the board for violation of any of the provisions of this chapter.

(2) **License certificate**—The documentary evidence under seal of the board that said board has granted authority to the licensee to practice dentistry or dental hygiene in this state.

(3) **Renewal certificate**—The documentary evidence that the board has renewed the authority of the licensee to practice dentistry or dental hygiene in this state.

(4) **Conditional renewal certificate**—The documentary evidence that the board has renewed the authority of the licensee to practice dentistry or dental hygiene in this state subject to such conditions as may be provided by this chapter.

(5) **Laboratory registration certificate**—The documentary evidence that a dental laboratory has registered under the provisions of this chapter.

(6) **Gender**—Wherever the masculine gender is used in this chapter it shall include the feminine gender.

**466.10 Quorum of board.**—A majority of the members of the board shall constitute a quorum for the transaction of business, but should less than a quorum be present on the day appointed for a meeting, those present may adjourn from day to day or from time to time, until a quorum is present.

**466.11 Power of board to administer oaths; issue subpoenas, service; penalty for refusing to obey subpoena or order.**—Any board member or its executive director shall have the power to administer oaths, take affirmations of witnesses, issue subpoenas and send for persons or papers, and to compel the attendance of witnesses, the production of all necessary papers, books, records, documentary evidence and materials, in any hearing, investigation, accusation or other matter coming before the board. The sheriffs of the several counties of the state or other officers authorized to serve process shall serve any subpoena or other order issued by the board member or executive director of the board and shall receive for such service the fees provided for like service to be paid on certification of such member or authorized person from any funds in the hands of the board. If any person refuses to obey any subpoena, process or order issued by the board, the said board may certify this fact to the circuit court of the judicial circuit wherein such proceedings are being held and it shall be the duty of the court to require such person to appear before it and show cause why he should not be adjudged in contempt, and, if upon hearing, the court shall find such person to be in contempt the court shall deal with such person as provided in §466.42.

**466.12 Assistant secretary-treasurer of board; duties.**—The secretary-treasurer of the board, with the consent of the board, shall have the power to employ at his pleasure one or more persons as assistant secretary-treasurers, who need not be members of the board nor practicing dentists. The assistant secretaries-treasurers shall, in the name of the secretary-treasurer, be qualified to perform any of the duties of the secretary-treasurer in matters pertaining to the gathering of evidence in any violation of any of the provisions of this chapter, swearing out warrants, appearing before courts in prosecutions, and any other matters pertaining to the enforcement of the provisions of this chapter, but said assistant secretary-treasurer shall not be entitled to receive any witness or other fees out of the fine and forfeiture fund of any county on account of his...
testifying as a witness or any other services rendered by him under this chapter.

History.—Stats. 1931, ch. 14708; CGL 1936 Supp. 3584(8); §13, ch. 20240, 1941; §17, ch. 61-471.

466.13 Applicants to file applications under oath.—Every person who desires to practice dentistry within the state shall file with the secretary-treasurer of the board his written application for a license, and furnish satisfactory proof that he is at least twenty-one years of age and of good moral character, a citizen of the United States, and that he is a graduate of an accredited dental school or college as defined by the council on dental education of the American dental association, or is a graduate of a dental school or college approved by the board. Such application shall be in accordance with the form prescribed and furnished by the board and verified by the oath of the applicant, accompanied by the required fee and a recent unmounted, autographed photograph of the applicant. Graduates of foreign dental colleges or schools not approved by the board shall have first graduated in dentistry in an accredited or approved dental college or school in the United States before being eligible for the examination. The board may deny examination of a candidate who has been found mentally or physically unqualified. The board is hereby authorized and empowered to adopt such further rules in regard to the qualifications of applicants for examination, not in conflict with this section, as it from time to time may deem necessary and proper.

History.—19, ch. 14708, 1931; CGL 1936 Supp. 3584(9); §12, ch. 20240, 1941; §17, ch. 61-471.

466.14 Examinations; license certificates.—(1) When the board finds that the application and satisfactory proof submitted by the person pursuant to §466.13, is satisfactory, it shall notify the applicant to appear before it for an examination at a time and place to be fixed by it. The examination shall be oral, visual, written, theoretical, practical, clinical, professional evaluation and of such a character as to thoroughly test the qualifications of the applicant to practice dentistry and may be taken from but not limited to the following subjects: Pathology, radiology, bacteriology, treatment planning, clinical dentistry, operative dentistry, prosthetics, crown and bridge technique, orthodontics, materials in dentistry, diet and nutrition, oral hygiene and prophylaxis, preventive medicine, periodontics, anesthesia, oral surgery, oral medicine, principles of medicine, materia medica and pharmacology, anatomy, physiology, histology, chemistry, embryology, dental history, this chapter and such subdivisions of these general subjects as relate to the practice of dentistry.

(2) All examination papers shall be filed with the secretary-treasurer of the board and kept for reference and inspection for a period of not less than two years. Examination papers while so retained shall be open to inspection only to board members and the executive director, the applicant himself, or by some person properly appointed by such applicant to examine same or pursuant to an order of a court of competent jurisdiction in a proceeding where the question of the contents of any such paper or papers is involved. The said board shall make a record of the examination grade of each applicant which shall be preserved for the two-year period as part of his examination paper.

(3) Should the applicant make a passing grade on his examination, he shall be granted a license by the board, and a license certificate signed by a majority of the board, including the chairman and the secretary-treasurer, bearing the seal of the said board, shall be issued, which certificate, when duly recorded as provided in this chapter, shall be evidence of his or her privilege to practice dentistry in this state; provided such license certificate complies with the further provisions of §466.15.

History.—115, ch. 14708, 1931; CGL 1936 Supp. 3584(10); §16, ch. 20240, 1941; §19, ch. 61-471; §20, ch. 67-409.

466.15 Recording of certificates.—Every person granted a license to practice dentistry or dental hygiene in this state by the board as herein provided shall personally cause his license certificate to be recorded in the office of the clerk of the circuit court of the county in which he desires to practice before beginning the practice of dentistry or dental hygiene in said county, and shall within sixty days of the date of the issuance of the license certificate notify the secretary-treasurer of the board that this section has been complied with, giving the name of the county in which said license certificate was recorded. Any person receiving a license from the board, whether or not intending to immediately engage in the practice of dentistry or dental hygiene in this state, shall cause his license certificate to be recorded in the office of the clerk of the circuit court in one of the counties of this state and notify the secretary-treasurer of the board of such recordation within sixty days of the issuance of the license certificate.

History.—111, ch. 14708, 1931; CGL 1936 Supp. 3584(11); §15, ch. 20240, 1941; §18, ch. 61-471.

466.16 Certificates to be displayed.—Every practitioner of dentistry or dental hygiene within the meaning of this chapter shall post and keep conspicuously displayed in his office wherein he practices, in plain sight of his patients, and if there is more than one dentist or dental hygienist practicing or employed in any office the manager or proprietor of such office shall post and display, or cause to be posted and displayed, in like manner the name, license certificate and renewal certificate of each dentist or dental hygienist so practicing or employed therein. Any dentist or dental hygienist who practices in more than one office shall be required to conspicuously display a current annual renewal certificate in each office where he practices. The operator of every dental laboratory as defined in §466.51, in this state shall be required to conspicuously display a current certificate.
and annulled after notice as provided in subsection (2), and cannot practice in this state until he has obtained a current annual renewal certificate. No annual renewal certificate shall be issued to the holder of a conditional renewal certificate, if for good cause, the board determines that the applicant has not maintained the degree of professional skill and knowledge required when he was first licensed in this state or he has become physically or mentally incompetent, or has been guilty of immoral or unprofessional conduct, in its discretion, require said person to demonstrate to the board that he has maintained such professional skills and knowledge and has not been guilty of conduct which would warrant suspension or revocation of a license under this law.

466.18 Automatic suspension, cancellation of licenses for failure to renew; notification; occupational license.—

(1) The license and license certificate of any dentist who has not secured his annual renewal certificate or conditional renewal certificate on December 31 of any year shall be automatically suspended after notice as provided in subsection (2). A suspended license may not be reinstated until the dentist whose license has been suspended files a written application on a form prescribed by the board, pays his renewal fee and a delinquency fee of twenty-five dollars. On March 31 of any year the license of any dentist who has not renewed the same and paid the required renewal and delinquency fee shall be automatically cancelled and annulled after notice as provided in subsection (2) and it may not be reinstated or renewed until the dentist shall make application for renewal of the examination as provided by §466.14, and pay the fee therefor as provided in §466.20.

(2) (a) Prior to suspending the license of any dentist who has not renewed his license the board shall notify him on November 30 at his last known address of his delinquency and advise him of the penalty therefor provided by subsection (1).

(b) Prior to cancelling the license of any dentist who has not renewed his license and paid the necessary fees the board in addition to sending the notices required by paragraph (a), shall notify him on the last day of February of the penalty provided by subsection (1) at his last known address, by registered mail return receipt requested.

(c) Nothing in this section shall in any way prohibit the board from or restrict it in suspending or revoking any license certificate previously granted under the authority of the law of this state regulating the practice of dentistry for a violation of any of the requirements or provisions of this chapter. In addition to the fees required by this chapter, every dentist shall secure his annual occupational license as required by law, but the latter shall not be issued to any dentist until he exhibits evidence of being currently licensed under this chapter.

466.19 Change of address; duplicate license certificates and other certificates.—

(1) Every person licensed under this chapter, upon changing his place of business, shall furnish the secretary-treasurer of the board his new address within thirty days.

(2) The board may issue a duplicate of any certificate upon satisfactory proof of loss, destruction, or other valid reason, charging a fee of fifteen dollars for a duplicate license certificate and one dollar for a duplicate of any other certificate.

466.20 Examination fee; compensation of board; deposit of funds collected.—The board shall charge each person applying to it for a license to practice dentistry in the state, an examination fee of fifty dollars. The examination fee charged each person applying for a license to practice dental hygiene shall be twenty-five dollars. The members of said board shall be compensated for their services as follows:

(1) Each member of said board shall receive twenty-five dollars per day or any part of a day while attending official board meetings, not to exceed twelve meetings per year, of such duration as is necessary to accomplish the purpose of such meetings.

(2) Each member of said board shall receive twenty-five dollars per day or any part of a day while actually preparing, or conducting or grading examinations.

(3) Each member of said board shall receive twenty-five dollars per day or any part of a day while actually engaged in the enforce-
cepted per diem and mileage as provided in §112.061, from place of said member’s residence to place of meeting or work and return while engaged in any of the foregoing activities or on other legitimate and authorized board business. The secretary-treasurer of said board and his assistants including such expert or lay assistants as may be authorized by the board to be hired to accomplish its purposes, shall be entitled to such amounts as shall be necessary to defray the cost of stationery and necessary expenses actually incurred in the discharge of his or their duties, and such compensation as the board shall authorize. All moneys received by the board under this chapter shall be paid to the secretary-treasurer of said board. Such moneys shall be deposited and expended pursuant to the provisions of §216.37. All expenses of the board shall be paid upon presentation of vouchers approved by the chairman or secretary-treasurer of said board.

History.—§14, ch. 24708, 1931; CGL 1936 Supp. 8584(14); 120, ch. 20240, 1941; §122, ch. 20269, 1951; am. §17, ch. 20214; §13, ch. 20988, 1955; §14, ch. 61-471; (4) & by §11, ch. 61-543.

§466.21 Dentists exempt from jury duty.—All dentists in the actual practice of their profession in this state are hereby exempt from jury duty; provided, that this exemption shall not operate to disqualify any dentist who may wish to serve as juror.

History.—§15, ch. 14708, 1931; CGL 1936 Supp. 8584(15); §121, ch. 20240, 1941.

§466.22 Dentists may prescribe drugs, etc.—A dentist shall have the right to prescribe drugs or medicine, perform such surgical operations, administer general or local anaesthetics and use such appliances as may be necessary to the proper practice of dentistry.

History.—§16, ch. 14708, 1931; CGL 1936 Supp. 8584(16); §122, ch. 20240, 1941.

§466.23 Druggists may fill dentists’ prescriptions.—Druggists in this state may fill prescriptions of legally licensed dentists in this state for any drugs necessary for the practice of dentistry. Dentists may sign death certificates the same as physicians, when necessary in the line of their professional duties.

History.—§17, ch. 14708, 1931; CGL 1936 Supp. 8584(17); §123, ch. 20240, 1941.

§466.24 Suspension or revocation of license certificate for cause.—The board shall suspend or revoke the license of any dentist or dental hygienist when it is established to its satisfaction that he:

(1) Is a habitual user of intoxicants, or drugs or is afflicted with physical disability, senility, psychiatric disorders or other disease deemed dangerous to the public health, thus rendering him unfit for the practice of dentistry or dental hygiene;

(2) Is grossly ignorant or incompetent;

(3) Has been guilty of:

(a) Misconduct either in his business or in his personal affairs which would bring discredit upon the dental profession;

(b) Fraud, deceit or misrepresentation in obtaining his license;

(c) Malpractice;

(d) Willful negligence in the practice of dentistry or dental hygiene;

(e) Employing or permitting any unlicensed person or persons to perform any work in his office, which would constitute the practice of dentistry or dental hygiene;

(f) Publication or circulation, directly or indirectly of any fraudulent, false or misleading statements as to the skill or methods of practice of any person;

(g) Advertising in any manner his professional services in the practice of dentistry or the cost or fees therefor in this state in a manner not expressly authorized by this chapter; claiming or inferring of professional superiority over other practitioners;

(h) Employing or using a solicitor or other agent to obtain patronage;

(i) Giving a public demonstration of skill or methods;

(j) Practicing dentistry along the streets or highways or any place other than the office where the licensee regularly practices dentistry except as provided by this chapter;

(k) The public exhibition or use of specimens of dental work, large display signs or lighted signs, electric or neon or any other media of calling the attention of the public to any person engaged in the practice of dentistry or dental hygiene;

(l) Failure to provide and maintain reasonably sanitary facilities and conditions;

(m) Failure to provide adequate radiation safeguards; or,

(n) Violating any other provision of this chapter regulating the practice of dentistry or dental hygiene.

History.—§18, ch. 14708, 1931; §1, ch. 29970, 1955; CGL 1936 Supp. 8584(18); §19, ch. 29865, 1941; §15, ch. 61-471; 17, ch. 67-105.

cf.—§466.40, Dental hygienist, revocation of licenses. §466.41, Dental internes, revocation of permits. §466.42, Penalties.

§466.25 Filing of accusations against dentists, dental hygienists or dental laboratories; notice; hearing; review.—

(1) An accusation may be filed charging a violation of a provision of this chapter against a licensed dentist, dental hygienist or registered dental laboratory owner or operator by the Florida State Board of Dentistry either by its executive director or the secretary-treasurer of the board. The accusation shall be signed by either the secretary-treasurer or the
executive director of the board on behalf of the board. When the accusation is filed, the board shall set a date for hearing thereon. The secretary-treasurer of the board shall submit to the accused a true copy of the accusation and shall notify the accused in writing of the date fixed for the hearing, which date shall not be less than thirty days from the date of such notice, and the name of the accused or accusers. The accused dentist, dental hygienist or dental laboratory owner or operator may appear and show cause why his license or laboratory registration certificate should not be suspended or revoked. For the purpose of such hearing, the board is empowered to require by subpoena the attendance of witnesses, to administer oaths and hear testimony, either oral or documentary, for and against the accused. The notice provided for in this section shall be substantially in the following form:

To __________, Florida. You are hereby notified that an accusation has been filed with the secretary-treasurer of the Florida State Board of Dentistry against you as a practicing dentist, dental hygienist or dental laboratory owner or operator in the State of Florida, a true copy of such accusation being attached hereto, and that the said board has fixed the day of __________, A.D., 19 __, at the hour of __________ o'clock in __________, Florida, for a hearing on such accusation, at which time you are hereby notified to appear before the said board and show cause, if any you can, why your license to practice dentistry, dental hygiene or dental laboratory registration certificate in Florida should not be suspended or revoked. At the same time and place, the board will hear testimony, either oral or documentary, both for and against you, relating to such charges. You are hereby notified that you may represent yourself or that you may at your expense be represented by counsel of your choice. It is not mandatory that you be represented by counsel but notification of such right and privilege is hereby given.

Dated at __________, Florida.

Secretary-treasurer of the Florida State Board of Dentistry.

(2) Such notice shall be sent to the accused by registered mail return receipt requested directed to his last known mailing address, and the post office registration receipt signed by the accused, or his agent, or, if not accepted by the person to whom addressed, the postal authorities' stamp thereon showing the same "REFUSED," shall be prima facie evidence of service of such notice.

(3) Any hearing held pursuant to this section shall be at a time and place to be determined by the board.

(4) Application for relief from any order of the board suspending or revoking the license or registration certificate of any dentist, dental hygienist or dental laboratory operator or owner shall be by certiorari to the district court of the judicial circuit in which the petitioner has his professional office or laboratory or in which the books and records of the board are kept, as provided by the Florida appellate rules.

466.26 Suspension or revocation of license; notice to clerk of circuit court.—If at such hearing of the accused, the board shall be satisfied that the accused has been guilty of any offense charged in the accusation, provided in this chapter, it shall thereupon, without further notice, suspend or revoke the license, license certificate and renewal certificate or dental laboratory registration certificate of the person so accused. The board shall have power in proper cases to authorize the payment of fees and traveling expenses of necessary witnesses required to appear before the board and actually examined in any proceeding properly before it. Upon suspension or revocation of any license, license certificate, renewal certificate, or dental registration certificate, the fact shall be noted upon the record of the board and the license or dental laboratory registration certificate shall be cancelled upon the date of its revocation. Written notice of such suspension, revocation or cancellation shall be mailed by the secretary-treasurer of the board to the clerk of the circuit court in the county in which the accused practices or resides and said clerk shall record such notice. The board shall have the authority regarding proceedings authorized under §466.08(6) to require in a petition for reissuance of a license that the petitioner be physically and mentally competent and not in violation of any provisions of this chapter.

466.27 Professional signs; announcements.—(1) A dentist shall not have his name displayed in the lobby, buyer's guide, on blotters or cards in the rooms or in the office of any hotel, motel, apartment house or any public place other than as herein provided for.

(2) A dentist may not have more than two unilluminated signs visible from the exterior of his office. Said signs shall be stationary and square or rectangular in shape with unshaded lettering of uniform height, such lettering not to exceed four inches in height and each sign not to exceed six hundred square inches in area. They shall include his name, dental degree, "D.D.S." or "D.M.D.," using the abbreviation only, and may include the word "dentist" or "dentistry" or any specialty approved by the board to which the dentist confines his practice exclusively. These signs shall be limited to the above information, but no sign shall be permitted to hang over or beyond the sidewalk or be placed on the pathway or the street or highway right-of-way. In addi-
dition to the foregoing signs, he may list his name, dental degree, "D.D.S." or "D.M.D.," using the abbreviation only, the word "dentist" or "dentistry" or any specialty as defined above, his room number and office hours on the directory of the building in which he practices. The letters of such listing shall not exceed two inches in height. The information listed on the directory may be placed on one door or a half inch high and such newspaper listings shall not include more than the dentist's name, degree or any specialty as above defined, office location, telephone number and office hours. Announcement cards containing the above and foregoing information may be mailed to bona fide patients and to members of the dental and medical professions.

(4) Professional cards shall not be greater in size than two inches by three and one half inches and must not include more than the dentist's name, degree or any specialty as above defined, office location, telephone number and office hours. Announcement cards containing the above and foregoing information may be placed in the local telephone directories. Such listings shall be limited to the dentist's name, dental degree, "D.D.S." or "D.M.D.," using the abbreviation only, any specialty as approved by the board to which the dentist confines his practice exclusively, office location, telephone number, residence address and may include his membership in a local dental society if in accord with local customs.

History.—§30, ch. 14708, 1931; CGL 1936 Supp. 3534(27); §25, ch. 20040, 1941; §17, ch. 22966, 1945; §7, ch. 67-181; §10, ch. 67-409.

466.28 Secretary-treasurer, records, bonding and annual report.—

(1) The secretary-treasurer of the board shall keep records which shall contain the names of all persons to whom licenses, license certificates, renewal license certificates, conditional renewal certificates, and laboratory registration certificates, renewal certificates, conditional renewal certificates, and laboratory registration certificates have been granted under this chapter, the numbers of such licenses, license certificates, laboratory registration certificates, the dates of granting the same, and other matter of record. A photograph, a copy of said records, or a copy of said records, certified by the secretary-treasurer or executive director and under the seal of the board shall be admitted in any of the courts of this state as prima facie evidence of the facts contained in said records and in lieu thereof. A certificate that there is not entered in such records the name of and number of and date of granting such license, license certificate, renewal certificate, conditional renewal certificate, and laboratory registration certificates, to a person charged with a violation of any of the provisions of this chapter, under the hand of the secretary-treasurer or executive director and the seal of the board, shall be prima facie evidence of the facts contained therein and in the records of the board; such certificate shall be admitted in any of the courts of this state in lieu of the records of the board. The original records and papers of the board shall be kept at the office of said board, which office shall be at such place as may be designated by the board. The secretary-treasurer or executive director shall give such bond as the board shall from time to time require.

(2) The secretary-treasurer and executive director shall give such bond as the board shall from time to time require.

(3) The board shall make an annual report of its proceedings to the governor and to the Florida state dental society together with a report of all monies received and disbursed by the board pursuant to this chapter.

History.—§22, ch. 14708, 1931; CGL 1936 Supp. 3534(21); $2, ch. 20040, 1941; $7, ch. 22966, 1945; $7, ch. 67-181; $10, ch. 67-409.

466.29 Injunctions against unlawful practice of dentistry or dental hygiene.—When it appears to the board that any person is practicing dentistry or dental hygiene in this state without a license, license certificate or renewal certificate, the board may institute legal proceedings to enjoin the violations of the provisions of this law or rules and regulations of this chapter. A copy of the records certified by the secretary-treasurer or executive director or a certificate of such officer or authorized person showing that such person is the owner and holder of a valid license to practice dentistry or dental hygiene shall be admitted in any of the courts of this state as prima facie evidence of the facts contained therein. Upon a hearing and the court findings that such person is guilty of practicing dentistry without a license the court shall issue a permanent injunction. Such permanent injunction may be dissolved upon presentation to the court issuing the same a certificate from the secretary-treasurer or executive director of the board stating that the person enjoined is now a holder of a valid license, license certificate or renewal certificate.

History.—$22, ch. 20040, 1941; §12, ch. 67-409.
466.30 Use of forged or invalid certificate; penalties.—Any person using or attempting to use as his or her own a diploma of a dental college or school or a license certificate, renewal certificate, conditional renewal certificate or laboratory registration certificate, conditional renewal certificate or laboratory registration certificate, or a forged diploma or license certificate or renewal certificate, or conditional renewal certificate or laboratory registration certificate, or any forged identification, shall be deemed guilty of a felony, and upon conviction shall be subject to the same penalties as are now made and provided for by the laws of this state for the crime of forgery.

History.—§23, ch. 14708, 1931; COL 1936 Supp. 7712(4); §30, ch. 20240, 1941; §6, ch. 37-101.

466.31 Sale of forged or invalid certificates; penalties.—Whoever sells or offers to sell a diploma conferring a dental degree, or a license certificate or renewal certificate or conditional renewal certificate or laboratory registration certificate granted pursuant to this chapter or prior dental practice laws, or procures such diploma or license certificate or renewal certificate or conditional renewal certificate or laboratory registration certificate with intent that it shall be used as evidence of the right to practice dentistry or dental hygiene or operate a dental laboratory as defined by law, by a person other than the one upon whom it was conferred, or to whom such license certificate or renewal certificate or conditional renewal certificate or laboratory registration certificate was granted, or with fraudulent intent alters such diploma or license certificate or renewal certificate or conditional renewal certificate or laboratory registration certificate or uses or attempts to use it when it is so altered, shall be deemed guilty of a felony, for which any person upon conviction shall be punished by a fine of not more than $1,000 or by imprisonment in the state prison for not more than 5 years. The board may refuse to grant a certificate to practice dentistry or dental hygiene or to operate a dental laboratory to any person found guilty of making a false statement, or cheating, or of fraud or deception either in applying for such certificate or in taking any of the examinations provided for herein.

History.—§24, ch. 14708, 1931; COL 1936 Supp. 7712(6); §31, ch. 20240, 1941; §9, ch. 37-101.

466.33 Enforcement of chapter; duty of board.—

(1) The board and its executive director shall assist prosecuting officers in the enforcement of this chapter and it shall be the duty of the board and its executive director to furnish the prosecuting officer with such evidence as it may ascertain, to assist him in the prosecution of any violation of this chapter, and the board is authorized for that purpose to make such reasonable expenditures from the funds in its hands as it may deem necessary in ascertaining and furnishing such evidence.

(2) The board shall be authorized to deputize agents, investigators or other dentists to enforce any of the provisions of this chapter or any rule or regulation promulgated by the board. Any agent, investigator or other person authorized by this chapter shall have all the powers in making arrests and entering premises as are given to all peace officers in this state insofar as it is necessary to assist him in carrying out the purpose and intent of this chapter.

History.—S27, ch. 14708, 1931; COL 1936 Supp. 2584(24); §32, ch. 20240, 1941; §10, ch. 37-101; §11, ch. 67-409.

466.331 Authority to accept donations.—The board is hereby authorized and empowered to accept any funds, fines, grants, etc., which may be made available to the board from any private, local, state or federal agency or other sources.

History.—§17, ch. 67-409.

466.34 Employment of unlicensed persons by dentist; penalty.—Every duly licensed and registered dentist who uses the services of any unlicensed person for the purpose of constructing, altering, repairing or duplicating any denture, partial denture, bridge splint, orthodontic or prosthetic appliance shall be required to furnish such unlicensed person with a written work order in such form as shall be approved by the board. This form shall be supplied to the dentist by the board at a cost not to exceed that of printing and handling. The work order blanks shall be supplied to the dentist by the board at a cost not to exceed that of printing and handling. The work order blanks shall be signed by individual dentists and are not transferable. This form shall be dated and signed by such dentist, and shall include the patient's name or number with sufficient descriptive information to clearly identify the case for each separate and individual piece of work; said work order shall be made in duplicate form, the duplicate copy to be retained in a permanent file in the dentist's office for a period of two years, and the original to be retained in a permanent file for a period of two years by said unlicensed person in his place of business. Such permanent file of work orders shall be subject to suspension or revocation of his license to practice dentistry; failure of such unlicensed person to have in his possession a work order as above defined shall be prima facie evidence of a violation of this chapter and shall constitute and be punishable as a felony, for which any person upon conviction shall be punished by a fine of not more than $1,000 or by imprisonment in the state prison for not more than 5 years.

History.—§24, ch. 14708, 1931; COL 1936 Supp. 3534(24); §25, ch. 20240, 1941; §19, ch. 37-101.

466.35 Soliciting or advertisements by unlicensed persons; revocation of license of dentist using services of unlicensed person.—

(1) Any unlicensed person, corporation, ea-
tity, partnership or group of persons who shall solicit or advertise by mail, card, newspaper, pamphlet, radio, television, or otherwise, to the general public to construct, reproduce or rep­air prosthetic dentures, bridges, plates, or other appliances to be used or worn as sub­stitutes for natural teeth, or for regulation of natural teeth, is guilty of a felony, for which any person upon conviction shall be punished by a fine of not more than $1,000.00 or by imprison­ment in the state prison for not more than 2 years. However, nothing in this section shall be construed to prevent the registered dental laboratory from maintaining a listing in the local telephone directory. Such listings shall be limited to the laboratory’s name, location, telephone number, and business hours only.

(2) Whenever it shall be established to the satisfaction of the board that any duly licensed and registered dentist is guilty of knowingly using the services of any person violating any of the provisions of the foregoing subsection, the board shall suspend or revoke his license as provided for in this chapter.

History. — §25, ch. 20240, 1941; §26, ch. 63-585.

466.36 Practicing dentistry under assumed name; penalties.—On and after the passage of this chapter, it shall be unlawful for any person or persons to practice or offer to practice dentistry under any name except his or her own proper name, which shall be the name used in his or her license certificate granted to him or her as a dentist as provided in this chapter, and unlawful to use the name of any company, association, corporation, clinic, trade name, or business name in connection with the practice of dentistry as defined in this chapter, provided, nothing herein contained shall be so construed as to prevent two or more licensed dentists from associating together for the practice of dentistry, each in his or her own proper name. The viola­tion of any of the provisions of this section by any dentist shall subject such dentist to suspension or revocation of his or her license as provided in §§466.17 (1) and 466.18, shall apply to the annual registration and renewal of licenses of dental hygienists, except as to the annual renewal certificate fee which shall be ten dollars annually. All persons licensed to practice dental hygiene in this state shall record their license certificate in an office of a prior employer, unless such person shall be a citizen of the United States, of good moral character and a graduate of a dental hygiene school or college as approved by the board.

History. — §29, ch. 14708, 1931; CGL 1936 Supp. 3534 (22); §30, ch. 14709, 1931; CGL 1936 Supp. 3534 (23); §31, ch. 20240, 1941.

466.38 Number of dental hygienists employed; work to be performed; revocation of licenses.—Dental hygienists may remove cal­culus deposits, accretions and stains from ex­posed surfaces of the teeth and from the gingi­val sulcus and expose dental x-ray films, make topical application of medicinal agents to the teeth for prophylactic purposes, remove and insert temporary dressings and generally clear the area after work has been performed by the dentist, but shall not perform any other oper­ations on the teeth or mouth. Dental hygienists may perform their duties only in the office of a registered and licensed dentist and under the order and supervision of such dentist, or in public institutions which are approved by the board. No licensed dentist may employ more than two dental hygienists, but the state board of health and public institutions approved by the board may employ licensed den­tal hygienists under the supervision of a licensed dentist, and are not limited as to number that may be so employed. The board shall suspend or revoke the license of any dentist who shall permit any dental hygienist operating under his supervision to perform any operation other than that permitted under the provision of this chapter, and shall suspend or revoke the license of any dental hygienist found guilty of performing any operation other than those permitted under this chapter; but no order of suspension or revocation provided herein shall be made or entered except after a hearing by the board as provided in this chapter and such order shall be subject to judicial review as authorized by §466.25.

History. — §26, ch. 14706, 1931; CGL 1936 Supp. 3534 (25); §27, ch. 20240, 1941; §28, ch. 20240, 1941; §29, ch. 20240, 1941; §30, ch. 61-471.

466.39 Dental hygienist; renewal of licenses.—It shall be the duty of all licensed dental hygienists to be registered and have issued to them a renewal certificate annually by the board on or before October 1 of each year. The form, method and all provisions rel­ating to the renewal of licenses of dentists as provided in §§466.17 (1) and 466.18, shall apply to the annual registration and renewal of licenses of dental hygienists, except as to the annual renewal certificate fee which shall be ten dollars annually. All persons licensed to practice dental hygiene in this state shall re­cord their license certificate in an office of a clerk of a circuit court in this state as provided in §466.15 for dentists.

History. — §31, ch. 14706, 1931; CGL 1936 Supp. 3534 (25); §32, ch. 20240, 1941; §33, ch. 20240, 1941; §34, ch. 61-471.

466.40 Dental hygienists; suspension or revocation of license; grounds.—The board shall suspend or revoke the license of any registered and licensed dental hygienist who is found guilty of using or attempting to use in any manner whatsoever any prophylactic lists, call lists, records, reprints or copies of same, or information gathered therefrom, of the names of patients who might have been served in the office of a prior employer, unless such
names appear upon the bona fide call or prophylactic list of the present employer and was caused to so appear through the legitimate practice of dentistry as provided for in this chapter. The board shall also suspend or revoke the license of any licensed dentist who is found guilty of aiding or abetting or encouraging a dental hygienist employed by him to make use of a so-called prophylactic call list, or the calling by telephone or by use of written letters transmitted through the mails to solicit patronage from patients formerly served in the office of any dentist formerly employing such hygienist. No order of suspension or revocation provided in this section shall be made or entered except after hearing by the board as provided in this chapter, and such order shall be subject to judicial review as provided by §466.25.

History.—§40, ch. 20240, 1941; §28, ch. 61-471.

466.41 Dental interns; institutional dentists and nonprofit corporations; issuance and revocation of permits.—

(1) The board shall have the authority upon presentation of satisfactory credentials and under such rules and regulations as the board may prescribe, to issue a permit to a graduate of an approved dental school or college who has not been licensed or registered to practice dentistry in this state, to serve as a dental intern in state maintained and operated hospitals or institutions of Florida that may offer such a post or in such hospitals or institutions as shall be approved by the board; provided such hospitals or institutions maintain a recognized staff of one or more licensed dentists. Such intern shall function under the supervision and direction of the dental staff of such hospitals. His work shall be limited to the patients confined to the hospital in which he serves, and he shall serve without fee or compensation other than that received in salary or other remuneration from such hospitals. The board shall have the power to revoke the permit of any such intern at any time upon the recommendation by the executive officer of the dental staff of the hospital or institution in which he serves or for any other reason which the board may deem justifiable.

(2) The board shall have the authority to issue annual permits to unlicensed dentists to serve as institutional dentists, working under the direction and supervision of licensed dentists of this state in the tuberculosis hospitals or other institutions operated by the state, providing such permits be issued only to graduates of schools approved by the board and further subject to cancellation for any reason the board may deem justifiable.

(3) The board shall have the authority, upon presentation of satisfactory credentials, and under such rules and regulations as the board may prescribe, to issue a permit to a nonprofit corporation chartered for one or more of the following purposes:

(a) Training and teaching dental assistants in the public schools of the state;

(b) Promoting research and training among duly licensed dentists in the state;

(c) Providing dental care for indigent persons, provided for in this chapter.

(4) Such nonprofit corporations shall function under the supervision and direction of the board. The board shall have the power to revoke the permit issued to any such corporation for any violation of any of the rules and regulations as prescribed by the board, or for any other reason which the board may deem justifiable. Such permits shall be granted and issued for a period of one year and shall be renewed only upon application and approval of the board, and upon a showing by the nonprofit corporation that it is and will comply with the rules and regulations and all provisions prescribed by the board. Nothing in this section shall be deemed to be in violation of §466.05 or §466.36, and where and if necessary this section shall be deemed an exception to §§466.05 and 466.36; provided however, that this shall be the only exception to said §§466.05 and 466.36.

History.—§41, ch. 20240, 1941; §8, ch. 28882, 1955; §27, ch. 61-471.

466.42 Penalties for violation of chapter.—

Any person who shall practice dentistry or dental hygiene in this state within the meaning of this chapter without having first obtained and had recorded a license certificate from the board, shall be guilty of a felony and subject to imprisonment for not more than 2 years and a fine of not more than $1,000.00. Any person who violates any of the provisions of this chapter, the penalty for which is not herein specifically provided for, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not more than $1,000.00 or by imprisonment in the county jail for not more than 12 months, or by both such fine and imprisonment, in the discretion of the court.

History.—§12, ch. 20240, 1941; §11, ch. 29882, 1955; §27, ch. 61-471.

466.43 Dental college scholarships; how awarded.—

(1) There shall be awarded each fiscal year, beginning with the fiscal year commencing July 1, 1967, to persons selected by the Florida State Board of Dentistry, five scholarships for the study of dentistry leading to the attainment of the degree of doctor of dental surgery or equivalent degree.

(2) To be eligible to receive a scholarship under §§466.42-466.48, an applicant must:

(a) Have been a citizen and resident of this state for not less than five years prior to the date of his application; and

(b) Be able to meet the requirements and academic standards for admission to a fully accredited four year dental college approved by said board of dentistry; and

(c) Shall furnish evidence satisfactory to the board of health that he does not other-
wise have available to him sufficient financial resources to enable him to pursue such a course of study.

(3) A recipient of a scholarship under §§466.43-466.48 shall attend a fully accredited four year dental college approved by the said board of dentistry and selected by the State Board of Health.

(4) Preference in the granting of the scholarships provided for herein shall be given to those applicants with the highest weighted scholastic averages in approved undergraduate colleges, provided that they are persons of high integrity and character; and provided further that such applicants shall be found to have such qualities and attributes as shall give reasonable assurance of pursuing to completion the course of study for the attainment of the degree of doctor of dental surgery or equivalent degree.

(5) If in any one year there are not five qualified applicants for the five scholarships authorized for said year "or if any application is made and granted for less than a four year scholarship, then the scholarships or any portion thereof authorized but not utilized during said year may be granted to any qualified applicants who have completed only a portion of their dental training; and if not utilized for this purpose, then said scholarships or any portion thereof shall be carried over and added to the scholarships which are authorized in succeeding years.

(6) No more than two of the scholarships provided for herein shall be awarded in any one year to applicants who are residents of the same county.


466.44 Dental college scholarships; value and expenditure.—The scholarships provided for herein shall cover the students' tuition, books, laboratory fees and equipment and other necessary and reasonable expenses of attending dental school. In no event, however, shall the scholarships provided for herein shall be awarded in any one year to applicants who are residents of the same county.

History.—§12, ch. 29806, 1955; §12, ch. 67-438.

466.45 Dental college scholarships; agreement to practice in locality designated.—Each recipient of a scholarship under §§466.43-466.48, shall enter into an agreement with the State Board of Health that he will, after the completion of his dental training, enter upon the practice of dentistry in a community or locality in this state designated by the State Board of Health and continue in such practice for a period of one year for each two thousand dollars of scholarship granted and utilized. If a recipient of a scholarship provided for herein fails to perform his agreement with the State Board of Health, he shall immediately forfeit his scholarship and be liable to the state for all scholarship payments he shall have received plus interest on each payment at the rate of eight per cent per annum compounded semiannually. If a recipient of a scholarship provided for herein practices dentistry in a community or locality designated by the State Board of Health for only a part of the total period of compensatory practice agreed upon, he shall forfeit and be liable to the state only for the amount granted him under such scholarship plus interest on each scholarship payment at the rate of eight per cent per annum compounded semiannually reduced by a credit at a rate of two thousand dollars plus interest thereon, per year for the time he shall have actually practiced in such locality or area. The attorney general shall institute proceedings in the name of the state for the purpose of recovering any amount due the state under §§466.43-466.48, from any scholarship recipient.


466.46 Dental college scholarships; State Board of Health to select list of communities needing dentists.—

(1) The State Board of Health shall determine the localities and communities within the state which do not have practicing therein a dentist, or a sufficient number of dentists, to meet the minimum needs of the inhabitants of such locality or community for the necessary services of a dentist; and shall compile a list of such communities and localities. However, every such community or locality shall have at least 1,000 inhabitants, according to the latest and best information as to such numbers, from such list, the State Board of Health shall designate the community or locality within which a scholarship recipient shall agree to practice dentistry pursuant to the provisions of §§466.43-466.48.

(2) With the approval of the State Board of Health in consultation with the board of dentistry a scholarship recipient may serve his period of compensatory service in public health dentistry.

History.—§14, ch. 29806, 1955; §21, ch. 67-400.

466.47 Penalty for violation of scholarship contract.—The failure of a recipient of a scholarship provided for herein to perform his agreement with the state board of health or to pay the amount for which he is liable hereunder shall constitute a ground for the revocation of his license to practice dentistry in this state, provided, however, such failure shall not be due to causes or conditions beyond the control of the recipient.

History.—§15, ch. 29806, 1955; §22, ch. 61-471.

466.48 Rules and regulations.—The state board of health shall have the authority to make reasonable rules and regulations, not inconsistent with §§466.43-466.47, and the carrying out of the provisions of said sections.

History.—§16, ch. 29806, 1955; §23, ch. 61-471.

466.50 Objects and purposes.—The purpose of §§466.50-466.58, and other applicable sections of this chapter, is to safeguard the public
health by requiring that dental laboratories be permitted to operate in this state only upon a written work order of a licensed dentist, either as a registered laboratory or those excluded under §466.51 (2).

### 466.51 Dental laboratory defined.
The term dental laboratory as used in this chapter shall be deemed to include any person, firm or corporation who:

1. Performs for a fee of any kind, gratuitously or otherwise, directly or through an agent or employee by any means or method, or who in any way supplies or manufactures artificial substitutes for the natural teeth, or who furnishes, supplies, constructs or reproduces or repairs any prosthetic denture, bridge or appliance to be worn in the human mouth or who in any way holds itself out as a dental laboratory;

2. Excluded from the provisions of §466.52, shall be those individual dental laboratory technicians who construct or repair dental prosthetic appliances in the office of a licensed dentist for him only and under his supervision and work order.

### 466.52 Registration.
(1) Every person, firm or corporation operating a dental laboratory in this state shall by January 1 of each year register with the board on forms to be provided by the board and pay to the board at the same time a registration fee of ten dollars for which the board, pursuant to §466.53, shall issue a registration certificate entitling the holder to operate a dental laboratory for a period of one year.

(2) Upon the failure of any dental laboratory operator to comply with subsection (1), the board shall notify him by registered mail, February 1, return receipt requested, at his last known address of such failure and inform him of the provisions of subsections (3) and (4).

(3) Any dental laboratory operator who has not complied with subsection (1) by March 1 of any year shall be required to pay a delinquency fee of twenty-five dollars in addition to the regular annual registration fee.

(4) The board is authorized to commence and maintain proceedings to enjoin the operator of any dental laboratory who has not complied with subsection (1) by March 1 of any year from operating a dental laboratory in this state until he has obtained a registration certificate and paid the required fees.

### 466.53 Board of dentistry.
The board shall not require an examination, but shall issue a registration certificate upon completion of the registration form and compliance with any rules promulgated by the board under §466.56.

### 466.54 Periodic inspections required.
The board may require from the applicant for a registration certificate to operate a dental laboratory any information necessary to carry out the purpose of this chapter, and may require periodic inspection of all dental laboratories operating in this state. Such inspections shall include but not be limited to inspection of sanitary conditions and facilities on the premises.

### 466.55 Suspension and revocation.
The board may suspend or revoke the certificate of any dental laboratory registered under §466.52, after notice and hearing for failure to comply with the provisions of this chapter.

### 466.56 Rules.
The board may promulgate all rules necessary to enforce the provisions of this chapter pertaining to and regulating dental laboratories.

### 466.57 Violations.
It shall be unlawful for any person, firm or corporation to operate as a dental laboratory as defined, except those registered as provided in §466.52.

### 466.58 Penalties.
Violation of any provision of this chapter as pertaining to and regulating dental laboratories shall constitute a misdemeanor for which any person on conviction shall be punished by a fine of not more than $1000 or by imprisonment in the county jail for not more than 12 months, or by both such fine and imprisonment, in the discretion of the court.
467.01 Florida state board of architecture; terms of members.—
(1) The governor shall appoint a Florida state board of architecture, to be composed of five members who are architects residing in the state, who have been engaged in the practice of architecture at least five years, whose duty it shall be to carry out the purposes of this chapter.

(2) No person shall be eligible to appointment as a member of the Florida state board of architecture unless he shall be at the time of his appointment a citizen of the United States, and shall have had at least ten years previous experience in the independent practice of architecture under his own name, of which five years shall have been within the state, or shall have had five years experience in such practice and not less than five years experience as a member of the faculty of the school or department of architecture at the university of Florida.

(3) The terms of three of said members shall be in four year cycles from the date of the appointment of the first board; and terms of the other two members shall be in four year cycles from a day two years subsequent to such appointment of the first board; each member shall hold over after the expiration of his term until his successor shall be duly appointed and qualified. Any vacancy occurring in the membership of the board shall be filled by the governor of the state for the unexpired term of such membership. The governor may remove any of the members of said board for inefficiency or neglect of duty.

History.—§1, ch. 6951, 1915; RGS 2229; CGL 3562; §2, ch. 22858, 1945.

467.02 Organization of board; members to take oath of office; bond of treasurer.—The members of the state board of architecture shall, before entering upon the discharge of their duties, and within thirty days after their appointment, take and subscribe an oath before any officer authorized to administer oaths in the state, for the faithful performance of duty, and file same with the secretary of state, and of the examinations held by the board. Such moneys shall be deposited and expended pursuant to the provisions of §215.37. The expenses of the board and the officers thereof, and of the examinations held by the board, and of any other matter in connection with the provisions of this chapter, shall be paid from the moneys collected under the provisions of this chapter. Members of the board shall receive ten dollars per day, or any part
of a day, while attending official board meet-

ings, not to exceed twelve meetings per year, and shall receive per diem and mileage as provided in §§12.061, from place of their residence to place of meeting and return. The secretary-treasurer of the board shall receive such annual compensation as shall be provided by the board, by resolution adopted by it at a regular meeting.

History.—§4, ch. 666, 1915; RGS 2232; CGL 3556; §104, ch. 20661, 1921; §118, ch. 22613, 1923; §112, ch. 61-514, cf.—§215.37 Examining and licensing boards to be financed from fees collected; moneys deposited in trust funds; ten per cent to general revenue fund; appropriation.

467.06 Special meetings of board; rules for examination of applicants.—Special meetings of the Florida state board of architecture shall be called by the secretary upon the request of any two members, by giving at least five days' notice in writing of the meeting to each member. The board shall adopt rules and regulations for the examination of applicants for registration to practice architecture in accordance with the provisions of this chapter and may amend, modify and repeal such rules and regulations from time to time.

History.—§6, ch. 6951, 1915; RGS 2234; CGL 8567.

467.07 Rules and regulations and names of officers to be published.—The Florida state board of architecture shall immediately upon the election of each officer thereof, and upon adoption, repeal or modification of its rules of government or its rules and regulations for registration of applicants desiring to practice architecture in accordance with the provisions of this chapter, and may amend, modify, or repeal such rules and regulations from time to time.

History.—§7, ch. 6661, 1915; RGS 2254; CGL 8568.

467.08 Rules governing examinations.—

(1) Provision shall be made by the Florida state board of architecture for holding examinations at least twice in each year, of applicants for registration to practice architecture, if there shall be any such application. All persons now registered to practice architecture shall continue to be so registered but all architects must apply for and obtain annual renewals of their registrations as provided by law. Upon payment of a fee, new applicants may be admitted by the board upon examination. The scope of the entrance-to-practice examination shall be such as to determine the qualifications of the applicant to practice architecture and shall cover such technical and professional subjects as relate to architecture and the basic arts and sciences, a knowledge of which is material to the proper understanding, application and practice of the principles of architecture. Any applicant for examination shall establish by satisfactory evidence to the board with his application that he is twenty-one years of age, that he is a citizen of the United States, or has pending a declaration of intention so to become, that he is of good moral character, that he is a graduate of an accredited high school or has education equivalent thereto, and that either:

(a) He is a graduate of a school or college of architecture appearing upon the list of approved schools and colleges of architecture as adopted and published by the board in its rules, with graduation therefrom evidenced by a diploma setting forth the applicant's degree, with a minimum of one year of diversified training in offices of registered practicing architects; or

(b) That he has had seven years of diversified training in offices of registered practicing architects; or

(c) That he has had training which shall be found by the board to be fully equivalent of either (a) or (b) above.

(2) Time spent engaging in architectural activities as a part of military duties while in the armed forces of the United States shall apply towards the periods of diversified training required herein; provided any person enrolled as a student of architecture in any school or college of architecture appearing upon the list of approved schools and colleges of architecture as now adopted and published by the board in its rules and regulations on the date this law becomes effective, and also so approved by the board, to be qualified and competent to practice the profession of architecture in this state to and including the July 31, next, upon receiving a diploma from said school, to apply for examination and registration under said section, upon complying with the provisions and qualifications thereof; and provided that any applicant, in proper form, filed with and accepted by the board for consideration at the time this law becomes effective shall be subject only to the present requirements of this section. All examinations by the board shall be written except that in the case of an architect heretofore registered as such in another state or country who shall establish to the board that he has been engaged for a period of at least ten years in the independent lawful practice of architecture under his own name the board may examine such applicant by either written examination or oral examination or part written and part oral. If, upon any examination, any applicant shall be found by the board to be qualified and competent to engage in the practice of architecture then upon the payment of an additional fee of twenty dollars, certificate of registration shall be issued to such applicant authorizing him to practice the profession of architecture in this state to and including the July 31, next, except that a registrant whose certificate of registration is dated less than six months previous to July 31, shall not be required to renew his certificate until July of the next year, subject to the provisions of law regulating the practice of such profession, and
shall be understood to be a structure, consisting of foundations, walls and roof, with or without the other parts. Nothing contained in this chapter shall be construed to prevent any employee of an architect from acting under his instruction, control and supervision, in any capacity whether paid by the architect or the owner.

(2) Nothing contained in this chapter shall be construed to repeal, amend, limit or otherwise affect any county, metro or municipal building codes or zoning laws or ordinances now or hereafter enacted which are or shall be more restrictive with respect to the services of registered architects in their operation and effect than the general law regulating the practice of architecture.

(3) In counties or municipalities which now or hereafter have a system of issuance of building permits such permits shall not be issued in any case where the application for said building permit discloses that the provisions of this chapter have been violated; provided, however, this shall not authorize the withholding of building permits in any cases within the exempt classes set forth under subsection (1).

467.09 Certain persons exempt from registration; inter-professional privileges between architects and professional engineers defined.——

(1) (a) No person shall be required by this or any other state law regulating the practice of architecture to qualify as an architect in order to make plans and specifications for or supervise the erection, enlargement or alteration of any building upon any farm for the use of any farmer, irrespective of the cost of such building, or any one- or two-family residence building or any domestic out-building appurtenant to any such one- or two-family residence regardless of costs, or of any other type building costing less than five thousand dollars (except schools, auditoriums, or other buildings intended for the mass assembly of people). Nor shall anything in this or any other state law be held to prevent registered professional engineers or their employees or subordinates under their responsible supervising control from performing architectural services which are purely incidental to their engineering practice or registered architects or their employees or subordinates under their responsible supervising control from performing engineering services which are purely incidental to their architectural practice. Provided that no professional engineer shall practice architecture or use the designation "architect" or any term derived therefrom, and no architect shall practice professional engineering or use the term "engineer" or any term derived therefrom. Otherwise, any person who shall be engaged in the planning or design for the erection, enlargement or alteration of buildings for others or furnishing architectural supervision of the construction thereof shall be deemed to be practicing architecture and be required to secure a certificate and all annual renewals thereof required by the laws of this state as a condition precedent to his so doing.

(b) The term "building" in this chapter shall be understood to be a structure, consisting of foundations, walls and roof, with or without the other parts. Nothing contained in this chapter shall be construed to prevent any employee of an architect from acting under his instruction, control and supervision, in any capacity whether paid by the architect or the owner.

467.10 Who entitled to a certificate; display; to be recorded.—In the case of a copartnership of architects, each member must hold a certificate to practice. Each person holding certificate to practice architecture in this state, shall post such certificate in a prominent place in his place of business and shall cause such certificate to be recorded in the secretary of state's office upon payment of a fee of one dollar to the secretary of state. Failure to post his certificate or to have the same recorded, shall be deemed sufficient cause for revocation of said certificate.

History.—§10, ch. 6951, 1915; RGS 2238; CGL 3570; §1, ch. 20655, 1941; 31, ch. 30766, 1950.

467.11 Admission without examination.—Hereafter no person shall be admitted to practice architecture in this state without an examination except in accordance with one of the following procedures:

(1) That a certificate of registration shall be issued upon filing of application and payment of the same fees as if qualified by examination to a person who has passed a standard examination of the national council of architectural registration boards and who furnishes satisfactory evidence of continued honorable professional conduct after the passing of such examination.

(2) That the board, upon application and the payment of the same fees as if qualified by examination shall issue to the person so applying a certificate of registration if such person is a citizen of the United States and holds an unexpired certificate of registration issued to him by any state, territory or possession of the United States, or by any country, provided that the requirements for the registration of architects under which said certificate of registration was issued are found by the board to be the equivalent of the requirements for registration in this state by...
examination; and provided further that the applicant submits satisfactory evidence of his present ability and of his integrity.

History—51, ch. 6651, 1915; RGS 2293; CGL 2572; 16, ch. 20561, 1941; 24, ch. 29727, 1958.

467.12 Annual registration; fee. — Every registered architect who desires to continue to practice his profession in this state shall annually during the time he shall continue to practice, pay to the secretary of the Florida state board of architecture during the month of July of each year an annual registration fee in such amount as the Florida state board of architecture may in its discretion determine, except as provided in §467.08; provided, however, that such registration fee shall not exceed twenty-five dollars; and the secretary shall thereupon issue to such registered architect a certificate of renewal of his registration for a term of one year. Upon failure to have his certificate renewed during the month of July in each and every year, except as provided in §467.08, the holder thereof shall have his certificate revoked, but the failure to renew said registration in apt time shall not deprive him of the right to renewal upon payment of said fee; provided, his application for reinstatement is made within one year after the expiration of his certificate.

History.—512, ch. 6651, 1915; RGS 2246; CGL 2578.


467.13 Filing and distribution of roster; registration made condition precedent to obtaining occupational license. — No roster of architects need be published by the board hereafter, but annually the secretary of the board shall prepare a roster showing the names and business addresses of all registered architects and file the same in the office of the secretary of state and furnish a copy to each registered architect. A copy shall also be furnished without charge upon the request of any public official of this state, including any state, county or municipal building inspector or commissioner. Any person applying to the licensing official of any county, city, town or village for an occupational license to practice architecture shall at the time of such application exhibit to such licensing official satisfactory evidence under the seal of the Florida state board of architecture and the hand of its secretary that such applicant possesses a registration certificate and any required annual renewal thereof and no such occupational license shall be granted until such evidence shall be presented, any provision of any special act or general act notwithstanding.

History.—41, ch. 6651, 1915.

467.14 Revocation of certificate; reinstatement; procedure, process, attorneys and counsel. —

(1) Any architect’s certificate issued in accordance with the provisions of this chapter shall remain in full force until revoked for cause as provided in this chapter. Any architect’s registration certificate and current renewal may be suspended for a period not exceeding twelve months or may be revoked, by the unanimous vote of the members of the board sitting in any hearing, provided the members so sitting shall constitute a quorum of the board, for gross incompetency, or negligence in the construction of buildings, or for a dishonest practice or practices on the part of the holder thereof as an architect, or for affixing or permitting to be affixed his seal or his name to any plan, specification, drawing or other related document which was not prepared by him or under his responsible supervising control, or for using his seal or doing any other act as an architect at a time when his certificate of registration is suspended or at a time when current renewals have not been obtained in conformity with §467.12, or on conviction of a felony or misdemeanor involving moral turpitude, in which case the record of conviction is conclusive evidence, for willfully misleading or defrauding any person employing him as an architect, or for the violation of this or any other law of this state relating to the practice of architecture or any lawful rule or regulation made by the board pursuant to law, provided, that the accused certificate holder shall have had twenty days notice of the charge against him and of the time and place of the meeting of the board for the hearing and determination of such charge. At such hearing the accused shall have the right to cross-examine witnesses against him, to produce witnesses in his defense and to appear personally or by counsel. In the event of suspension or revocation the secretary of the board shall give notice to the secretary of state, who shall duly cancel the recordation of such registration in his office. The Florida state board of architecture under the hand of its secretary and seal of the board, may require the production of books, papers or other documents and may issue subpoenas to compel the attendance of witnesses to testify and to produce such books, papers or other documents in their possession before the board or any member thereof relevant to any hearing or to any proceeding concerning any violation of laws regulating architects or the practice of architecture, said subpoenas to be served by the sheriff of the county where the witness resides or may be found. If any person shall refuse to obey any subpoena so issued, or shall refuse to testify or to produce any books, papers or other documents required to be produced, the board may present its petition to the circuit court of the county wherein such person was served with subpoena setting forth the facts, whereupon such court shall issue its rule nisi to such person requiring him to obey forthwith the subpoena or show cause why he fails to obey the same, and unless said person shall show sufficient cause for failing to obey the same, the court shall forthwith direct such person to obey the same and upon his refusal to comply he shall be adjudged in contempt of court and punished therefor, as the court may direct. In any judi-
cial proceeding to which the board may be a
party, the board shall be entitled to the ser-
vice of the attorney general of this state and
of the several state's attorneys and assistant
state's attorneys in any circuit where such
litigation may be. The board shall also have
power to secure such other legal advice and
services as may be necessary or proper for the
conduct of its affairs.

(2) The person whose certificate of regis-
tration was revoked may have a new certificate
of registration issued to him by the secretary
of said board upon the certificate of said board,
issued by them upon satisfactory evidence for
proper reasons for his reinstatement, and upon
payment to the secretary of a fee of ten dol-
ars. The person whose certificate of registra-
tion is suspended shall have his certificate of
registration reinstated by the board at the end
of the period of his suspension.

History.—s4, ch. 6951, 1915; RGS 2241; COL 6074; $8,
ch. 20651, 1941; §1, ch. 28071, 1955.

467.15 Seal of architect.—
(1) Every registered architect shall have a
seal, which must contain the name of the archi-
tect, his place of business, and the words
"Registered Architect, State of Florida", with
which he shall stamp all drawings and specifi-
cations issued from his office for use in this
state.

(2) No architect shall affix or permit to be
affixed his seal or his name to any plan, speci-
ification, drawing or other related document
which was not prepared by him or under his
responsible supervising control, nor shall any
architect use his seal or do any other act as an
architect unless holding at the time a certificate
of registration and all required renewals
thereof.

History.—s16, ch. 6951, 1915; RGS 2242; COL 6077; $8,
ch. 20661, 1941.

467.16 Report of receipts and expenditures
made to governor.—Annually, within the first
week of July, the secretary of the board shall
make to the governor of the state a complete
statement of the receipts and expenditures of
the board, attested by affidavit of the president
and secretary, and a complete report of the
transactions of the board with such recommenda-
tions for the advancement and betterment of
the profession as it may think best.

History.—s15, ch. 28071, 1955; RGS 2243; COL 6076.
Am. §1, ch. 28031, 1949.

467.17 Penalty for violations.—It shall be a
misdemeanor punishable as provided by law for
any person to practice architecture in this state
(except as exempted in §467.09) or to use the
title "architect" or to use or display any title,
sign, word, card, advertisement, or other de-
vice or method to indicate that such person
practices or offers to practice architecture or is
an architect, without being registered as an
architect and having a certificate of registra-
tion then in force unless exempted therefrom
by the provisions of law; or to give false testi-
mony or knowingly offer forged evidence to
the board or any member thereof with the intent
deceiving the board or any member thereof,
or of obtaining registration or a renewal certifi-
icate of registration; or falsely impersonate
any registered architect; or to use any expired
or revoked certificate of registration; or to
violate the provisions of this or any other law
of the state relating to the registration of
architects.

History.—s2, ch. 6951, 1915; RGS 2243; COL 6078; §10,
ch. 20651, 1941.

467.18 Civil proceedings.—
(1) As cumulative of any other remedy or
criminal prosecution, whenever it shall appear
to the Florida state board of architecture that
any person is or has been violating any of the
provisions of this chapter, or the lawful rules,
regulations or orders of the board, or any of
the laws of the state relating to architecture,
the said board may file an application in its
own name, or a proceeding by mandamus, in
the name of the state, on its own relation,
and by its counsel, alleging the facts, and
praying for a temporary restraining order,
an injunction and permanent injunction, or writ
of mandamus against such person, restraining
him from violating, or disobeying or command-
ing him to obey such law, order, rule or regula-
tion.

(2) Upon proper application, and showing
that such person is not registered, or that a
renewal certificate has not been applied for,
or that registration has been denied, revoked
or suspended, or that the law, order, rule or
regulation has been or is about to be violated
or disobeyed, which showing may be made by
affidavit, the court wherein the proceeding
shall have been filed, shall issue a temporary
restraining order or injunction, or writ of mandamus, and, upon final hearing,
shall grant and issue an injunction including
mandatory injunction, or a peremptory writ of
mandamus, upon finding the truth and suffici-
cy of the allegations of the bill or petition.
The court may enforce said injunction or writ
by punishment for contempt, and by such other
writs and process, means or final, as are per-
mitted to circuit courts, and shall make such
other orders as its discretion and the rules shall
require. Such injunction or writ may be limited
in time, perpetual, or conditional, as may be
necessary and proper to the enforcement of
this chapter, or the lawful rules, regulations
or orders of the board, or the law of the state
relating to architecture.

History.—s1, ch. 28071, 1955; §2, ch. 28071, 1955.
PART I OPERATORS OF MOVING PICTURE MACHINES

468.01 Licenses required; application of part I of chapter 468.
(1) Any person engaging or working at the business of operating or assisting in the operation of any cinematograph or similar apparatus commonly known as moving picture machines, in any city in this state shall be required to obtain a license.

(2) The provisions of this part shall not apply to cities and towns of less than six thousand inhabitants.

History.—§1, ch. 6955, 1915; RGS 2244; CGL 8577.

cf.—ch. 521, Exhibition of motion pictures.

468.02 Board of examiners; qualifications.
The mayor of each city in the state shall appoint a board of examiners and license commissioners to be composed of three members; one of whom shall have some knowledge of electricity; one an expert operator of moving picture machines; and, the third an electrical inspector or building commissioner employed by the city.

History.—§2, ch. 6955, 1915; RGS 2245; CGL 8578.

468.03 Examination of applicants; fee.
All applications for license accompanied by a fee of one dollar shall be made to the board of examiners and each applicant shall at any time and place that the board shall designate, be required to pass an examination as to his qualifications as said board may direct. The examination may be made in whole or in part, in writing, but shall be of a practical and elementary character and sufficiently strict to test the qualifications of the applicant as to his knowledge of electricity.

History.—§3, ch. 6955, 1915; RGS 2246; CGL 3579.

468.04 Issuance of license.
A license good for one year from date of issuance shall be issued to every operator who successfully passes the required examination. Any operator failing to pass said examination shall have the fee returned to him, and his employer shall be notified by the board of examiners.

History.—§4, ch. 6955, 1915; RGS 2247; CGL 3578.

PART II LICENSING OF CONSTRUCTION INDUSTRY

468.05 Qualifications of operator and assistant.
468.06 Inspection of machines.
468.07 Appropriation by city.
468.08 Violation of regulations as to operating moving picture machine.

In his employ, any operator or assistant operator, on a moving picture machine who is not over eighteen years of age, and who has not successfully passed the examination and received a license as required by this part. No operator shall be granted a license as operator who has not had at least one year practical experience on moving picture machines and no person shall be granted an assistant license who has not served under an experienced operator for one year prior to making application for assistant license. All machines shall be under the care and supervision of one person holding an operator's license, who shall be responsible for the proper handling of the machine by said assistant. The provisions of this section shall apply to owners and managers who operate their own machines, who are required to be in possession of an operator's license.

History.—§10, ch. 6955, 1915; RGS 2248; CGL 3581.

468.06 Inspection of machines.—One member of the board of examiners or some person designated by said board shall make an inspection of every moving picture machine in the city at least three times a year and report to the board on blanks provided, the condition of electrical connections, name of operator and each assistant, and make an examination of each license issued.

History.—§7, ch. 6955, 1915; RGS 2249; CGL 3582.

468.07 Appropriation by city.—A sufficient appropriation shall be made by the city council or commission whose duty is to appropriate such funds for the proper administration of the provisions of this part, for the purposes and use of the board of examiners.

History.—§8, ch. 6955, 1915; RGS 2250; CGL 3583.

468.08 Violation of regulations as to operating moving picture machine.—Any person violating any of the provisions of this part, either as operator or manager, shall be deemed guilty of a misdemeanor and be subject to a fine not exceeding one hundred dollars for each and every violation thereof, or in default of the payment of said fine be imprisoned not exceeding ninety days.

History.—§9, ch. 6955, 1915; RGS 6541; CGL 7718.
PART II
LICENSING OF CONSTRUCTION INDUSTRY

468.101 Purpose of part II of this chapter.
468.102 Definitions.
468.103 Florida Construction Industry Licensing Board; organization, meetings, powers, duties.
468.104 Disposition of fees; expenses; compensation.
468.105 Registration.
468.106 Certification.
468.107 Business organizations.

468.101 Purpose of part II of this chapter.
—It is hereby declared to be the public policy of the state that, in order to safeguard the life, health, property and public welfare of its citizens, the business of construction and home improvements is a matter affecting the public interest, and any person engaging in the business as herein defined should be required to establish his competency and qualifications to be registered or certified as herein provided.

History.—s. 11, ch. 67-110.

468.102 Definitions.—As used in part II:
(1) “Contractor” means, except those herein exempted, any person who, for compensation, undertakes to, or submits a bid to, or does himself or by others, construct, repair, alter, remodel, add to, subtract from, improve any building or structure, including related improvements to real estate for others, or for resale to others, and who is responsible for substantially the entire project; however, a “contractor” shall subcontract the electrical, mechanical, and plumbing work for which an examination for a certificate of competency and/or license is required, unless such contractor holds a certificate of competency and/or license of the respective trade category, as required by the appropriate local authority. Where the local authority does not require a certificate of competency and/or license for the respective trade, the contractor shall not be required to meet the above requirements. “Contractors” are subdivided into three categories as follows:
(a) “General contractors” are those whose services are unlimited about the type of work which they may do as set forth in subsection (1) above.
(b) “Building contractors” are those whose services are limited to construction of commercial buildings and single or multiple dwelling residential buildings, neither to exceed three stories in height, and accessory use structures in connection therewith, or those whose services are limited to remodeling, repair, or improvement of any size building if the services do not affect the structural members of the building.
(c) “Residential building contractors” are those whose services are limited to construction, remodeling, repair, or improvement of one, two, or three-family unit residences not exceeding two stories in height and accessory use structures in connection therewith.

(2) “Contracting” means, except as herein exempted, engaging in business as a contractor.

(3) “Board” means the Florida Construction Industry Licensing Board created hereby unless the context otherwise requires.

(4) “Certificate” means a certificate of competency issued by the board as provided herein.

(5) “Registration” means registration with the board as provided herein.

(6) “Certification” means the act of obtaining a license or holding a certificate of competency from the board as provided herein.

(7) “Register” means the act of obtaining evidence of registration with the board as provided herein.

(8) “Registrant” means a person who has registered with the board.

History.—s. 12, ch. 67-110.

468.103 Florida Construction Industry Licensing Board; organization, meetings, powers, duties.—
(1) The Florida Construction Industry Licensing Board is created consisting of seven members, three of whom are primarily engaged in business as general contractors, three of whom are primarily engaged in business as building contractors or residential building contractors, and one of whom is a building official of a municipality, city, or county of the state. All members of the board shall be appointed by the governor.

(2)(a) To be eligible for appointment each contractor member of the first board at the time of appointment shall hold personally or be a principal member of a firm holding an unexpired license to operate as a contractor issued by a municipality, city or county of the state; be actively engaged in the construction business and have been so engaged for a period of not less than five consecutive years before the date of his appointment; and be a citizen and resident of the state.

(b) Each general contractor member of the board succeeding the original appointees shall hold a valid certificate issued by this board in addition to having the qualifications required in paragraph (a) above. Each building contractor and residential building contractor member of the board succeeding the original
appointees shall hold a valid certificate or evidence of registration issued by this board in addition to having the qualifications required in paragraph (a) above.

(c) No two board members may be appointed from the same congressional district.

(3) Within thirty days after the effective date of this part, the governor shall appoint seven qualified persons to be members of the board as follows: Two members for one year; two members for two years; two members for three years; and one member for four years. All terms of office expire on June 30 of the last year of the term. As the terms of members expire the governor shall appoint a member to fill the vacancy for a term of four years, but no member shall succeed himself to another four year term. Vacancies in the membership of the board for any cause shall be filled by appointment by the governor for the balance of the unexpired term.

(4) The board shall meet regularly as the need presents itself. As soon as practicable after the effective date of this part, the board shall meet to elect officers from its membership, whose terms shall expire on June 30 and annually thereafter. Special meetings of the board may be held as the board provides in its rules and regulations. Five members of the board constitute a quorum.

(5) The board is authorized to adopt rules and regulations in accordance with chapter 120 to carry out the provisions of this part.

(6) Any member of the board or duly appointed hearing officer designated by the board may administer oaths and take testimony about all matters within the jurisdiction of the board. Chapter 120 governs hearings conducted by or on behalf of the board.

(7) The board is authorized to adopt rules and regulations in accordance with chapter 120 to carry out the provisions of this part.

(8) The board shall adopt a seal for its use containing the words "Florida Construction Industry Licensing Board."

History.—43, ch. 67-110.

468.104 Disposition of fees; expenses; compensation.—All moneys collected by the board shall be received, deposited, expended and accounted for pursuant to law. The expenses of the board and its officers and of any examination required by the board, and of other matters in connection with this part shall be paid from the moneys collected under this part. Members of the board shall receive per diem and mileage as provided by law.

History.—44, ch. 67-110.

468.105 Registration.—

(1) (a) Within one hundred eighty days after the effective date of this part, all persons contracting in the state shall register with the board in the proper classification unless they are certified. To be registered the applicant shall file evidence of holding a current state or county occupational license or a current license issued by any municipality, city, or county of the state for the type of work for which registration is desired on a form prescribed by the board, accompanied by the registration fee fixed by this part. No examination shall be required by the board for registration.

(b) The secretary of state shall notify each county tax collector of the adoption of this part before September 1, 1967, and supply each with a summary of the requirements for registration and certification. Each tax collector shall notify each applicant for an occupational license as a contractor of the adoption of this part.

(2) Persons not engaged in contracting on the effective date of this part, but later desiring to enter the business shall register with or obtain a certificate from the board under one of the following provisions:

(a) If the area in which the applicant desires to enter the business of contracting has a local board which requires a local competency examination, the applicant shall comply with the local examining and licensing requirements on a form prescribed by the board, accompanied by the board evidence of successful compliance with the local examination and licensing requirements on the form prescribed by the board. If the applicant can furnish proof satisfactory to the board that he has been engaged in the business of contracting in the state for at least two out of the three years next preceding the effective date of this part, in which event the applicant shall be entitled to register with the board in accordance with the provision of subsection (1) (a) above.

(b) If the area in which the applicant desires to enter the business of contracting does not have a local board which requires a local competency examination and the applicant desires to engage in business as a general contractor or building contractor, or as a residential building contractor other than as specified in subsection (3) the applicant shall obtain a certificate from the board, unless the applicant can furnish proof satisfactory to the board that he has been engaged in the business of contracting in the state for at least two out of the three years next preceding the effective date of this part, in which event the applicant shall be entitled to register with the board in accordance with the provision of subsection (1) (a) above.

(c) If the area in which the applicant desires to enter the business of contracting does not have a local board which requires a local competency examination, and if the applicant desires to engage in business solely as a residential building contractor on improvements to real property to which the applicant holds legal or equitable title, the applicant shall register with the board in this restricted classification by filing evidence of holding a current state or county occupational license or a current license issued by any municipality, city, or county of the state for the type of work for which registration is required on a form prescribed by the board, accompanied by the registration fee fixed by this part. No examination shall be required by the board for registration, when issued, shall bear the designation "Residential Building Contractor—Restricted."
(3) Registration permits the registrant to engage in contracting only in the area and for the type of work covered by the registration, unless the state and local licenses are issued for other areas and types of work or unless certification is obtained.

(4) The board may receive an application on prescribed forms with supporting data; and upon finding of fact supporting the need or justification, the board may grant a limited registration to a contractor not domiciled in the state for one project. Renewal application or registration cannot be granted. During such registration the board shall have complete authority to require compliance with this and other statutes of the state.

History.—§6, ch. 67-110.

468.106 Certification.—

(1) To obtain a certificate, an applicant shall submit an application in writing to the board containing the statement that the applicant desires the issuance of a certificate and the class of certificate desired on a form containing the information prescribed by the board and shall be accompanied by the fee fixed by this part.

(2) Examinations shall be held at times and places within the state as the board determines, but there shall be at least two examinations a year. Each applicant shall take an objective written examination about his fitness to be a contractor in the category for which application is made. There shall be a type of examination for each of the three categories of certificates which shall apply to the type of work covered by the certificate applied for. The examination shall cover knowledge of basic principles of contracting and construction applicable to the category for which a certificate is requested. It shall be an open-book examination consisting of multiple-choice, fill-in, true-false, or short-answer questions and may include or consist of diagrams, plans, or sketches in connection with which the applicant is required to demonstrate his knowledge of construction by answering questions keyed to such diagrams, plans, or sketches.

(b) A passing grade on the examination is seventy-five per cent.

(3) Following receipt of the fee and application and successful completion of the examination, the board shall investigate the financial responsibility and credit, and business reputation of the applicant and of any business organization on behalf of which he proposes to engage in contracting, as well as the education and experience of the applicant. Within thirty days from the date of the examination, the board shall inform the applicant in writing whether he has qualified or not and, if the applicant has qualified, that it is ready to issue a certificate in the category for which application was made, subject to compliance with the requirements of subsection (4) of this section.

(4) As a prerequisite to issuance of a certificate, the board shall require the applicant to submit satisfactory evidence that he has obtained public liability insurance in amounts to be determined by the board. Thereupon, the certificate shall be issued forthwith, but this subsection does not apply to inactive certificates.

(5) If an applicant for an original certificate, after having been notified to do so, does not appear for examination within one year from the date of filing his application, the fee paid by him shall be credited to the board as an earned fee. New application for a certificate shall be accompanied by another application fee fixed by this part. Forfeiture of a fee may be waived by the board for good cause.

(6) When a certificate holder desires to engage in contracting in any area of the state, as a prerequisite therefor, he shall only be required to exhibit to the local building official, tax collector, or other person in charge of the issuance of licenses and building permits in the area, evidence of holding a current certificate accompanied by the fee for the occupational license and building permit required of other persons.

(7) The certificate shall not be transferable.

History.—§6, ch. 67-110.

468.107 Business organizations.—

(1) When an individual proposes to do business in his own name, registration or certification, when granted, shall be issued only to that individual.

(2) If the applicant proposing to engage in contracting is a partnership, corporation, business trust, or other legal entity, the application shall state the name of the partnership and of its partners, or the name of the corporation and of its officers and directors, or the name of such other legal entity and its members, and furnish evidence of statutory compliance if a fictitious name is permitted. The application shall also show that the person applying for the examination is legally qualified to act for the business organization in all matters connected with its contracting business; and that he has authority to supervise construction undertaken by such business organization. The registration or certification, when issued upon application of a business organization, shall be in the name of such business organization and the name of the qualifying individual or individuals shall be noted thereon.

(3) At least one member or supervising employee of the business organization shall be qualified under this law in order for the business organization to hold a current certificate in the category of the business conducted for which the member or supervising employee is qualified. If any individual so qualified on behalf of such business organization ceases to be affiliated with such business organization, he shall inform the board as provided in §468.110(2). In addition, if such individual is the only qualified individual affiliated with the
business organization, the business organization shall notify the board of the individual's termination and shall have a period of sixty days from the termination of the individual's affiliation with the business organization in which to qualify another person under the provisions of this part, failing which the certification of the business organization shall be subject to revocation by the board.

(b) The individual shall also inform the board in writing when he proposes to engage in contracting in his own name or in affiliation with another business organization; and he or such new business organization shall supply the same information to the board as required for applicants under this part.

(c) After an investigation of the financial responsibility, credit, and business reputation of the individual, or the new business organization, upon a favorable determination, the board shall forthwith issue without charge or examination a new certificate in the individual's name, or in the name of the new business organization, as provided above.

(4) When a certified business organization makes application for an occupational license in any municipality, city, or county of this state, the application shall be made with the tax collector in the name of the business organization; and the license, when issued, shall be issued to the business organization upon payment of the appropriate licensing fee and exhibition to the tax collector of a valid certificate issued by this board.

History—17, ch. 67-110.

468.108 Renewal of certificate or registration and restoration.—Certificates and registration shall expire annually at midnight on June 30:

(1) Failure to renew the certificate or registration during June shall cause the certificate or registration to become inoperative, and it is unlawful thereafter for any person to engage or offer to engage or hold himself out as engaging in contracting under the certificate or registration, unless the certificate or registration is restored or reissued.

(2) A certificate or registration which is inoperative because of failure to renew shall be restored on payment of the proper renewal fee, if the application for restoration is made within ninety days after June 30. If the application for restoration is not made within the ninety day period, the fee for restoration shall be equal to the original application fee; and in addition, the board may require reexamination of the applicant.

(3) A person who is registered or holds a valid certificate from the board may go on inactive status during which time he shall not engage in contracting but may retain his certificate or registration on an inactive basis on payment of an annual renewal fee during the inactive period, not to exceed ten dollars per year.

History—18, ch. 67-110.

468.109 Fees.—The board shall impose the following fees:

(1) The initial application fee for a certificate shall be fixed by the board not to exceed one hundred fifty dollars.

(2) The initial application fee for registration without examination shall be fixed by the board not to exceed:

(a) General contractor $50.00
(b) Building contractor $25.00
(c) Residential building contractor $10.00

(3) The annual renewal fees shall be fixed by the board not to exceed one half the above amounts.

(4) Any funds received by the board from certification or registration fees which remain uncommitted and unexpended at the end of each biennium shall be paid into the general revenue fund.

History—10, ch. 67-110.

468.110 Records.—

(1) All information required by the board of any applicant for certification or registration shall be a public record, except financial information and examination grades which are confidential and shall not be discussed with anyone except members of the board and its staff, but the applicant is entitled to see his examination papers and grades.

(2) If a certificate holder or registrant changes his name style, address or employment from that which appears on his current certificate or registration, he shall notify the board of the change within thirty days after it occurs.

(3) All examinations shall be retained for a period of five years from the date of the examination.

History—11, ch. 67-110.

468.111 Prohibited activities; penalties.—

(1) It is unlawful for any person to engage in the business or act in the capacity of a contractor without having been duly registered or certified.

(2) Any person who violates any provision of this part or commits any of the acts constituting cause for disciplinary action as herein set forth is guilty of a misdemeanor, and upon conviction thereof shall be punished as provided by law.

History—11, ch. 67-110.

468.112 Revocation or suspension of certificate or registration.—

(1) On its own motion or the verified written complaint of any person, the board may investigate the action of any contractor certified or registered under this part and hold hearings pursuant to chapter 120; provided, however, when any complaint involves a contractor certified or registered under this part for acts or omissions occurring in any area of the state which has a local board, the board shall forward the complaint to the municipality, city, or county where the alleged violation occurred for its action. Where no local board exists, the board shall take jurisdiction.
The board may take appropriate disciplinary action if the contractor is found to be guilty of or has committed any one or more of the acts or omissions constituting cause for disciplinary action set out herein or adopted as rules or regulations by the board.

(2) The following acts constitute cause for disciplinary action:

(a) Willful or deliberate disregard and violation of the applicable building codes or laws of the state or any municipalities, cities or counties thereof.

(b) Aiding or abetting any uncertified or unregistered person to evade any provision of this part.

(c) Knowingly combining or conspiring with an uncertified or unregistered person by allowing one's certificate or registration to be used by any uncertified or unregistered person with intent to evade the provisions of this part. When a certificate holder or registrant allows his certificate or registration to be used by one or more companies without having any active participation in the operations, management, or control of said companies, this act constitutes prima facie evidence of an intent to evade the provisions of this part.

(d) Acting in the capacity of a contractor under any certificate or registration issued hereunder except in the name of the certificate holder or registrant as set forth on the issued certificate or registration, or in accordance with the terms of the certificate holder or registrant as set forth in the application for the certificate or registration, or as later changed as provided in this part.

(e) Diversion of funds or property received for prosecution or completion of a specified construction project or operation where as a result of the diversion the contractor is or will be unable to fulfill the terms of his obligation or contract.

(f) Disciplinary action by any municipality, city, or county, which action shall be reviewed by the state board before the state board takes any disciplinary action of its own.

(g) Failure in any material respect to comply with the provisions of this part.

(3) The board is authorized to take the following disciplinary action:

(a) Suspend the certificate holder or registrant from all operations as a contractor during the period fixed by the board but the board may permit the certificate holder or registrant to complete any contracts then uncompleted.

(b) Revoke a certificate or registration.

(c) Impose an administrative fine or penalty not to exceed $500.00, which shall be recoverable by the board only in an action at law.

(d) After suspension of the certificate or registration on any grounds set forth in this section, the board may remove the suspension on proof of compliance by the contractor with all conditions prescribed by the board for removal of suspension; or, in the absence of such conditions, as in the sound discretion of the board.

(5) After revocation of a certificate or registration, the certificate or registration shall not be renewed or reissued for at least one year after revocation and then only on a showing of rehabilitation of the contractor.

(6) The lapse or suspension of a certificate or registration by operation of law or by order of the board or a court, or its voluntary surrender by a certificate holder or registrant does not deprive the board of jurisdiction to investigate or act in disciplinary proceedings against the certificate holder or registrant.

(7) The filing of a petition in bankruptcy, either voluntarily or involuntarily, or the making of a composition of creditors or the appointment of a receiver for the business of the registrant or certificate holder may be considered by the board as just cause for suspension of a certificate or registration.

(8) The board may restrain any violation of this part by action in a court of competent jurisdiction.

History.--715, ch. 67-110.

468.113 Application of part II.--

(1) Nothing in this part limits the power of a municipality, city or county to regulate the quality and character of work performed by contractors through a system of permits, fees, and inspections which are designed to secure compliance with and aid in the implementation of state and local building laws or to enforce other local laws for the protection of the public health and safety.

(2) Nothing in this part limits the power of a municipality, city or county to collect occupational licenses and inspection fees for engaging in contracting, or examination fees from persons who are registered with the board pursuant to local examination requirements.

(3) Nothing in this part limits the power of the municipalities, cities or counties to adopt any system of permits requiring submission to and approval by the municipality, city or county of plans and specifications for work to be performed by contractors before commencement of the work.

(4) Nothing in this part shall be construed to waive any requirements of any existing local ordinance or resolution of a board of county commissioners regulating the type of work required to be performed by specialty contractors.

(5) Any official authorized to issue building or other related permits shall ascertain that the applicant contractor is duly registered in the area where the construction is to take place or certified before issuing the permit. The evidence shall consist only of the exhibition to him of current evidence of certification or registration.

(6) Municipalities, cities or counties may continue to provide examinations for their territorial area, provided that:

(a) To engage in contracting in the territorial area, an applicant must also be registered with the board.
(b) All local contractors licensing boards or agencies shall transmit annually during May to the board the names of all local licensees, the status of the license, and a report of any disciplinary action taken against the licensee.

(7) The board shall inform all local boards during October the names of those certificates or registrations.

(8) Any right to create local boards in the future by any municipality, city or county is preserved.

(9) Notwithstanding any provisions to the contrary in §235.31 about prequalification of bidders, any person holding a certificate shall be deemed qualified to participate in any project contemplated by this section.

(10) This part applies to any contractor performing work for the state, county or any municipality. They are required to determine compliance with this part before giving a commencement order on any of its contracts for construction, improvement, remodeling or repair.

(11) If an incomplete contract exists at the time of death of a contractor, the contract may be completed by any person even though not certified or registered. Such person shall notify the board within thirty days after the death of the contractor of his name and address. For purposes of this subsection, an incomplete contract is one which has been awarded to, or entered into by, the contractor before his death or on which he was the low bidder and the contract is subsequently awarded to him regardless of whether any actual work has commenced under the contract before his death.

(12) No provision in this part shall be construed to permit a contractor to perform electrical, mechanical, or plumbing work for which an examination for a certificate of competency or a license is required, unless such contractor holds such certificates of competency or such licenses as may be required by the appropriate local authority. Where the appropriate local authority does not require a certificate of competency or a license for the respective trade in question, the provisions of this subsection shall not apply.

468.114 Exemptions.—This part does not apply to:

(1) Contractors in work on bridges, roads, streets, highways, railroads, or utilities and services incidental thereto.

(2) A subcontractor or specialty contractor whose work is limited to a specific phase of construction and whose responsibility is likewise limited to that particular phase of the construction.

(3) Employees of any person engaged in contracting who are subordinates of such person who is certified or registered to engage in contracting if the employees do not hold themselves out for hire or engage in contracting except as an employee.

(4) An authorized employee of the United States, Florida, or any municipality, city, or county, irrigation district, reclamation district, or other municipal or political corporation or subdivision of this state as long as the employee does not hold himself out for hire or otherwise engage in contracting except in accordance with his employment.

(5) An officer appointed by a court when he is acting within the scope of his office as defined by law or court order. When construction projects which were not underway at the time of appointment of the officer by the court are undertaken, he shall employ or contract with a registrant or certificate holder.

(6) Public utilities on construction, maintenance, and development work performed by their forces and incidental to their business.

(7) The sale or installation of any finished products, materials, or articles of merchandise which are not actually fabricated into and do not become a permanent fixed part of the structure.

(8) Owners of property building or improving one or two-family residences thereon for the occupancy of such owners and not offered for sale. In all actions brought under this part, proof of the sale or offering for sale of more than one such structure by the owner-builder within one year after completion of same is presumptive evidence that such structure was undertaken for purposes of sale.

(9) Any construction, alteration, improvement, or repair carried on within the limits of any site the title to which is in the United States, nor to any construction, alteration, improvement, or repair on any project where federal law supersedes this part.

(10) Any work or operation of a casual, minor, or inconsequential nature in which the aggregate contract price for labor, materials, and all other items is less than five hundred dollars but this exemption does not apply:

(a) When the construction, repair, remodeling, or improvement is a part of a larger or major operation whether undertaken by the same or a different contractor or in which a division of the operation is made in contracts of amounts less than five hundred dollars for the purpose of evading this part or otherwise.

(b) To a person who advertises or exhibits by any manner or device which might indicate to the public that he is a contractor or otherwise represents that he is qualified to engage in contracting.

(11) Any construction or operation incidental to the construction or repair of irrigation and drainage ditches or regularly constituted irrigation districts, reclamation districts, or clearing or other work on the land in rural districts for fire prevention purposes or otherwise except when performed by a certificate holder or registrant under this part.

(12) A registered architect, professional engineer, or residential designer acting in his
professional capacity or any person exempted by law in the chapters regulating architects and professional engineers.

(13) Any person who only furnishes materials or supplies without fabricating them into or consuming them in the performance of the work of the contractor.

(14) Any person as defined and licensed under chapter 527.

History.—114, ch. 67-110.

PART III
FITTING AND SELLING OF HEARING AIDS

468.120 Short title of part III of this chapter.
468.121 Purpose.
468.122 Definitions; corporations, etc.; not prohibited, conditions.
468.123 Powers and duties of the board.
468.124 Advisory council.
468.125 Oath of members of council.
468.126 Qualifications of applicants for registration.
468.127 Trainee requirements.
468.128 Fees for registration and disposition of receipts.
468.129 Refusal to issue or renew a certificate of registration.

468.120 Short title of part III of this chapter.—This part III may be cited as the “Fitting and Selling of Hearing Aids Act.”

History.—§2, ch. 67-423.

468.121 Purpose.—Part III of this chapter requires registration for protection of the public of any person engaged in the fitting and selling of hearing aids, to encourage better educational training programs for such persons to provide against unethical and improper conduct and for the enforcement of this part, and to provide penalties for its violation.

History.—§1, ch. 67-423.

468.122 Definitions; corporations, etc.; not prohibited, conditions.—
(1) “Board” means the State Board of Health.

(2) “Hearing aid” means any instrument or device worn on the human body represented as aiding or improving defective human hearing and any attachments or accessories of such instrument or device.

(3) “Registrant” means a person who is engaged in the fitting and selling of hearing aids who shall be responsible for the acts of all employees or trainees supervised by him in connection with fitting, selling and/or servicing hearing aids.

(4) “Council” means advisory council to the State Board of Health, on hearing aids.

(5) “Trainee” means a person who has not, for the purpose of this part, been engaged as a registrant prior to the effective date of this part, but who desires to become a registrant. Said trainee shall be provided a temporary training certificate of registration upon payment of fee with application, as hereinafter prescribed.

(6) “Fitting and selling of hearing aids” means the measurement of the functional intensity range of human hearing by means of an audiometer or by any other means accepted by the board and the consequent fitting and

468.130 Unethical conduct defined.
468.131 Procedure for revocation, suspension, etc.
468.132 Conduct of hearing, witnesses, evidence, etc.
468.133 Review of orders of the board by the circuit courts; procedure and venue.
468.134 Application for certificates, etc.
468.135 Minimal procedures and equipment.
468.136 Receipt required to be furnished to person supplied with hearing aid.
468.137 Part III of this chapter not applicable to persons in certain professions.
468.138 Penalty.

selling of hearing aids intended to compensate for hearing loss.

(7) “Certificate of registration” shall be synonymous with “license”; “registrant” shall be synonymous with “licensee.”

Nothing in this part shall prohibit a corporation, partnership, trust, association or other like organization from engaging in the business of fitting and selling or offering for sale hearing aids at retail without a certificate of registration if it employs registered natural persons in the direct fitting and selling of such products. Such corporations, partnerships, trusts, associations or other like organizations shall also file with the board a statement, on a form approved by the board, that it submits itself to the rules and regulations of the board and the provisions of this part which the board shall deem applicable to them.

History.—§3, ch. 67-423.

468.123 Powers and duties of the board.—In addition to those prescribed by law the powers and duties of the board under this part are as follows:

(1) To authorize all disbursements necessary to carry out the provisions of this part and to receive and account for all fees.

(2) To supervise and administer qualifying examinations to test the knowledge and proficiency of applicants for registration.

(3) To register persons who apply to the board and who are qualified to practice the fitting of hearing aids.

(4) To purchase and maintain, rent or acquire, audiometric equipment and facilities necessary to carry out the examination of applicants for registration.

(5) To issue and renew certificates of registration and certificates of endorsement to qualified persons.

(6) To suspend or revoke certificates of registration and certificates of endorsement pursuant to this part.
(7) To appoint representatives to conduct or supervise the examination of applicants for registration.
(8) To designate the time and place for examining applicants for certificates of registration.
(9) To make, publish, and enforce rules and regulations not inconsistent with the laws of this state which are necessary to carry out the provisions of this part.
(10) To require the periodic inspection of audiometric testing equipment and to carry out the periodic inspection of facilities of persons who practice the fitting of hearing aids.
(11) To delegate such ministerial duties to the advisory council as the board in its discretion shall deem proper.

History.— §4, ch. 67-423.

468.124 Advisory council.—
(1) An advisory council to the State Board of Health is created to consist of five members, who shall be residents of this state. Three members shall be persons who have been actively engaged in fitting and selling of hearing aids in the state for at least five years prior to appointment. In addition, after the enactment of this part, appointees must hold an unrevoked, unsuspended certificate of registration under this part. One member shall be a diplomate or be eligible for qualification by the American Board of Otolaryngology. One member shall be a person eligible for the certificate of clinical competence in audiology from the American Speech and Hearing Association and actively engaged in the field of audiology in this state. The term of office for members shall be three years, or until their successors are appointed and qualify, except that of the members first appointed, one shall be appointed for one year, two for two years, and two for three years. Members of the council shall be geographically representative of the state, appointed by the governor, and shall act in an advisory capacity to the board.
(2) Each member of the council shall be entitled to reimbursement from the funds derived from fees collected under the provisions of this part for his actual and necessary travel and other expenses incurred in the performance of his official duties.
(3) The council shall:
(a) Meet within thirty days after their appointment and elect a chairman from their own number and elect or appoint a secretary who need not be a member of the board, each of whom shall hold office for one year and thereafter until his successor is elected and qualified.
(b) Hold an annual meeting each year and hold other meetings at such times and places as the board or the chairman of the council may direct.
(c) Keep a record of its proceedings, a register of persons whose certificates of registration have been revoked. The books and records of the council shall be prima facie evidence of all matters reported therein and shall be open to inspection by the board at all times.
(d) Recommend to the board examination procedures for applicants, minimum requirements for the testing equipment and procedures necessary in fitting and selling of hearing aids, a code of ethics for the betterment and improvement of the standard of services and procedures to be followed in the fitting and selling of hearing aids and the protection of the public, and do all in its power to encourage the establishment of a specialized educational course of training for all persons wishing to become registered. The council shall be guided by the Federal Trade Commission Trade Practice Rules for the Hearing Aid Industry and by the minimal procedures as hereinafter defined, and shall investigate alleged irregularities in the fitting and selling of hearing aids, and make recommendations to the board with respect thereto.
(e) Make a report each year to the board and the governor of all its official acts during the preceding year.
(f) Upon the request of any person, furnish a list of persons registered under the provisions of this part.

History.— §10, ch. 67-423.

468.125 Oath of members of council.—Immediately and before entering upon the duties of said office, the members of the council shall take the constitutional oath of office and shall file same in the office of the secretary of state who shall issue to said member a certificate of his appointment.

History.— §10, ch. 67-423.

468.126 Qualifications of applicants for registration.—
(1) Any person engaged in fitting and selling of hearing aids from an established place of business at a permanent address in the state, open for service during usual business hours for at least two years prior to the enactment of this part, shall, upon application to the board, be entitled to a certificate of registration qualifying him as a registrant, provided that he must pass the qualifying examination within a period of two years after the enactment of this part. Said application shall be made to the board on the forms prescribed by it. Any person who becomes a legal resident of the State of Florida and who shall produce evidence that he has had one year's experience in fitting and selling hearing aids can make application to the board for examination and upon passing the examination be granted a certificate of registration.
(2) Any dealer or salesman in business in this state at the time of the enactment of this part, but who shall not have fulfilled the requirements in subsection (1) of this section, shall be entitled to a certificate of registration upon application to the board, but must pass the qualifying examination within a period of two years after the enactment of this part.
(3)(a) Any person desiring to become registered after the enactment of this part who is not qualified otherwise shall be issued a
trainee temporary certificate of registration by the board only if he is of good moral character, over the age of twenty-one years and is a graduate of an accredited high school or secondary school.

(b) Trainee apprenticeship period shall be for six months as follows:

1. Stage I—The trainee shall work for thirty days under the direct control of a registrant. He cannot in any way fit or test the customer.

2. Stage II—This training stage lasts for sixty days. During this period the trainee may do testing necessary for the proper selection and fitting of a hearing aid and make ear impressions. During this period the trainee may not make delivery or final fitting.

3. Stage III—The trainee may engage in all activities of a registered person. He must, however, work under and be responsible to a registrant for the following ninety days.

(c) The above stages must be completed with no interim time lapse between stages. In the event the trainee leaves his place of training without approval of his employer, he loses seniority and must revert to stage I. This ruling is subject to appeal to the board.

(d) After such period has passed, trainee shall take the qualifying examination given by the board for a certificate of registration and upon successfully passing said examination, may obtain a certificate of registration.

(e) If a person who holds a trainee temporary certificate of registration issued under this section takes and fails to pass the qualifying examination, the board may, upon receiving the stipulated temporary certificate of registration fee, renew the temporary certificate of registration for a period ending ten days after the date of the next qualifying examination. A fee of twenty-five dollars shall be paid at the time the qualifying examination is repeated. A trainee temporary certificate of registration may be renewed only once and during this period, the trainee shall continue in stage III of the trainee apprenticeship period.

(f) At such time as a course in fitting and selling of hearing aids, as approved by the board, shall be established in the state, satisfactory completion of this course shall be considered equivalent to stages I and II of the trainee period.

(g) Any person who holds an unsuspended or revoked certificate or license to fit and sell hearing aids in another state may make application to the board for examination in lieu of any trainee period, provided he is a resident of this state for a period of at least six months prior to making his application.

(h) On passing this examination, the board shall issue a certificate of registration to fit and sell hearing aids unless he shall show that he has an established place of business at a permanent address in this state open for business during normal business hours or that he is employed by a person who meets these requirements.

### Ch. 468 MISCELLANEOUS REGULATORY BOARDS, ETC.

#### 468.127 Trainee requirements

All trainees are required to satisfactorily complete and pass an examination as prescribed by the board. The examination shall be such that it will establish knowledge or proficiency in each of the following:

1. Basic physics of sound.
2. Structure and functions of the hearing mechanism.
5. Pure tone audiometry, air and bone conduction.
6. Live voice or recorded speech audiometry including speech reception, threshold testing and speech discrimination testing.
7. Masking.
8. Interpretation of audiograms and speech scores to determine hearing aid candidacy.
10. Taking ear mold impressions.

#### 468.128 Fees for registration and disposition of receipts

1. Certificate of registration fee—fifty dollars.
2. Certificate of trainee registration fee—twenty-five dollars.

The proceeds or receipts derived from registration fees shall be applied first to the costs of administration of this part, including activities of the advisory council, and the balance at the discretion of the board transferred to the general revenue fund of this state. The board shall be the custodian for all funds collected.

#### 468.129 Refusal to issue or renew a certificate of registration

The board may refuse to issue or to renew or may suspend or revoke any certificate of registration after proper public hearing for any of the following causes:

1. The conviction of a misdemeanor involving moral turpitude.
2. When a certificate of registration has been secured by fraud or deceit practiced upon the board.
3. For unethical conduct or for gross malpractice in the fitting or selling of hearing aids.

#### 468.130 Unethical conduct defined

1. The obtaining of any fee or the making of any sale by fraud or misrepresentation.
2. Employing directly or indirectly any suspended or unregistered person to perform any work covered by this part.
3. Using or causing or promoting the use of any advertising matter, promotional literature, testimonial, guarantee, warranty, label, brand, insignia or any other representation, however disseminated or published, which is misleading, deceiving or untruthful.
(4) Advertising or offering for sale a particular model, type or kind of hearing aid when the offer is not a bona fide effort to sell the product so offered as advertised and at the advertised price. In determining whether there has been a violation of this rule, consideration will be given to actions or practices indicating that the offer was not made in good faith for the purpose of selling the advertised product, but was made for the purpose of contacting prospective purchasers and selling them a product or products other than the product offered. Among actions or procedures which will be considered in making that determination are the following:

(a) The creation, through the initial offer or advertisement, of a false impression of the product offered in any material respect.

(b) The refusal to show, demonstrate or sell the product offered in accordance with the terms of the offer.

(c) The disparagement, by actions or words, of the product offered or the disparagement of the guarantee, credit terms, availability of service, repairs or parts or in any other respect, in connection with it.

The showing, demonstrating, and in the event of sale, the delivery of a product which is unusable or impractical for the purpose represented or implied in the offer.

(e) The refusal, in the event of sale of the product offered, to deliver such product to the buyer within a reasonable time thereafter.

(f) The failure to have access to a quantity of the advertised product at the advertised price sufficient to meet reasonably anticipated demands.

(5) Representing that the professional services or advice of a physician or audiologist will be used or made available in the selling, fitting, adjustment, maintenance or repair of hearing aids when that is not true, or using the words "doctor," "clinic," "clinical," "medical," "clinical and/or research audiologist," "audiologic" or any other like words, abbreviations or symbols which tend to connote audiological or professional services when such use is not accurate.

(6) Permitting another to use the certificate of registration.

(7) Representing, advertising or implying that the hearing aid or repair is guaranteed without a clear and concise disclosure of the identity of the guarantor, the nature and extent of the guarantee and any conditions or limitations imposed.

(8) Failure to properly and reasonably accept responsibility for the actions of the registered trainee.

(9) Using any advertisement or other representation which has the capacity and tendency or effect of misleading or deceiving purchasers or prospective purchasers into the belief that any hearing aid or device, or part or accessory thereof, is a new invention or involves a new mechanical or scientific principle, when such is not the fact.

(10) Representing, directly or by implication, that a hearing aid utilizing bone conduction has certain specified features such as the absence of anything in the ear, or leading to the ear, or the like, without disclosing clearly and conspicuously that the instrument operates on the bone conduction principle and that in many cases of hearing loss this type of instrument may not be suitable.

(11) Making any predictions or prognostications as to the future course of a hearing impairment, either in general terms or with reference to an individual person.

(12) Stating or implying that the use of any hearing aid will improve or preserve hearing, prevent or retard progression of a hearing impairment, or that it will have any similar or opposite effect.

(13) Making any statement regarding the cause or possible cause of a hearing impairment, or in regard to the candidacy of any person for surgical or medical treatment, or in regard to the possible or predicted outcome or result of such treatment.

(14) Representing or implying that a hearing aid is or will be custom made, "made to order," "prescription made," or in any other sense specially fabricated for an individual person when such is not the case.

History.—11, ch. 67-423.

468.131 Procedure for revocation, suspension, etc.—

(1) Any person, including the board or the advisory council, or any member thereof, may prefer charges against any registrant or applicant for registration. Such charges shall be in writing and shall be sworn to by the person making them when not made by the board as a body. They shall be preferred by delivering them, together with five copies thereof to the board within four months after date of alleged complaint, who, forthwith, shall furnish each member of the board and the advisory council with a copy of said charges.

(2) All charges, unless dismissed by the board as being unfounded or trivial, shall be heard and disposed of by the board within four months after the date upon which they were preferred, except as to cases hereinafter noted.

(3) The time and place of said hearing shall be fixed by the board, and a copy of the charges, together with notice of the time and place of hearing, shall be served upon the person against whom preferred, either personally or by registered mail with return receipt requested, addressed to the said person at his last known address as the same appears on the records of the board, at least twenty days before the time fixed for the hearing.

(4) Where personal service cannot be made as aforesaid or where registered notice is returned undelivered, the board shall cause a short, simple notice to the registrant to be published for four consecutive weeks (four publications being sufficient) in a newspaper published in the county wherein the registrant's last known address appears as shown
on the records of the board, or, if no newspaper be published in said county, then said notice may be published in a newspaper published in an adjoining county. If said address appears in some state, territory or country other than this state, then said notice may be published in Leon County.

(5) Said notice shall contain the name of the registrant or applicant, his last known address, the serial number of his Florida registration, if any, the time of the preferring of the charges, the date set for the hearing of said charges, the nature of the charges and the place where said hearing will be held.

(6) Due proof of service or of publication shall be filed with the board and shall be recorded in the minutes of the board. The board, for good cause, may continue any hearing from time to time and in proper cases to a time beyond the aforesaid four months' period. At any hearing the accused shall have the right to appear personally and/or by counsel, to cross examine witnesses appearing against him and to testify and produce witnesses in his defense.

(7) Notwithstanding any provision of this section, where charges preferred against a registrant involve the conviction of a misdemeanor involving moral turpitude as set forth in §468.129(1), the evidence in support of the charges is clear, competent and unequivocal, the subject's certificate of registration may be temporarily suspended by the board pending a full hearing as herein provided; provided that said full hearing is held within sixty days from the temporary suspension of the subject's certificate of registration. Such suspension shall be without prejudice to the registrant at such full hearing.

History.—113, ch. 67-423.

468.132 Conduct of hearing, witnesses, evidence, etc.—

(1) For the purpose of such hearing, the board shall have the power to require the production of books, papers or other documents and may issue subpoenas to compel the defendants or witnesses to testify and produce such books, papers or other documents in their possession as may be, in the opinion of the board, relevant to any hearing before it, said subpoenas to be served by the sheriff of the county where the witness resides or may be found. Such witnesses shall be entitled to the same per diem and mileage as witnesses appearing in the circuit court of the state, which shall be paid by said board from the fees collected under this part. Any member of the board may administer oaths or affirmation to witnesses appearing before the board. Subpoenas may be so issued for and in behalf of the defendant at his expense.

(2) If any person shall refuse to obey any subpoena so issued or shall refuse to testify or produce books, papers or other documents required by the board, the board may, upon its petition to the circuit court of the county where any such person is served with the subpoena or where he resides, setting forth the facts, and shall deposit with said court, when such subpoena is issued in its behalf, the per diem and mileage to secure the attendance of such witness (the defendant may make like deposits), whereupon said court shall issue its rule nisi to such person requiring him to obey forthwith the subpoena issued by the board or show cause why he fails to obey the same, and unless the said person shows sufficient cause for failing to obey the said subpoena, the court shall forthwith direct such person to obey the same, and upon his refusal to comply, he shall be adjudged in contempt of court and shall be punished as the court may direct. The board may delegate to a hearing examiner, or examiners, authority to conduct hearings, and the hearing examiner shall make recommendations to the board.

(3) If the board shall be satisfied, from the evidence and proofs submitted, that the accused has been guilty of any of the charges mentioned in §468.129, it shall thereupon without further notice take such action upon the charges and impose such penalties as it may be advised under said §468.129. The records of the board shall reflect the action of the board upon the charges.

(4) The board shall preserve a record of such proceedings in a similar manner as records in court proceedings are kept and preserved in the circuit courts of this state.

History.—113, ch. 67-423.

468.133 Review of orders of the board by the circuit courts; procedure and venue.—

(1) The final order of the board in proceedings for the suspension or revocation of certificates of registration shall be subject to review by the Circuit Court of Leon County, or the county wherein the registrant has recorded his certificate of registration and has his principal place of business, or of the county wherein the books and records of the board are kept.

(2) All other final orders of the board, under this part, shall be subject to review in the same courts.

(3) All such reviews shall be obtained by filing a petition for the issuance of a writ of certiorari with the appropriate circuit court in the manner provided by the Florida Appellate Rules.

(4) Any interested party may appeal from the decision of the circuit court to the district court of appeal having appellate review over said circuit court and in the manner and within the time provided by the Florida Appellate Rules.

History.—114, ch. 67-423.

468.134 Application for certificates, etc.—

(1) No person shall fit, sell or repair hearing aids in this state unless such person has complied with the requirements hereof as to registration and licensing. Every person now lawfully engaged in fitting and selling of hearing aids and every person hereafter duly registered to fit and sell hearing aids shall,
on or before January 1 of each year, apply to the board for a certificate of registration upon a blank form to be furnished by the board, and shall pay at such time a fee of twelve dollars. The certificate of registration of any person who fails or neglects to register by January 1 of any year, as required here- in, shall be suspended automatically after a thirty-day grace period until such time as such person shall register and shall pay the regular annual fee plus a delinquency fee of twenty-five dollars for each year or fraction thereof that he failed to register.

(2) A person in making his first registration hereunder shall write or cause to be written upon the application blank so furnished by the board his full name, post office and residence address, the date and number of his certificate of registration and such other facts for identification of the applicant as may be deemed necessary, and shall duly execute and verify the same before an officer authorized to take acknowledgments of deeds and shall file the same with the board. Registration subsequent to the first registration need not be upon sworn application unless the board, in a particular case for reasons satisfactory to it, may require the application be under oath.

(3) The board on or before October 1 of each year after the first registration shall mail or cause to be mailed to each registered person a blank form of application for registration addressed to the last known post office address of such person. The form of such application shall be such as to contain space for the insertion by the applicant of the information required by the provisions of this part.

(4) The board shall issue to any duly registered person fitting and selling hearing aids in this state, upon his application therefor in accordance with the provisions hereof, a certificate of registration under the seal of the board, for the year ensuing and ending December 31.

(5) Each registered person shall conspicuously display his proper registration certificate in his place of business at all times.

The following minimal procedures and equipment shall be used in the fitting and selling of hearing aids:

1. Pure tone audiometric testing by air and bone to determine the degrees and type of hearing deficiency. Effective masking.

2. Appropriate testing to determine speech reception threshold, speech discrimination, most comfortable sound tolerance level and selection of the best ear for maximum hearing aid benefit. Selection of an instrument that will best compensate for the degree of loss and tolerance level and provide a frequency amplification curve that will give the best speech discrimination possible.

3. Equipment:

(a) Pure tone audiometer which shall meet with the American Standards Association specifications for diagnostic audiometers.

(b) Speech audiometer or a master hearing aid in order to determine most comfortable listening level and speech discrimination.

(c) Final fitting insuring physical and operational comfort of the aid.

(d) Medical clearance: If, upon inspection of the ear canal with an otoscope, in the common procedure of a hearing aid fitter, and upon interrogation of the client, there is any recent history of infection or any observable anomaly, the client shall be instructed to see a physician, and a hearing aid shall not be fitted until medical clearance is obtained for the condition noted. Any person with a significant difference between bone conduction and air conduction hearing must be informed of the possibility of medical correction.

(e) A hearing aid office will have available or access to a selection of hearing aids models, hearing aid supplies and services complete enough to accommodate the various needs of the hearing aid wearers, such as:

(a) An adequate stock of hearing aids including an appropriate selection of receivers.

(b) An adequate selection of accessories.

(c) Maintain, or have access to, facilities for making ear molds.

(7) The board shall have the power to prescribe minimum procedures and the equipment which shall be used in fitting and selling of hearing aids which may be different than that which is provided herein in order to utilize devices and equipment which may hereafter be adopted by the board as more efficient procedures and equipment.

History.--§16, ch. 67-423.

468.136 Receipt required to be furnished to person supplied with hearing aid.--Every person who fits and sells hearing aids shall deliver to each person there supplied with a hearing aid a receipt which shall contain his signature and show the address of his regular place of business and the number of his certificate of registration, together with the brand, model and serial number of the hearing aid furnished and amount charged therefor. Said receipt shall specify whether the hearing aid is new, used or rebuilt, and the length of time of the guarantee and by whom guaranteed.

History.--§137, ch. 67-423.

468.137 Part III of this chapter not applicable to persons in certain professions.--

1. This part III shall not apply to a person while he is engaged in the practice of recommending hearing aids if his practice is part of the academic curriculum of an accredited institution of higher education or part of a program conducted by a public, charitable institution or nonprofit organization which is primarily supported by voluntary contribution, provided this organization does not dispense or sell hearing aids or accessories.

2. This part shall not apply to any physician licensed to practice in the State of Florida.
(3) On the selling and fitting of hearing aids located in the temples of glasses, the lens portion or frame front shall not be fitted, adjusted or sold by a registrant or licensee under this part, unless the registrant or licensee is otherwise qualified to do so.

(4) This part does not apply to an audiologist who does not sell or repair hearing aids.

History.—**§18, ch. 67-423.**

468.138 Penalty.—Any action in violation of any provision hereof shall constitute a misdemeanor.

History.—**§18, ch. 67-423.**
CHAPTER 469

PLUMBERS

469.01 Plumber's certificate; chapter not applicable to cities of less than seven thousand five hundred population.

469.02 Application for certificate; examination.

469.03 Board of examiners; qualifications; terms of office; compensation.

469.01 Plumber's certificate; chapter not applicable to cities of less than seven thousand five hundred population.—Any person engaged in or working at the business of plumbing in cities of seven thousand five hundred population or more in this state, either as master plumber or employing plumber or as journeyman plumber, shall first receive a certificate thereof in accordance with the provisions of this chapter.

History.—§1, ch. 6944, 1915; §1, ch. 7312, 1917; RGS 2251; CGL 3589, 3590.

469.02 Application for certificate; examination.—Any person desiring to engage in or work at the business of plumbing, either as a master plumber or employing plumber or as a journeyman plumber, in cities having a population of seven thousand five hundred or more and a system of water supply or sewerage, shall make application to the board of examiners provided for in this chapter, at such time and place as said board may direct. Said examinations may be made in whole or in part in writing and shall be of a practical and elementary character sufficiently strict to test the qualifications of the applicant.

History.—§2, ch. 6944, 1915; §2, ch. 7312, 1917; RGS 2252; CGL 3593, 3594.

469.03 Board of examiners; qualifications; terms of office; compensation.—There shall be in every city of seven thousand five hundred inhabitants or more, a board of examiners of plumbers, consisting of three members, one of whom shall be chairman of the board of health; a second member, who shall be a master plumber, and a third member, who shall be a journeyman plumber. Said second and third members shall be appointed by the appointing power of said city or town as provided by the city or town charter or ordinance for the term of one year from the first day of January in the year of appointment, thereafter annually before the first day of January, and shall be paid from the treasury of said city the same as other officers, in such sum as the authorities may designate.

History.—§3, ch. 6944, 1915; §3, ch. 7312, 1917; RGS 2253; CGL 3591, 3592.

469.04 Examination of applicants; fees, etc.—The board shall, as soon as may be after their appointment, meet, and shall then designate the times and places for examination of all applicants desiring to engage in or work at the business of plumbing within their respective jurisdiction. Said board shall examine said applicants as to their practical knowledge of plumbing, house drainage, and plumbing ventilation, and, if satisfied with the competency of such applicants, shall thereupon issue a certificate to such applicant authorizing him to engage in or work at the business of plumbing, either as master plumber or employing plumber, or as a journeyman plumber. The maximum fee for a master plumber or employing plumber shall be twenty-five dollars, and for a journeyman plumber shall be fifteen dollars. Said certificate shall be valid for the term of one year, but the same may be renewed if application and renewal be made to said board not less than thirty days before the expiration of said certificate. The fee for renewals shall be one dollar. All moneys shall be paid into the city or town treasury for the use of said city or town.

History.—§4, ch. 6944, 1915; §4, ch. 7312, 1917; RGS 2254; CGL 3593, 3594; am. §1, ch. 28035, 1953.

469.05 Cities to provide rules for construction of all plumbing; plumbing inspector; qualification; reports to city board of health.—

(1) All cities or towns in this state; and within the provisions of this chapter shall provide by ordinance, rules and regulations for the construction and maintenance of all plumbing and drainage placed in or on any building or the premises thereof in such city or town, and no work of this character shall be done unless a permit be issued therefor, excepting the repairing of leaks. The term plumbing as used in this section shall not include the installation and maintenance of portable water softening units and no ordinances, rules or regulations adopted by cities or towns shall prevent the installation and maintenance of portable water softening units by licensed operators of water softening services.

(2) Said cities or towns shall provide for the appointment or election of a plumbing inspector and such assistants as are necessary, but said inspector and assistants must be practical plumbers of not less than ten years' experience, who shall see that all rules and regulations touching plumbing are faithfully and diligently observed and executed.

(3) The plumbing inspector shall preside at all meetings of the examining board of plumbers and shall have the duty of and vote in all matters connected with the examination of applicants and granting of certificates, whenever the remaining members of said board are unable to agree. The plumbing department of every city or town embraced in this chapter, consisting of the examining board of plumbers, the plumbing inspector and his assistants, shall be
under the supervision of the board of health of said city or town, and the plumbing inspector shall make a complete report of this department to said board of health at the end of each year, and oftener as may be required by said board, or provided for by ordinance.

History.—§5, ch. 7812, 1917; RGB 2282; COL 7878.

469.07 Penalty for violation of chapter.—Any person violating any provision of this chapter shall be deemed guilty of a misdemeanor, and be subject to a fine of not less than five dollars nor exceeding fifty dollars for each and every violation thereof.

History.—§6, ch. 7812, 1917; RGB 2282; COL 7878.
CHAPTER 470
FUNERAL DIRECTORS AND EMBALMERS

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dedicated for cemetery purposes:
(a) A burial park, for earth interments.
(b) A mausoleum, for crypt or vault interments.
(c) A crematorium, or a crematory and columbarium, for cinerary interments.
(6) The term “funeral home,” “mortuary,” “funeral establishment,” or “funeral chapel” shall be construed to be a place at a specific street address or location where the profession of funeral directing and embalming, as defined in this chapter, are practiced in the care, planning and preparation for burial or cremation or transportation of dead human bodies. All of such places shall consist of and shall maintain the following facilities:
(a) A chapel or parlor in which funeral services may be conducted.
(b) A preparation room equipped with a sanitary floor and necessary drainage and ventilation and containing necessary instruments and supplies for the preparation and embalming of dead human bodies for burial or transportation.
(c) A display room containing a stock of caskets and funeral supplies.
(7) As used herein, the word “board” shall be construed to mean and refer to the state board of funeral directors and embalmers.

470.02 State board of funeral directors and embalmers; terms of office.—
(1) A state board of funeral directors and embalmers, to consist of seven members to be appointed by the governor with the advice and consent of the senate, is created. Such board shall consist of the state health officer and six professional funeral directors and embalmers who, at the time of appointment, shall have been in the active practice of the profession of funeral directing and embalming in the state for five years immediately preceding such appointment. The first appointments to fill unexpired terms, to be made under this chapter shall be as follows: One member of said board shall be appointed for a term of one year; one member of said board shall be appointed for a term of two years; two members of said board shall be appointed for a term of three years; and two members of said board shall be appointed for a term of four years; and all appointments made thereafter shall be for a term of four years; except appointments to fill unexpired terms, which shall be for the remainder of such terms only. The governor shall, under this chapter, appoint successors to the members of the present and existing board in the order in which their several commissions expire. In making such appointments one of the members of said board shall be a resident of the state and shall represent the state at large; one of the members of said board shall be a resident of that part of the state composed of Escambia, Santa Rosa, Okaloosa, Walton, Holmes, Washington, Bay, Jackson, Calhoun, Gulf, Gadsden, Liberty, Franklin, Leon, Wakulla, Jefferson, Madison, Taylor, Hamilton, Suwannee, Lafayette, and Dixie counties; one of the members of said board shall be a resident of the state composed of Levy, Gilchrist, Columbia, Baker, Union, Bradford, Alachua, Nassau, Duval, Clay, St. Johns and Putnam counties; one of the members of said board shall be a resident of that part of the state composed of Marion, Flagler, Volusia, Lake, Seminole, Orange, Osceola and Brevard counties; one of the members of said board shall be a resident of that part of the state composed of Citrus, Sumter, Hernando, Pasco, Pinellas, Hillsborough, Polk, Manatee, Hardee, Sarasota, DeSoto, Highlands, Charlotte, Lee and Glades counties; one of the members of said board shall be a resident of that part of the state composed of Indian River, Okeechobee, St. Lucie, Martin, Hendry, Palm Beach, Collier, Broward, Dade and Monroe counties.
(2) The said board shall have the right to establish and maintain an executive office at a place designated by the board, which designated place may be changed in the discretion of the board.
(3) The board shall have the power to employ, and, at its pleasure, discharge an executive secretary, attorney and such field representatives and other personnel as may be necessary to enforce and administer the provisions of this chapter.

470.03 Oath and commission of board members.—Every member of the board, after appointment and before entering upon his duties, shall make oath before some officer competent to administer oaths, that he is legally qualified to become a member of said board under the provisions of this chapter, and that he will faithfully perform the duties of such office. Thereupon, the governor shall deliver to each such person so appointed to membership on the board a commission or certificate of appointment, which commission or certificate shall be filed by said member with the secretary of the board.

470.04 Seal; rules and regulations.—The board shall adopt a common seal which may be altered as often as said board may desire and may adopt and enforce reasonable rules and regulations relating to:
(1) The practice of the profession of embalming, including, but not limited to, solicitation of business.
(2) The practice of the profession of funeral directing, including, but not limited to, solicitation of business.
(3) The sanitary condition and physical facilities of funeral homes, mortuaries, and funeral establishments where the profession of embalming and funeral directing is carried on, with particular regard to plumbing, sewage, ventilation, and equipment.
470.05 Meetings of board; quorum; president pro tempore.—The board shall hold at least one meeting each year for the purpose of organization and for the transaction of routine business under this chapter, and the transaction of such other business as may be lawful. It may hold special meetings as often as a proper and efficient discharge of its duties may require, all such special meetings to be called by the president of the board, or by any three of its members. The time of its regular annual meeting shall be fixed by the rules or bylaws adopted by the board and its bylaws shall provide for the giving of due and timely notice to all members of the board of the time and place of the holding of all special meetings. A majority of the members of said board shall constitute a quorum to do business and hold hearings hereinafter provided for, but fewer than a quorum may adjourn to a fixed time and place and notify the other members thereof of such adjournment. At any meeting at which a quorum may be present and the president of the board may be absent, the board may proceed to organize and transact business by selecting a president pro tempore.

History.—§4, ch. 17950, 1937; CGL 1940 Supp. 3599(4); 12, ch. 32017, 1945; 13, ch. 66-412.

470.06 Officers of board; compensation and expenses; how paid.—The board at its annual meetings shall organize and elect from its members a president, vice-president, and a secretary-treasurer. Such officers shall serve for a period of one year and until their successors are elected and qualified. The president and secretary-treasurer of the board shall receive a just and fair salary for services required and rendered, to be fixed by the board; all other members of the board shall receive ten dollars per day, or any part of a day, while attending official board meetings, not to exceed twelve meetings per year. All members of the board shall receive per diem and mileage as provided in §215.37, from the place of their residence to the place of meeting and return. All expenses necessarily incurred by the secretary-treasurer in the regular performance of his duties together with all expenses, salaries and per diem of said board shall be paid pursuant to the provisions of §215.37, upon vouchers to be signed by the secretary-treasurer and approved by the executive secretary and by the secretary-treasurer of the board.

History.—§4, ch. 17950, 1937; CGL 1940 Supp. 3599(5); §106, ch. 32010, 1931; §18, ch. 32015; 13, ch. 66-412.

470.07 Applicant for license; examination.—Any person wishing to obtain the right to practice funeral directing or embalming in this state who has not heretofore been licensed so to do shall, before it is lawful for him to practice funeral directing or embalming in this state, make application to the board upon such form and in such manner as shall be prescribed by the board, and obtain a license from said board. Before issuing a license to practice funeral directing or embalming in this state, the board shall examine the applicant as to his qualifications to practice funeral directing or embalming as provided in this chapter.

History.—§17, ch. 17950, 1937; CGL 1940 Supp. 3599(7), am. §4, ch. 32017, 1945.

470.08 Qualifications of applicants.—(1) No applicant shall be qualified to be examined by the board for a license as an embalmer unless he has the following qualifications:

(a) He shall be a bona fide resident of the state.

(b) He shall be over the age of twenty-one years.

(c) He shall have completed a full prescribed course in a standard high school or a course of education equivalent thereto as evidenced by a high school diploma for adults or any document of similar import issued by the state department of education.

(d) He shall have a good moral character and shall not have been convicted or have pleaded or been found guilty in this or any other state of a crime involving moral turpitude.

(e) He shall have had three years of practical training and instruction as an apprentice embalmer in an apprentice training agency approved by the board, as hereinafter provided for, under a regular licensed and practicing embalmer, and shall have embalmed at least fifty dead human bodies, and shall have attended a regular nine months course of instruction in a reputable college of embalming approved by the board, in which the following subjects are covered: anatomy, physiology, chemistry, the principles and methods of embalming, restorative art, bacteriology, public health, and sanitation. He shall further be recommended as to character by two funeral directors duly licensed under the terms of this chapter who are licensed embalmers and who are familiar with his reputation and character. Provided, however, that the requirements of apprenticeship set forth in this subsection shall not apply to any person who has served one year of practical training and instruction as
an apprentice embalmer in an approved apprentice training agency under a regular licensed and practicing embalmer and which person has graduated from and received a degree in the profession of funeral directing and embalming from a college or university which is a member of the American association of colleges and universities, or junior college accredited by the state department of education offering such a degree. The term of apprenticeship herein required to be served as a qualification for licensing may not be served during the time that the person is enrolled at a school or college for the purpose of completing the formal education requirements herein provided.

(f) Any person who shall have otherwise qualified as required by this subsection, except for his three years of apprentice training, and who thereafter entered and served in the military forces of the United States, and shall have been honorably discharged or relieved, and as a part of his duties during such service he shall have had, in the opinion of the state board of funeral directors and embalmers, hereinafter referred to as the board, practical training and instruction of a nature at least equivalent to that he would necessarily have had as an apprentice embalmer under a duly licensed and practicing embalmer, shall be credited with such time as he may have served, but the total of such credit shall not exceed two and one half years. The credit provisions herein contained shall be applicable only in cases where the person seeking such credit had already commenced his apprenticeship training at an approved training agency in this state prior to becoming a member of the military forces of the United States.

(g) Provided, further, that the said board, and it only, shall decide upon the proof submitted to it by such applicant whether he has received the degree of training herein contemplated and if so, for what time he should be credited, and shall issue its certificate to him accordingly.

(h) It is the intention of this subsection to provide a plan by which credit not to exceed two and one-half years may be given to any Florida apprenticed embalmer for any training he may have had of a nature which in the opinion of the board is equivalent to Florida apprentice embalming training while engaged in the military services of the United States so as to avoid the hardship of making the ex-serviceman who was so engaged go over substantially the same training twice.

(2) No applicant shall be qualified to be examined by the board for a license as a funeral director unless he shall have the following qualifications:

(a) He shall have met all of the qualifications hereinbefore provided in subsection (1), as qualifications for embalmers.

(b) He shall have been a practicing licensed embalmer of Florida for at least one year.

(c) He shall have had one year of practical training and instruction as an apprentice funeral director in an approved training agency under a funeral director duly licensed under the terms of this chapter and shall have been vouched for and recommended by at least two funeral directors duly licensed under the terms of this chapter who are familiar with his reputation and character.

(d) He shall have a good moral character.

(e) He shall have been a practicing licensed embalmer of Florida for at least one year.

(f) He shall have been associated with some funeral director duly licensed under the terms of this chapter in the business of funeral directing for at least twelve months, and shall have been vouched for and recommended by at least two funeral directors duly licensed under the terms of this chapter who are familiar with his reputation and character.

History.—§8, ch. 17950, 1937: CGL 1940 Supp. 8599(8); ch. 22617, 1945; (1) (c)-(f), (2) (a)-(c) 6, ch. 65-412.

470.09 Application, fee and examination of applicant; license issued to successful applicant.—

(1) Any person having the qualifications prescribed in §470.08, shall be deemed eligible by the board for examination, and may make written application to the board upon a form to be prescribed and furnished by the board, stating under oath the qualifications possessed by him, which application shall be accompanied by the examination fee of twenty-five dollars. If such application shall be found in due form, and it shall appear that the applicant is possessed of the requisite qualifications, the secretary of the board shall so notify such applicant; provided, however, the application fee for re-examination, in the event the applicant is initially unsuccessful, shall also be twenty-five dollars; provided further that in the event the applicant for examination or re-examination is successful such examination fees hereinafter provided shall entitle such successful examinees to the issuance of a funeral director's or embalmer's license, as the case may be, for the remainder of the licensing year without further cost.

(2) Then the applicant may present himself before said board at a duly organized meeting thereof for examination by said board as to his knowledge of funeral directing or embalming, whichever it may be, and all subjects necessary and pertaining thereto, said subjects to be prescribed and determined by the board. The examination for embalmers' licenses shall consist of the propounding to such applicant in writing or by oral examination of not less than one hundred fifty questions on the subject of embalming and of not less than twenty-five oral questions pertaining to the several subjects and other subjects connected therewith. The oral examination, when possible, shall be conducted in the presence of a cadaver, upon which actual demonstrations may be asked for. The examination for funeral directors' licenses shall consist of the propounding of questions by the board, either oral or written, as to such qualifications for a license, as provided in this
shall expire on June 30 of each year. Every person and who has correctly answered not
proposed in the examination provided for it may be in the state.
less than seventy-five per cent of the oral and
examined under the terms of this chapter for ex-
credits allowed upon same by the board shall be
that no license shall be renewed after Septem-
period of suspension and until the license is
renew his or her license on or before June 30
of each year, and any qualified person who
fails to renew his or her license for a period
of three years after the expiration of said li-
ence he shall be deemed to have retired from
the profession and may be licensed only under
the provisions of this chapter for examination and who has correctly answered not
license shall have the right to continue the use
of the name for a period of five years from the
of any unlicensed person or the name of a
licensed person not regularly employed on a
full-time basis by such person in the opera-
tion of funeral directing or embalming under a cor-
porate name or under a corporate framework,
where any funeral director or embalmer is not licensed under a fictitious name, who held li-
censes at the date chapter 22617, Laws of Flori-
da, 1945, became effective; and further, pro-
visions of this chapter shall not affect or
profession of funeral directing or embalming under
a fictitious name, which name includes the name
of any unlicensed person or the name of a
licensed person not regularly employed on a
full-time basis by such person in the opera-
tion of funeral directing or embalming under a cor-
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porate name or under a corporate framework,
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da, 1945, became effective; and further, pro-
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a fictitious name, which name includes the name
of any unlicensed person or the name of a
licensed person not regularly employed on a
full-time basis by such person in the opera-
tion of funeral directing or embalming under a cor-
porate name or under a corporate framework,
permitted to perform the functions of a funeral director or embalmer as herein defined, or hold himself out to the public as such by reason of his ownership in a funeral home or by reason of his ownership of stock owned in or office held in a corporation authorized by the preceding subsection to own or operate a funeral home. No funeral home owned by any person, whether incorporated or not, may utilize the name or picture of any unlicensed person in connection with any advertisement or telephone listing or firm letterheads or other printed materials. Such use of the name or picture of an unlicensed person shall be deemed to constitute the holding out of such person as a funeral director in violation of this chapter. After the effective date of this act no firm or corporation authorized to own and operate a funeral home may change or amend its name or charter so as to include in its firm or corporate name the name of any person who is not individually licensed as a funeral director in this state; provided, however, that the provisions of this sentence shall not be applicable to the name of any firm or corporation owning or operating a funeral home on the effective date of this act so long as such firm or corporation remains under the same ownership.

(7) From and after the effective date of this law, any person engaging in the practice of funeral directing and all funeral establishments shall be subject to the inspection of the board, or any of its designated representatives or agents or local or state board of health inspectors. No funeral home, mortuary or funeral establishment shall be located in a cemetery.

History.--R.S. 17960, 1837; CGL 1940 Supp. 3599(9); 35, ch. 35717, 1953, §1, ch. 59-157; 50, ch. 64-412.

470.11 Apprentices; reports, etc.

(1) Within the thirty days after any person has begun preliminary instruction and training as an apprentice embalmer at an approved apprentice training agency, as provided in this chapter, he shall file a certificate of employment, signed by his employer, with the secretary of the board. Ninety days after commencement of such employment he shall file a statement with the secretary of the board, verified under oath, showing the date from which his preliminary instruction and training began and the name and location of the licensed and practicing embalmer under whom he received such instruction and training. If, during the course of his instruction, he shall receive instruction and training from more than one licensed and practicing embalmer, he shall give the date of ending with the first and the date of beginning with the second instructor and each subsequent instructor, in like manner as provided herein for the first instructor.

(2) No person may maintain his status as an apprentice embalmer for a term of time in excess of six years. Provided, however, that persons serving as apprentices on the effective date of this act shall be permitted to continue as such for a full six years after the commencement of such employment and tenure of the same ownership. (3) If during such six year term as an apprentice embalmer such person has not passed the examination provided by this chapter for qualification of licensing as an embalmer such person's status as an apprentice embalmer shall automatically terminate without action of the board and further such person shall not be permitted to sit for subsequent examinations unless and until such person has again attended and completed a regular course of instruction in a reputable college of embalming approved by the board of the type described in §470.08(1)(e). No person may maintain his status as an apprentice funeral director for a term in excess of three years. Provided, however, that persons serving as apprentices on the effective date of this act shall be permitted to continue as such for a full three years after the effective date of this act. Upon the lapse of such three year term if such person has not passed the examination provided in this chapter for licensing as a funeral director the status as an apprentice funeral director shall automatically terminate without action of the board.
470.111 Apprentice training agencies; approval and conduct of.—

(1) Any funeral home may volunteer its services and facilities for the purpose of taking part in an apprentice training program hereby established for the purpose of assisting in the training and education of persons desiring to become licensed embalmers or funeral directors under the apprentice training program provided in this chapter. No funeral home may be required to take part in this program, such participation being merely a voluntary matter subject to approval by the board in its exclusive discretion. No funeral home so volunteering to participate may charge or exact any fee from any person obtaining apprentice training at such funeral home.

(2) Each funeral home approved by the board as a training agency shall be regarded as a separate entity located at a specific address and shall be under the supervision of a specified funeral director and embalmer regularly employed at such funeral home at such specific address for the purposes of the apprentice training program herein established. A fourth apprentice embalmer and apprentice funeral director may receive training at an approved training agency provided such training agency give rise to any proprietary interests or rights to such participating funeral home to continue in such training program.

(3) All persons being trained and receiving training at such training agency shall be regarded as a separate entity located at a specific address and shall be under the supervision of a specified funeral director and embalmer regularly employed at such funeral home at such specific address for the purposes of the apprentice training program herein established. Each funeral home approved by the board as a training agency shall be regarded as a separate entity located at a specific address and shall be under the supervision of a specified funeral director and embalmer regularly employed at such funeral home at such specific address for the purposes of the apprentice training program herein established.

470.112 Number of apprentices at training agency.—

(1) No funeral home may be approved by the board as a training agency unless the number of cases handled by such funeral home is sufficient to provide the apprentice embalmer or apprentice funeral director the necessary work experience at such funeral home. A minimum of forty cases per year must be handled by such funeral home before it may be approved as a training agency.

(2) Only one apprentice embalmer and one apprentice funeral director may receive training in an apprentice training agency performing seventy-five funeral cases or less per year. A second apprentice embalmer and apprentice funeral director may receive training at such training agency provided such training agency handles or performs seventy-six or more funerals per year. A third apprentice embalmer and apprentice funeral director may receive training at such training agency if one hundred fifty-six cases are handled by such funeral home. A fourth apprentice embalmer and apprentice funeral director may receive training at such training agency if one hundred seventy-five funeral cases or more are performed by such funeral home. A fifth apprentice embalmer and apprentice funeral director may receive training at such training agency if two hundred twenty-six cases or more are handled by such training agency. The maximum number of apprentices that may be trained or receive training in a training agency which employs on a regular and full-time basis at such specific location only one licensed embalmer. Provided further that only two apprentice funeral directors may be trained or receive training in a training agency which employs only one funeral director on a regular and full-time basis at such a specific location.

(3) In the event any apprentice training agency is approved to train three or more apprentice embalmers and apprentice funeral directors, such training agency must employ on a regular and full-time basis at such specific location at least one licensed embalmer at such specific location for each two apprentice embalmers being trained or receiving training at such specific training agency. Similarly, each training agency qualified to train three or more apprentice funeral directors shall employ on a regular and full-time basis at such specific location at least one licensed funeral director for each two apprentice funeral directors.

470.113 Transfer of apprentices.—

(1) In cases where a person owns or operates more than one funeral home, each or some of which have been approved as training agencies, such approved training agencies may from time to time transfer an apprentice embalmer or apprentice funeral director from one approved training agency to another approved agency for the purpose of training and being trained and receiving training at such other approved training agency; provided further that no apprentice may be transferred to such mutually owned approved training agency for the purpose of being trained and receiving training as an apprentice for a period less than one month. Provided further that if an apprentice is so transferred as hereinbefore provided, such apprentice may not receive credit toward the requisite apprenticeship provided by this chapter unless the training agency to which he is temporarily transferred meets the requirements set out for such training agency relating to the number of cases being handled by it, the number of licensed embalmers, or number of licensed funeral directors required to be employed therein, and the limitation upon the total number of apprentices that may be trained at such training agency.

(2) All persons being trained and receiving training at an approved training agency must notify the board by written notice as to the training agency where he is receiving such training, stating in such notice the specific location of such training agency and name or names of the licensed embalmer or funeral director as the case may be under whom such apprentice embalmer or funeral director is receiving apprentice training.

(3) All approved training agencies are required to serve written notice upon the board of the employment, transfer or termination of employment of any apprentice embalmer or funeral director as the case may be, which notice...
shall state the specific location at which the apprentice shall receive training and the name or names of the licensed embalmer or funeral director under whom the particular apprentice is receiving, if is to receive, or has received embalmer's or funeral director's training, as the case may be. In the event of termination of an apprentice embalmer or apprentice funeral director, the licensed funeral director in charge of the supervision of apprentice training at such training agency shall, within fifteen days after such termination, certify on a form to be provided by the board the length of time during which an apprentice embalmer or apprentice funeral director was trained and received training at such training agency and the name of the licensed embalmer or licensed funeral director under whom such apprentice embalmer received the training. Such notice and certification shall include a list of the cases in connection with which the apprentice embalmer or apprentice funeral director, as the case may be, was received training.

History.--§10, ch. 65-412.

470.114 Training agency rules.--The board is authorized to adopt such rules and regulations as it deems necessary to carry out the provisions of this chapter relating to the training agencies and apprentice embalmers and apprentice funeral directors to the end that there shall be a uniform and effective program of training as apprentices those persons desirous of qualifying to engage in the profession of embalming or funeral directing. Such rules and regulations may provide a uniform system under which the board can determine whether apprentices are receiving appropriate training for the purposes of this chapter with emphasis upon the nature, duration and quality of such training.

History.--§10, ch. 65-412.

470.12 Grounds for revocation of license.--(1) EMBALMER.--Whenever it shall appear to the board that any licensed embalmer practicing in the state has been guilty of any of the following acts, his license shall be revoked by the board:

(a) The licensee has willfully made representations in his application for such license, including but not limited to, misrepresentations relating to time served as an apprentice in this state, the approved training agency where such training was received, and embalming cases in the performance of which he assisted a licensed embalmer.

(b) The licensee has submitted to the board a false statement that he has supervised an apprentice embalmer in the performance of embalming work where such statement is relied upon by the board to determine the apprentice embalmer's qualifications and training under this chapter.

(c) The licensee is either a habitual drunkard or narcotic addict or has been found guilty by a jury of, or has pleaded guilty to after being charged with, a crime in this state or any other state involving moral turpitude, without regard to whether a judgment of conviction has been entered by the court having jurisdiction of such cases.

(d) The licensee has bribed or attempted to bribe any member of the board, either directly or indirectly for the purpose of influencing said member of said board in the performance of his duties as a member of said board.

(e) The licensee has willfully interfered with a licensed embalmer having lawful custody of a dead human body in the performance of his duty to embalm said body.

(f) The licensee has willfully refused, declined or neglected to cause to be released a dead human body to any licensed funeral director, licensed funeral home, or duly authorized representative of either, upon request for such release when such request is accompanied by a telegram or a statement in writing by the next of kin of the deceased or such other person as may be authorized by law to make arrangements for the funeral of the deceased person.

(g) The licensee has made the payment of money a condition for the release of a dead human body to any funeral director or funeral home authorized in writing or telegram by an authorized person to take custody and possession of the deceased body.

(h) The licensee has paid or caused to be paid, any sum of money or other valuable consideration to any person to secure business or through such person.

(i) The licensee has willfully violated any law of the state or any rule or regulation of the state board of health relating to the embalming of a dead human body, or any law of the state, or any rule or regulation of the state board of health relating to the execution and recordation of death certificates or embalmer's affidavits.

(j) The licensee has willfully signed a certificate that he embalmed a dead human body, when in fact the body was embalmed or prepared by someone else; provided, however, that the embalming of dead human bodies by a licensed apprentice regularly employed and under the direct supervision of the licensee shall be considered, for the purpose of this provision, as embalming a dead human body by said licensee.

(k) The licensee has violated any provision of this chapter.

(2) FUNERAL DIRECTOR.--Whenever it shall appear to the board that any licensed funeral director practicing in the state has been guilty of any of the following acts, his license shall be revoked by the board:

(a) The licensee has willfully made representations in his application for such license, including but not limited to, misrepresentations relating to time served as an apprentice in this state, the approved training agency where his training was received, and embalming cases in the performance of which he assisted a licensed embalmer.

(b) The licensee has submitted to the board a false statement that he has supervised an apprentice embalmer in the performance of em-
or funerals at a discounted price or free or
obtained, shall not be deemed to prohibit any
transaction with the intention of deceiving the public, with respect to the brand,
grade and quality of such service or merchandise.
(f) The licensee has caused the defamation of a duly licensed funeral director in this state by falsely imputing to him dishonorable conduct, inability to perform contracts, or the handling of inferior merchandise.
(g) The licensee has shipped or delivered merchandise or supplies, with the intent to deceive the purchaser, which did not conform to the samples submitted or representations made prior to securing the order therefor.
(h) The licensee has caused a deceased body to be cremated or interred in a casket other than the casket which was selected for the funeral services by the person making such selection for the funeral of the deceased without the knowledge and written consent of the person making the funeral arrangements for the deceased.
(i) The licensee has employed, retained or otherwise engaged persons, including but not limited to owners, officers, stockholders, and employees of the funeral home, to solicit business. For the purpose of this paragraph "to solicit" shall include but not be limited to the making of blanket offers of free or discounted services or merchandise, where such ambulance service is owned, operated or controlled by a funeral director or funeral home, via certificates, cards, letters, or the like addressed to doctors, clergy, peace officials, firemen, hospital personnel, ambulance operators, automobile wrecker operators, cemetery lots or supplies salesmen, nursing home operators of personnel, or any such class of persons reasonably calculated to be in position to refer business to the licensee or funeral establishment with which he is connected by reason of such offer of free funeral services or funerals at a discounted price or free or discounted ambulance services. Provided, however, that the prohibition hereinafter contained, shall not be deemed to prohibit any licensee or funeral establishment with which he is connected from making an unpublicized offer to an official state, county, municipal or governmental approved welfare agency to provide or perform free funeral services for any deceased person whose family has been determined to be indigent by such welfare agency.
(j) The licensee has knowingly engaged in any advertising which is misleading or inaccurate in any material particular. For the purpose of this paragraph misleading advertising shall include but not be limited to, the use of the picture or name of unlicensed persons in connection with advertisements or other written material published by the licensee or the funeral home with which he is connected.
(k) The licensee has willfully refused, declined or neglected to cause to be released a dead human body to any licensed funeral director, licensed funeral home, or duly authorized representative of either, upon request for such release when such request is accompanied by a statement in writing or telegram by the next of kin of the deceased or such other person as may be authorized by law to make arrangements for the funeral of the deceased person.
(l) The licensee has willfully refused, declined or neglected to cause to be released a dead human body to any licensed funeral director, licensed funeral home, or duly authorized representative of either, upon request for such release when such request is accompanied by a statement in writing or telegram by the next of kin of the deceased or such other person as may be authorized by law to make arrangements for the funeral of the deceased person.
(m) The licensee has made the payment of money a condition for the release of a dead human body to any funeral director or funeral home authorized in writing or by telegram by an authorized person to take custody and possession of such deceased body.
(n) The licensee has willfully interfered with a licensed funeral director having lawful custody of a dead human body in the performance of his duty as such funeral director.
(o) The licensee is participating in any enterprise or plan wherein or whereby the public is defrauded.
(p) The licensee has violated any provisions of this chapter.
(3) APPRENTICE EMBALMERS AND AP- 
PRENTICE FUNERAL DIRECTORS.—When-
ever it shall appear to the board that any registered apprentice embalmer or registered apprentice funeral director so engaged in this state has been guilty of any act provided as grounds for the revocation of an embalmer's license by subsection (1) and provisions therein, or has been guilty of any of the acts provided as grounds for revocation of a funeral director's license in subsection (2) and provisions therein, the registration of such apprentice embalmer or apprentice funeral director shall be revoked by the board.
(4) FUNERAL HOME, MORTUARY, 
CHAPEL OR FUNERAL ESTABLISHMENT 
LICENSEES.—
(a) Whenever it shall appear that any person connected with a funeral home, mortuary, funeral chapel or funeral establishment, in-
cluding owners, partners, employees, or agents thereof, and in cases where such funeral home, mortuary, funeral chapel or funeral establishment is permitted by law to operate within a corporate framework, officers, directors, stockholders, agents or employees of such corporations while acting as agent for or in behalf of or in furtherance of the interest of a licensed funeral home, mortuary, chapel or funeral establishment has been guilty of any of the acts provided as grounds for revocation of an embalmer’s license in subsection (1) and provisions therein, or has been guilty of any of the acts provided as grounds of a funeral director’s license in subsection (2) and provisions therein, the license of such funeral home, mortuary, chapel or funeral establishment shall be revoked by the board.

(b) Whenever it shall appear that any person who is not a licensed embalmer or a registered apprentice embalmer has been permitted to perform any function coming within the definition “embalming” as defined in this chapter in behalf of or for the benefit of any licensed funeral home, mortuary, funeral chapel or funeral establishment the license of such funeral home, mortuary, chapel or funeral establishment shall be revoked by the board.

(c) Whenever it shall appear that any person who is not a licensed funeral director or registered apprentice funeral director has performed any function coming within the definitions “funeral director” or “funeral directing” as defined in this chapter in behalf of or for the benefit of any licensed funeral home, mortuary, funeral chapel or funeral establishment, the license of such funeral home, mortuary, funeral chapel or funeral establishment shall be revoked by the board.

470.13 Procedure for revocation of license; suspension.—

(1) No license shall be revoked by the board unless due notice is given to the licensee holding such license and the said licensee is accorded a public hearing as provided in this section.

(2) When a written complaint, under oath, is filed with the board, or the secretary of the board has been directed by a majority of the members of the board to make a complaint against a licensed funeral director or embalmer, funeral home licensee or registered apprentice embalmer, or apprentice funeral director, charging the licensee or registrant with the commission of any of the acts set forth in §470.12, the board shall conduct an investigation through its agents or attorneys and if, from such investigation, it shall appear to the board that there is reasonable ground for belief that the accused licensee may have been guilty of the violations charged, a day shall be set by the board for a public hearing to determine whether or not the license of the accused shall be revoked or suspended.

(3) The secretary of the board shall transmit to the accused a true copy of said written complaint by registered mail, together with a notice setting forth the charge or charges that will be heard before the board and the date and place at which such hearing will be held, which date shall be not less than thirty days after mailing of notice. The notice shall be mailed to the last address reflected in the records of the board, and it shall be the duty of the licensee or registrant to furnish the board with notice of change of address in default of which notification notice to the accused shall be mailed to the last address of record. In case the licensee is a funeral home establishment which is owned by one or more persons, a true copy of the written complaint and notice of hearing shall be mailed to each owner at the last address reflected in the records of the board. In the event a funeral home establishment is owned by a corporation, a true copy of the written complaint and notice of hearing shall be mailed to the president of said corporation at the address of the president as reflected by the board’s records. The accused licensee may appear before the board at such time and place in person, or by counsel, and dispute or disprove the charge.

(4) For the purpose of such hearing, the board shall have the power, under the hand of the president, the vice-president and the seal of the board, to require the production of books, papers or other documents and may issue subpoenas to compel the defendants or witnesses to testify and produce such books, papers or other documents in their possession as may be in the opinion of the board, relevant to any hearing before it; said subpoenas to be served by the sheriff of the county where the witness resides or may be found. Such witnesses shall be entitled to the same per diem and mileage as witnesses appearing in the circuit courts of the state, which shall be paid by said board. Any member of the board may administer oaths or affirmation to witnesses appearing before the board.

(5) If any person shall refuse to obey any subpoena so issued or shall refuse to testify or produce any books, papers or other documents required by the board, the board may present its petition to the circuit court of the county where any such person is served with the subpoena or where he resides, setting forth the facts, and shall deposit with said court the per diem and mileage to secure the attendance of such witness; whereupon said court shall issue its rule nisi to such person requiring him to obey forthwith the subpoena issued by the board or show cause why he fails to obey the same, and unless the said person shows sufficient cause for failing to obey the said subpoena, the court shall forthwith with direct such person to obey the same, and upon his refusal to comply, he shall be adjudged in contempt of court and shall be punished as the court may direct.

(6) If at such hearing the board shall be satisfied from all the evidence submitted that the accused has been guilty of the offense...
charged, it shall thereupon, without further notice, revoke or suspend the license of the person so accused. Upon the revocation or suspension of any license, the fact shall be noted upon the records of the board and the license shall be marked as canceled or suspended upon the date of the decision of the board, and the losing party shall pay all costs of such hearing.

(7) In the event the license of any funeral director or embalmer or funeral home establishment shall be revoked by the board, the licensee may apply to the board for reinstatement of his or its license after the lapse of a period of one year. In the event of such application, the board shall consider the matter and in its discretion determine whether the offense or conduct giving rise to the revocation in the first instance was of sufficient gravity to justify the denial of such application for reinstatement. If the applicant for reinstatement desires to have reviewed such denial by the board, the applicant may seek review of such order of the district court of appeal of Florida wherein the licensee resides in accordance with the procedures provided by the Florida appellate rules, and upon such review the said district court of appeal may reverse the board's order of denial if the board abused its discretionary power in the premises.

History—§11, ch. 17950, 1937; CGL 1940 Supp. 3599(12); §2, ch. 2937, 1946; (7) §8, ch. 83-509; (2), (3), (7) §12, ch. 65-412.

470.14 Review of order of revocation or suspension by district court of appeal; procedure on reversal.—

(1) Upon the revocation or suspension of any funeral director's or embalmer's license, or any funeral home establishment license or any registration as an apprentice as provided by this chapter, the final order of the board revoking or suspending the license shall be reviewable only by writ of certiorari issued by the district court of appeal within whose jurisdiction the licensee or registrant whose license has been revoked or suspended resides. Such review shall be had in accordance with the manner provided by the Florida appellate rules.

History—§11, ch. 17950, 1937; CGL 1940 Supp. 3599(13); §9, ch. 2937, 1946; (7) §8, ch. 83-509; (2), (3), (7) §12, ch. 65-412.

470.15 Employment of attorneys by board; compensation; payment of witnesses.—The board may employ such attorneys to repre-
470.21 Unlawful to practice without license.—It is unlawful for any person to engage in the profession of funeral directing or embalming or practice the same or to profess to practice the same or to hold himself out to the public as a funeral director or embalmer without having a license as provided in this chapter, or a renewal thereof for the year in which such acts are performed, which said license or renewal thereof has not been revoked and is not suspended at the time of the performance of said acts.

History.—§18, ch. 17960, 1937; CGL 1940 Supp. 3599(19).

470.22 Unlawful to embalm body without consent of proper official where suspicion of crime.—It is unlawful to embalm a dead human body when the embalmer has knowledge of any fact sufficient to raise the suspicion of crime in connection with the cause of the death of the deceased, until permission of the coroner or other proper official in whose jurisdiction the embalming is to be performed has been obtained.

History.—§21, ch. 17960, 1937; CGL 1940 Supp. 3599(20).

470.23 Affidavit of embalmer upon embalming body.—Upon embalming a dead human body the embalmer shall forthwith file an affidavit with the local registrar of vital statistics in the county in which such embalming was performed, stating that said human body was embalmed by said embalmer or under his direct supervision and control and that he (the said embalmer) was personally present during the embalming of said human body. On the fifth day of each month the local registrar shall forward to the state board of funeral directors and embalmers all such affidavits filed with him during the previous month. At the expiration of three years from the date of filing, all the affidavits filed under the provisions of this law may be destroyed by the official custodian of those records.

History.—§22, ch. 17960, 1937; CGL 1940 Supp. 3599(21); am. 17, ch. 22947, 1946; Am. 120, ch. 22937, 1946.

470.24 Duty of funeral directors, etc., to ascertain name and address of deceased.—All funeral directors and undertakers, whether person, firm, or corporation, engaged in the business thereof in the state and in the counties of such state, are required to ascertain the street and town or city address last known of all persons for whom such undertaker or funeral director shall perform funeral or embalming or undertaking services or rites, at the time of receiving into his custody the deceased body; and shall also at such time ascertain the full name of such deceased person.

History.—§23, ch. 17960, 1937; CGL 1940 Supp. 3599(22).

470.25 Duty of funeral director, etc., to transmit names and addresses of deceased adults to registration officer.—Each funeral director and undertaker on the first day of each calendar month shall transmit the name and address of the persons of all bodies over twenty-one years of age at the time of his death, so received into their custody during the preceding calendar month, to the registration officer of the county in the State of Florida, in which such deceased person last resided; such transmission of names and addresses to such county registration officer to be in writing upon report blanks to be furnished such undertaker and funeral director by the respective registration officers of the respective counties in which such undertaker or funeral director shall have his offices or places of business, such report blanks to be paid for by the county.

History.—§24, ch. 17960, 1937; CGL 1940 Supp. 3599(23).

470.26 Disinterment only under supervision of funeral director.—It is unlawful to disinter a dead human body unless said disinterment is under the direct supervision of a funeral director duly licensed under the terms of this chapter.


470.27 Exemption from jury service.—All licensed funeral directors and licensed embalmers are exempt from jury service.

History.—§26, ch. 17960, 1937; CGL 1940 Supp. 3599(25).

470.28 Penalty for violation of chapter.—Any person violating any provision of this chapter shall be guilty of a misdemeanor and upon conviction thereof, shall be punished by a fine in an amount not exceeding five hundred dollars, or by imprisonment in the county jail for a period not exceeding six months, or by both such fine and imprisonment, as in the discretion of the court. The court, by all lawful means, shall aid the prosecution of violations of this chapter.

History.—§27, ch. 17960, 1937; CGL 1940 Supp. 7721(1); am. 10, ch. 22937, 1946; cf.—§776.06, Alternative punishment.

470.29 Supplemental and additional method for revocation or suspension of licenses.—As an alternative, supplemental and additional method of procedure for the revocation or suspension of licenses, the board may, notwithstanding the procedure prescribed in §§470.13 and 470.14, apply directly to the circuit court of the county wherein the person proceeded against resides or where any of the unlawful practices, as set out are being indulged in, by an application for an injunction restraining the person from practicing his profession as an embalmer or funeral director or operator of a funeral home establishment because of such misconduct. The style of said cause shall be: "The State Board of Funeral Directors and Embalmers for the State of Florida v. _______" and the court may in its discretion, grant a temporary injunction restraining the defendant from carrying on his profession pending the outcome of said cause, and upon the final hearing, if in the opinion of the court any of the charges as set out are sustained by the state board of funeral directors and embalmers, the court shall enter such decree as it deems just, either revoking the license of the defendant and permanently enjoining him from the further...
practice of his profession as a funeral director or embalmer, or from operating such funeral home, establishment, or suspending his license for the time and upon such terms and conditions as the court deems the facts in the case warrant, and shall tax the costs against the losing party. The board shall not be required to give any bond, except in cases of temporary restraining order entered prior to the final hearing. 

History.—19, cc. 22617, 1945; 13, cc. 29797, 1950; 114, ch. 65-412.

cf.—§470.14 Review of order of revocation or suspension by district court of appeal; procedure on reversal.

470.30 Registration by funeral directors and embalmers with state board of funeral directors and embalmers, application.—

(1) On or before the first Monday of July of each and every year, the owner, or proprietors of every funeral home, mortuary, chapel or funeral establishment, as defined in §470.01, shall make application to the state board of funeral directors and embalmers to register their funeral establishments on a form prescribed by said board. The application shall show the name of the funeral home, mortuary, chapel or funeral establishment, the names and addresses of the owner, owners, or officers and stockholders of any corporation thereof, and the names of all licensed funeral directors and funeral directors employed in such funeral establishment, or otherwise connected therewith, together with the date of issue and number of the license of each registered embalmer and funeral director. If the registration fee has been paid and the funeral establishment meets the requirements of §470.10, the said board shall issue a funeral home operating license to each funeral establishment, otherwise it shall be unlawful for any funeral establishment to operate in this state; and further, that such person must present in person certificates from the above mentioned officials showing registration as aforesaid, before an occupational license may be applied for or procured from any city, state or county official having jurisdiction of the issuance of occupational licenses.

(2) No application for a license of a funeral establishment shall be considered which does not show on the application that a licensed funeral director and licensed embalmer are regularly employed by the establishment on a full-time basis at the specific location and address of the establishment.

(3) No licensed funeral director or licensed embalmer, based upon whose license or licenses a funeral establishment license has been issued, may serve as the regularly employed licensed funeral director or embalmer at another funeral establishment at the same time for the purposes of qualifying such other establishment under this section.

(4) It is hereby declared to be the legislative intent that every funeral establishment in this state shall be operated under the full charge, control and supervision of an individually designated licensed funeral director and licensed embalmer. The name of the licensed person to be in charge of each funeral establishment shall be stated on the application for all licenses or renewal of state licenses.

(5) In the event a licensed funeral establishment terminates the employment of its regularly licensed funeral director or embalmer, or in the event the employment is otherwise terminated, the funeral establishment shall forthwith cease operating the funeral home until such time as the funeral establishment has employed another licensed funeral director and embalmer on a regular and full-time basis to supervise and perform the rendition of funeral services by the funeral establishment.

(6) The issuance of a license to operate a funeral establishment to a person who is not individually licensed as a funeral director or embalmer does not entitle the person to practice embalming or funeral directing as defined in this chapter, it being the intent that such practice may be performed only through individually licensed funeral directors and embalmers; and in addition to all other grounds for suspension of a funeral establishment license as enumerated in §470.12, a funeral establishment license shall be revoked by the board upon hearing thereon if any person, whether owner, officer, stockholder, or otherwise, who is connected with the funeral home shall perform any of the functions of a funeral director or embalmer as defined herein or shall hold himself out as a funeral director.

History.—111, 4, cc. 59-106; (1) 51, ch. 63-423; 114, ch. 65-412.

470.31 Registration fee.—A registration fee of thirty-five dollars shall be charged by and paid to the state board of funeral directors and embalmers by the owner, or owners, or proprietor of each funeral home, mortuary, chapel or funeral establishment. Upon such annual registration of the funeral home, the fee so charged shall be used by the state board of funeral directors and embalmers to defray expenses necessarily incurred by the board in the administration and enforcement of the provisions of this law. In the event the licensee moves his funeral establishment to another location during the licensing year the funeral establishment license may be transferred to the new location upon the payment of a ten dollar transfer fee to the board to help defray expenses incurred in inspecting the new location for compliance with the provisions of this chapter.

History.—22, ch. 59-106; 114, ch. 65-412.

470.32 Enforcement of registration requirement; suspension or revocation of licenses.—The state board of funeral directors and embalmers, in order to enforce the provisions of this law and to adequately protect the public health and to properly regulate the operation and management of funeral homes in this state may employ one or more persons who shall be under the jurisdiction and immediate supervision and control of the state board of funeral directors and embalmers, at a yearly salary to be fixed by the board, who shall see that the provisions of this law and all other laws of the

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state regulating the practice of funeral directing and embalming and the operation of funeral homes in the state are strictly and properly complied with. Said employee or employees shall promptly and diligently report to the state board of funeral directors and embalmers any violations of this and any other law regulating and governing the practice of funeral directing and embalming or the operation and management of funeral homes in the state. After notice and hearing, any license of a funeral home, mortuary, chapel or funeral establishment may be suspended or revoked by said board if the evidence shows that the operators have violated either this law or the provisions of this chapter.

History.—§3, ch. 69-108.

470.33 Penalty for failure to register.—Any person, firm or corporation who has control of a funeral home, mortuary, chapel or funeral establishment, as defined in this law, and fails to register same according to the provisions of this act, upon conviction, may be fined not less than $100 nor more than $500 for each violation and each day that said funeral home, mortuary, chapel or funeral establishment is operated shall be deemed to be a separate and distinct violation of this law.

History.—§5, ch. 59-109.
CHAPTER 471
PROFESSIONAL ENGINEERS

471.01 Purposes.—It is hereby declared to be the public policy of the state that, in order to safeguard the life, health, property and public welfare of its citizens, any person hereafter practicing or offering to practice professional engineering in Florida, as hereinafter defined, shall be required to submit evidence sufficient to convince the Florida state board of engineer examiners that he is qualified to practice professional engineering, after which he shall be registered as hereinafter provided.

History.—s. 1, ch. 20621, 1941.

471.02 Definitions.—For the purposes of this chapter, and unless otherwise required by the context, the following definitions shall prevail, to-wit:

(1) The singular shall be construed to include the plural, and vice versa; and the masculine shall be construed to include the feminine or neuter, and vice versa.

(2) The word “person” shall be construed to include any person, firm, partnership or corporation.

(3) The terms “board,” “board of engineer examiners,” or similar expressions shall be construed to mean the Florida state board of engineer examiners.

(4) The term “professional engineer” or the word “engineer,” when used in this chapter, shall be construed to include any person who, by reason of his knowledge of mathematics, the physical sciences and the principles of engineering, acquired either by professional education or by practical experience, is qualified to engage in the practice of professional engineering as hereinafter defined.

(5) The term “professional engineering,” when used in this chapter shall be construed to include, among other things, any professional service requiring or knowledge of mathematics and the principles of engineering rendered or offered to be rendered for public or private utilities, industrial works, railways, tramways, bridges, tunnels, highways, roads, streets, engineering surveys, municipal improvements, canals, seawalls, groins, beach preservations, harbors, wharves, piers, docks, barges, dredges, cranes, drainage works, waterworks, irrigation works, water purification plants, sewerage works and systems, sewage disposal plants and works, buildings, timber structures, steel and concrete and reinforced concrete structures, power transmission, electric power lighting plants and associated plants and systems, electrical machinery, electrical apparatus, telephone and telegraph systems, cables, wireless plants, radio broadcasting installations, mineral and mining machinery and equipment, mining developments and operations, gas and oil developments and operations, smelters, refineries, metallurgical
machinery and equipment and apparatus for carrying on such operations, steam turbines, steam engines, water turbines, pumps, refrigeration and air conditioning equipment, internal combustion engines, prime movers and other mechanical, chemical, electrical, industrial and metallurgical structures, machinery, processes and equipment. Any consultation, investigation, plan, design, engineering evaluation, technical advice and report or responsible supervision of construction in any public or private utilities, structures, buildings, machines, equipment, processes or works, shall be considered as professional services and within the purview of the above definitions. The enumeration of any public or private utilities or other works in this section shall not be construed as excluding from the operation of this chapter any other public or private utilities or works which require experience and technical knowledge for their design or the supervision of their construction or for their valuation.

(6) The terms “professional engineer” and “professional engineering” as used herein shall have no reference or application to the term “engineer” as applied to a person engaged or employed as engineman, operator, or driver of any engine or of any mechanical, electrical, chemical or other device or machine, or to the assistant of such person, or as applied to any person engaged or employed in the executive or responsible direction of such person or such operations, or to any person engaged or employed in the fabrication, installation, maintenance, repair or adjustment of such engine, device or machine. The provisions hereof shall not be construed as applying to any such person performing such services as are customarily performed by power, refrigeration, or other stationary engineers, or holding and portable engineers, nor shall the provisions hereof operate to prevent any craftsman, mechanic, or contractor from rendering and offering to render the services commonly rendered in the pursuit of his craft or business; nor shall the provisions hereof operate to prevent any person from serving as boiler, electrical, elevator, plumbing, building, or other safety or health inspector or examiner in connection therewith, for the state or any of its political subdivisions or for any private firm, person, or corporation.

(7) The term “responsible supervision (or charge)” or “responsible supervision (or works)” and words of similar purport shall be construed to mean the control and direction of the investigation and design of structures, systems or works involving engineering and requiring engineering skill and judgment and the observation with reasonable care and professional skill of the construction of the same. The provisions hereof shall not be construed to mean that the engineer shall guarantee performance by the contractor or assume financial liability for construction deficiencies or defects, nor shall the engineer at any time act as a superintendent in control of construction.

(8) The term “engineer-in-training” as used in this chapter shall mean a person who complies with the requirements for education, experience and character, and has passed an examination as provided in §§471.21 and 471.22.
engineer solely for said government.

(3) Any person as contractor in the execution of work designed by a professional engineer, or the supervision of the construction of work as a foreman or superintendent.

(4) Any person acting as a public officer employed by the state, a county, or a municipality, or other governmental unit of this state, only on work where the total estimated cost of the same is two thousand dollars or less.

(5) Regular full time employees of a corporation not engaged in the practice of professional engineering as such, who are the subordinates of a person in responsible charge, such person being a registered professional engineer under this chapter and professional engineers admitted and authorized to practice their profession under the laws of some other state and who have been continuously engaged for fifteen years or more in the service of public utilities engaged in interstate commerce, but who do not hold themselves out for hire or engage in other such professional employment in this state.

471.06 Corporate and partnership practice of professional engineering.—

(1) The practice of or offer to practice professional engineering as defined in §471.02, by individual professional engineers registered under this chapter through a corporation or partnership offering engineering services to the public, or by a corporation or partnership offering engineering services to the public through individual registered professional engineers, as agents, employees, officers or partners, is permitted subject to the provisions of this chapter; provided, that one or more of the principal officers of such corporation or partners of such partnership and all personnel of such corporation or partnership who act in its behalf as professional engineers in this state are registered as provided by this chapter, or are persons lawfully practicing under §471.05 or §471.07, and further provided, that said corporation or partnership has been issued a certificate of authorization by the board as provided herein. All final drawings, specifications, plans, reports, or other engineering papers or documents involving the practice of professional engineering as defined in §471.02 which shall have been prepared or approved for the use of such corporation or partnership or for delivery to any person or for public record within the state shall be dated and bear the signature and seal of the professional engineer who prepared or approved them. Nothing in this section should be construed to mean that a certificate of registration to practice professional engineering shall be held by a corporation.

(2) A corporation or partnership desiring a certificate of authorization shall file with the board an application upon such a form to be prescribed by the board and the designation required by the following subsection, accompanied by the registration fee prescribed by §471.20.

(3) A corporation shall file with the board using a form provided by the board, the names and addresses of all officers and board members of the corporation, including the principal officer or officers duly registered to practice professional engineering in this state, and also of an individual or individuals duly registered to practice professional engineering in this state who shall be in responsible charge of the practice of professional engineering in this state by said corporation. Such partnership shall file with the board using a form provided by the board, the names and addresses of all partners of the partnership, including the partner or partners duly registered to practice professional engineering in this state, and also of an individual or individuals duly registered to practice professional engineering in this state who shall be in responsible charge of the practice of professional engineering in this state by said partnership. This same form, giving the same information, must accompany the annual renewal fee prescribed by §471.24. In the event there shall be a change in any of those persons during the year such changes shall be designated on the same form and filed with the board by the corporation or partnership within thirty days after the effective date of such change.

(4) If all the requirements of this section are met, the board shall issue to such corporation or partnership a certificate of authorization; provided, however, the board may refuse to issue a certificate if any facts exist which would entitle the board to suspend or revoke an existing certificate, or if the board, after giving the persons involved a full and fair hearing as authorized in §471.11, shall determine that any of the officers or directors of said corporation or partners of said partnership are not persons of good character. Any person aggrieved by an adverse determination of the board may appeal to the circuit court in the manner provided in §471.28.

(5) For purposes of this section, a certificate of authorization shall be required by a corporation, partnership, association or person practicing under a fictitious name, offering engineering services to the public; except, however, where an individual is practicing engineering in his own given name, he shall not be required to register under this section.

(6) Persons seeking to incorporate under the provisions of this section shall first obtain approval from the board of engineer examiners prior to filing their articles of incorporation with the office of the secretary of state.

471.061 Combined practice of professional engineering and land surveying.—

(1) A corporation or partnership may engage in the combined practice of professional engineering as defined in §471.02 and land surveying as defined in chapter 472, in this state provided that no less than one profes-
professional engineering as defined in §471.02
for the use of the corporation or partnership
all maps, plats, surveys or other surveying
land surveying as defined in chapter 472
relations adopted by the board not in direct
veyor who prepared or approved them.
ations, plans, reports or other engineering pa­
which shall have been prepared or approved
papers or documents involving the practice of
engineer who prepared or approved them, and
or for delivery to any person or for public
record within the state shall be dated and
bear the signature and seal of the land sur­
of this state and chapter 472 not in direct
conflict herewith and with all rules and regu­
ations adopted by the board not in direct

(2) A corporation or partnership desiring
a certificate of authorisation under this sec­
shall file with the board an application
upon a form to be prescribed by the board
and the designation required by the following
subsection accompanied by application and reg­
istration fees prescribed by §471.20 and chapter
472.

(3) A corporation shall file with the board
using a form provided by the board, the names
and addresses of all partners of the part­
nership, including the partner or partners duly
registered to practice professional engineering and land surveying
in this state, and also of an individual or in­
dividuals duly registered to practice profes­
ional engineering and land surveying in this
state who shall be in responsible charge of
the practice of professional engineering and
land surveying in this state by said corpora­
tion. A partnership shall file with the board
using a form provided by the board, the names
and addresses of all partners of the part­
ership, including the partner or partners duly
registered to practice professional engineering and land surveying in this state, and also
of an individual or individuals, duly registered
to practice professional engineering and land
surveying in this state who shall be in responsible charge of the practice of profes­
ional engineering and land surveying in this
state by said partnership. This same form, giving
the same information, must accompany the an­
nual renewal fees prescribed by §§471.24 and
472.09. In the event there shall be a change
in any personnel during the year such changes
shall be designated on the same form and

(4) If all requirements of this section are
met, the board shall issue to such corporation
or partnership a certificate of authorization;
provided, however, the board may deny to
issue a certificate if any facts exist which
would entitle the board to suspend or revoke
an existing certificate, or if the board, after
giving the persons involved a full and fair
hearing as set forth in §471.11 shall deter­
mine that any of the officers or directors of
said corporation or partners of said partnership
are not persons of good character. Any person
aggrieved by an adverse determination of
the board may appeal therefrom to the
circuit court in the manner provided in §471.28.

471.07 Professional engineers of other
states: temporary certificates to practice in
Florida.—The board in its discretion may grant,
upon the payment of a fee of twenty-five dollars
to a professional engineer holding a certificate
to practice professional engineering in another
state, a temporary certificate by the board, to
engage upon particular work in this state for a
period not exceeding three months, when under
the rules of comity in such state professional
engineers, registered in Florida, are similarly
permitted to engage upon work in such state,
but professional engineers of other states shall
not engage in the general practice of profes­
sional engineering in this state without first
obtaining such a certificate to practice herein­
after set forth.

471.08 Florida state board of engineer
examiners; creation, establishment, etc.—
(1) For the purpose of carrying out the
provisions of this chapter and such other duties
as may be imposed upon it by law, there is
hereby created the Florida state board of
engineer examiners, hereinafter called the
board.

(2) The board shall consist of seven mem­
ers who shall be appointed by the governor.
The terms of appointment shall be for four
years and each member shall serve until his
successor has been appointed. No member of
the board shall be reappointed for more than
two consecutive terms.

(3) Of the seven members comprising the
board, six members shall be registered under
the provisions of this chapter and there shall
be at least one member qualified to practice
electrical or electronic engineering, one mem­
er qualified to practice mechanical engineer­
ing, two members qualified to practice civil
engineering, at least one of whom shall also
be a registered land surveyor under chapter
472. Two members may be of any engineering
specialty. The seventh member shall not be a
registered engineer, but shall be a registered
land surveyor qualified to practice under chap­
ter 472, actively engaged in the practice of
land surveying as his principal occupation,