CHAPTER 461
CHIROPODY

461.01 Definition of chiropody. — Chiropody means the diagnosis, medical, surgical, palliative and mechanical treatment of ailments of the human foot or leg, except the amputation thereof; and shall include the use and prescription of local anesthetics.

461.02 Unlawful to practice chiropody without license; application. — It is unlawful for any person to profess to be a chiropodist or to practice or assume the duties incident to chiropody, without first obtaining from the state board of chiropody examiners, a chiropody license. All persons before being licensed to practice chiropody in the State of Florida, shall make a signed and sworn to application upon a blank form authorized and furnished by the state board of chiropody examiners, to the secretary-treasurer of said board of chiropody examiners, which license shall be granted to such applicants after they shall have furnished satisfactory proof of being at least twenty-one years of age and of good moral character, but only upon compliance with the provisions provided in this chapter.

461.03 Requirements for examination; subjects; minimum passing grade; fees. — Any person who shall furnish to the board of chiropody examiners satisfactory proof that he or she is twenty-one years of age or more, a bona fide citizen of the United States, and of good moral character, and shall make oath that he or she has not been convicted of any offense that would constitute a felony either in Florida or in any other state or country; and shall present a diploma from a chiropody or podiatry school requiring for graduation at the time of his or her entrance a course of study at least three separate calendar years until 1953, after which time a diploma from a chiropody or podiatry school requiring for graduation a course of study of at least four separate calendar years at the time of his or her entrance, only will be acceptable; said schools or colleges to be approved by the board of chiropody examiners; and be required to pass an examination to be conducted by said board in the studies of anatomy, chemistry, dermatology, materia medica, pathology, physiology, surgery and clinical or orthopedic podiatry, limited in scope to the treatment of the foot and leg; minimum requirements for license shall be a general average in said examination of seventy-five percent in all subjects, and not less than fifty percent in any one subject; and shall pay an examination fee of fifty dollars, which fee shall accompany the application to the secretary-treasurer of the board of chiropody examiners. Any applicant failing to pass these requirements shall be entitled to a re-examination upon the payment of an additional fee of ten dollars, but two such re-examinations shall exhaust the privilege under the original application. Every person who has successfully passed the examination provided for herein, and to whom a license has been issued, shall be entitled to practice the profession of chiropody in the State of Florida upon causing his or her name to be registered at the office of the state board of health at Jacksonville, and upon registering with the secretary of the state board of chiropody examiners; 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.

461.04 Chapter not applicable to licensed physicians and surgeons, etc. — This chapter...
shall not apply to licensed physicians and surgeons in this state, nor to surgeons of the army, navy and public health service when in actual performance of official duties; neither shall this chapter prohibit the manufacture, advertising or sale of proprietary foot appliances or remedies, or the manufacture, advertising or sale of corrective shoes.

For the purpose of carrying out the provisions of this chapter the governor shall appoint a board of chiropody examiners, to consist of three chiropodists actively engaged in the full time practice of their profession in the State of Florida, and the secretary of the state board of medical examiners, who shall act as ex officio executive officer of said board of chiropody examiners. Members of the board of chiropody examiners shall be appointed for a term of three years from the termination of their now existing terms. All members of said board shall be members of the Florida podiatry association in good standing at the time of their appointment, and during their membership on said board; and shall be citizens of the State of Florida. Any board member who fails to abide by the requirements of this section may have his or her license revoked in the manner prescribed in §§461.08, 461.09 and 461.10, Florida Statutes.


461.05 Board of chiropody examiners; terms.—For the purpose of carrying out the provisions of this chapter the governor shall appoint a board of chiropody examiners, to consist of three chiropodists actively engaged in the full time practice of their profession in the State of Florida, and the secretary of the state board of medical examiners, who shall act as ex officio executive officer of said board of chiropody examiners. Members of the board of chiropody examiners shall be appointed for a term of three years from the termination of their now existing terms. All members of said board shall be members of the Florida podiatry association in good standing at the time of their appointment, and during their membership on said board; and shall be citizens of the State of Florida. Any board member who fails to abide by the requirements of this section may have his or her license revoked in the manner prescribed in §§461.08, 461.09 and 461.10, Florida Statutes.


461.06 Removal of members of board of chiropody examiners; officers of board; meetings.—The governor may remove from office members of the board of chiropody examiners for neglect of duties as required by this chapter, or for malfeasance in office and incompetency, or for professional conduct. The governor may fill any vacancy caused by removal of any member of the board of chiropody examiners or by his resignation, or death, all such appointees to be practicing chiropodists in the State of Florida.

The board of chiropody examiners shall within two weeks after their appointment meet at some convenient place in the State of Florida and shall then elect a president from their own members and a secretary-treasurer. The secretary-treasurer shall give to the governor of the State of Florida a penal bond in the sum of one thousand dollars with sufficient sureties to be approved by the governor for the faithful discharge of his duties. The board of chiropody examiners shall hold one annual examination in each year; said examination to be held on the second Monday in June of each year at such place or places as may be designated by the board of chiropody examiners.


461.07 License; recording; displayed conspicuously; renewal; fees.—Every license shall be conspicuously displayed at the place of practice, and must be recorded in the office of the clerk of the circuit court in the county wherein the licensee practices, within thirty days of its issue. A renewal license fee of fifteen dollars shall be paid on January first annually to the secretary-treasurer of the board of chiropody examiners, and if not paid within three months from such date, such license shall be revoked, and shall be reinstated only upon original application and examination as provided by law. Every renewal certificate shall be displayed in connection with original license. All licensees shall be designated as licensed chiropodists, and shall not bear any title or abbreviation thereof without the designation “chiropodist,” diseases of foot and leg,” thus indicating a limitation of professional qualifications to treat human ailments.


461.08 Revocation of license; preferment of charges; appeal de novo.—(1) The license or registration of a practitioner of chiropody may be revoked, suspended or annulled, or such practitioner reprimanded, upon the following grounds:

(a) That the chiropodist is guilty of fraud in the practice of chiropody, or of fraud or deceit in his admission to the practice of chiropody.

(b) That the chiropodist has been convicted in a court of competent jurisdiction of a felony. The conviction of a felony shall be the conviction of any offense which if committed within the State of Florida would constitute a felony under the laws thereof.

(c) That the chiropodist is engaged in the practice of chiropody under a false or assumed name, or of impersonation of another practitioner of a like or different name.

(d) That the chiropodist is addicted to the habitual use of intoxicating liquors, narcotics or stimulants to such an extent as to incapacitate him for the performance of his professional duties.

(e) That the chiropodist is guilty of untrue, fraudulent, misleading or deceptive advertising; or advertising that he can cure diseases by any secret medicine, or that he can cure a manifestly incurable disease.

(f) That the chiropodist has obtained a fee upon representation that a manifestly incurable disease can be permanently cured.

(g) That the chiropodist is grossly ignorant or incompetent, or guilty of willful negligence in the practice of chiropody, or has been guilty of employing, allowing or permitting any unlicensed person or persons to perform any work in his office which under the provisions of this chapter can be legally done only by a person or persons holding a license to practice chiropody; or of practicing deceit or fraud upon the public, or upon individual patients, in obtaining or attempting to obtain practice; or of false notice, advertising, publication, or circulation of false claims, or fraudulent or
misleading statements of his art, skill or knowledge or of methods of treatment or practice; or shall be guilty of any offense involving moral turpitude, or of advertising professional services in a superior manner, or of advertising by means of a large and glaring display, light signs, or signs containing as a part thereof the representation of a foot, leg, or any portion thereof; or of employing or making use of advertising, advertising solicitors, or free publicity by press agents; or of advertising any free chiropody or free examinations; or of advertising to guarantee any chiropody services or the painless performance of any chiropody operation.

(2) The charges above set forth may be preferred by any person or corporation; or the board may on its own motion direct the executive officer to prefer said charges. An accusation may be filed with the secretary and treasurer of the board charging any licensed chiropodist with any of the offenses above enumerated, such accusation to be in writing and verified under oath; and upon consideration thereof the board may in its discretion and upon sufficient proof of the charges, revoke the license of the practitioner so charged.

(3) Any licensed chiropodist whose license is suspended or revoked under the provisions of this section shall have the right of appeal de novo to the circuit court of the county in which such chiropodist resides or has his place of business, provided such appeal shall be taken within sixty days after entry of the order of suspension or revocation.

History.—§3, sub-§12, ch. 19173, 1939; CGL 1940 Supp. 461.11 (121a).


461.09 Hearing of charges against accused; form of notice.—Whenever such accusation as provided for in §461.08 is filed, the board shall set a day for a hearing and the secretary-treasurer of the board shall transmit to the accused a true copy of any and all charges filed with him relating to such accusations, and shall notify in writing the accused that on the day fixed for the hearing, which day shall not be less than ten days from the date of such notice, he may appear or show cause, if any, why his license to practice chiropody, in the State of Florida, should not be revoked. For the purpose of such hearing, the board may require by subpoena the attendance of witnesses, to administer oaths and hear testimony, either oral or documentary, for and against the accused and said accused shall have the right at said hearing to cross-examine the witnesses, to produce witnesses in his defense and to appear personally or by counsel. The notice provided for in this section shall be substantially in the following form:

To the State of Florida: You are hereby notified that charges have been filed with the secretary-treasurer of the Florida state board of chiropody examiners against you as a practicing chiropodist, in the State of Florida, a true copy of such charges 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 charges, at which time you are hereby notified to appear before said board and show cause, if any you can, why your license to practice chiropody in the State of Florida should not be 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.

Dated at __________, Florida.

Secretary-Treasurer of the Florida Board of Chiropody Examiners.

Such notice shall be sent to the accused by registered mail, directed to his last known mailing address, and the post office registration receipt therefor, or the post office registration receipt signed by the accused, or his agent, shall be prima facie evidence of such notice.

History.—§9, sub-§12, ch. 19173, 1939; CGL 1940 Supp. 461.11 (120a).

461.10 Power of board to revoke license; review by circuit court; reissue of license.—The board of chiropody examiners may, upon satisfactory proof made that any licentiate has been guilty of any of the charges against him, suspend such licentiate from the practice of chiropody and call in the license of said licentiate upon a two-thirds majority vote of the board; provided, however, that such suspended licentiate may have the proceedings of said board reviewed by certiorari to the circuit court of the circuit in which said license is recorded. Said writ shall issue upon the petition of the person whose license has been revoked, at any time within ninety days after such revocation. The accused shall have the right to demand a trial de novo before the circuit court, and thereafter the court shall hear and determine the guilt or innocence of the accused according to the evidence and law applicable to the facts which shall be produced before him, and unless the guilt of the accused shall appear beyond a reasonable doubt, the court shall render the judgment in favor of the accused and restore him to all rights to practice under this chapter. Appeals from any decision of the circuit court may be taken to the supreme court of Florida in the same manner and subject to like conditions as appeals in chancery are taken. In the event that any license shall be revoked or registration annulled under the provisions of this chapter, the board shall forthwith transmit to the clerk of the circuit court or courts in which said accused is registered as a chiropodist, a certificate under its seal, certifying that such registration has been annulled, and such clerk shall, upon receipt of such certificate, file the same and forthwith mark such registration "annulled." Any person who shall practice after his license has been revoked and registration annulled, shall be deemed to have practiced
chiropractic without a license. However, at any time after six months from the date of said conviction, said board may, by a majority vote, issue a new license, or grant a license to the person affected, restoring, or conferring all the rights and privileges of and pertaining to the practice of chiropractic; the fee therefor shall be the same as upon the issuance of the original license.

History.—§33, sub-§114, ch. 19173, 1939; CGL 1940 Supp. 4611 (1960).

4611.11 Records to be kept by secretary-treasurer of board.—The secretary-treasurer of the state board of chiropody examiners, herein, or a certificate to that effect, shall give bond, or other security, in the form prescribed by the laws of the State of Florida, who shall receive and keep the books and records and the book so provided and kept shall be deemed a book of records, and a transcript of any record therein, or a certificate that there is not entered therein the name and license number of, or date of granting such license to, a person charged with a violation of any of the provisions of this chapter, certified under the hand of the secretary-treasurer and the seal of the board, shall be admitted as evidence in any of the courts of this state. The original books, records and papers of the board shall be kept at the office of the secretary-treasurer of said board, which office shall be at such place as may be designated by the board. The secretary-treasurer shall furnish to any person making application therefor, a copy of any part thereof, certified by him as secretary-treasurer of said board, upon payment of a fee of twenty-five cents per hundred words so copied, to belong to or deposited with the secretary-treasurer.


4611.12 Penalty for violations of chapter.—

1. Any licensed chiropractor who fails or neglects to register by January first of any year as required by the provisions of this chapter shall upon conviction be punished by a fine of not more than fifty dollars.

Any person who shall:

(a) Sell, or fraudulently obtain or furnish any chiropractic diploma, license, record or registration, or aid or abet in the same; or

(b) Practice chiropractic under cover of any diploma, license, record or registration illegally or fraudulently obtained or secured, or issued unlawfully on fraudulent representation; or

(c) Advertise to practice chiropractic under a name other than his own or under an assumed name; or

(d) Falsely impersonate another practitioner of a like or different name; and,

2. Any person who, not being then lawfully licensed and authorized to practice chiropractic in this state, shall:

(a) Practice or advertise to practice chiropractic;

(b) Use in connection with his name any designation tending to imply or designate him as a practitioner of chiropractic; and,

(c) Use the title "Doctor", or any abbreviation thereof, in connection with his name, or with any trade name in his conduct of any occupation or profession, involving or pertaining to the public health, or the diagnosis or treatment of any human diseases, pain, injury, deformity or physical condition unless duly licensed by a board created under the laws of the State of Florida; and,

(3) Any person who, during the time his license to practice chiropractic shall be suspended or revoked, shall practice chiropractic, shall upon conviction be punished by a fine of not more than five hundred dollars, or by imprisonment in the county jail not exceeding six months.

History.—§4, sub-§116, ch. 19173, 1939; CGL 1940 Supp. 7724 (1a).

4611.13 Compensation and expenses of members of state board of chiropody examiners.—

The expense with reference to the administration of this chapter shall be confined to usual office expenditures for stenographic services, supplies, printing, and postage. Each member of the state board of chiropody examiners shall receive as compensation an amount not to exceed one hundred dollars per year for performance of duties in connection with such membership; except that the secretary-treasurer of said board, in addition to the above sum not to exceed one hundred dollars per year, shall receive an annual salary up to but not exceeding three hundred dollars per annum, as the board shall deem necessary.

History.—§4, ch. 24104, 1947.

4611.14 Eligibility for membership on the state board of chiropody examiners.—At the time of appointment to membership on the state board of chiropody examiners, each person shall have been a bona fide resident of the State of Florida and a practicing chiropractor in said state for at least six years continuously next preceding the time of his appointment.


4611.15 Disposition of fees.—All fees received by the state board of chiropody examiners under this chapter shall be securely kept by the secretary-treasurer of said board, and remitted to or deposited with the treasurer of the State of Florida, who shall receive and keep said monies in a special fund to be designated by him for such purpose, and he shall pay out said monies on warrants drawn by the comptroller of the state upon vouchers issued and signed by the president and secretary-treasurer of said board. The secretary-treasurer of said board shall within thirty days after the regular meeting in June of each year, render a true and correct sworn statement of account to the comptroller of the state, showing all funds collected by said board during the preceding year, and he shall at the same time remit to the state treasurer all monies received by him.

461.16 Procedure by injunction.—In addition to remedies previously provided for by this chapter for the enforcement thereof, the state board of chiropody examiners is hereby authorized to proceed in any of the courts of the state by injunction to restrain any continued violations of this chapter, or any provision hereof.

History.—§2, ch. 24104, 1947.

461.17 Power to revoke license.—In addition to such powers as have heretofore been granted to said board, the state board of chiropody examiners shall have power to revoke or annul any certificate of registration granted by it, or issued as a renewal or reissue, if the person to whom issued, after due notice and hearing as provided by this chapter, shall be found guilty by the board of gross immoral conduct in the practice of his profession as a chiropodist; or be afflicted with a contagious disease; or found guilty of unprofessional conduct; or found guilty of violation of any of the rules and regulations or orders promulgated by said board. "Unprofessional conduct" for the purpose of this chapter shall mean any conduct of a character likely to deceive or defraud the public, including among other things, price advertising, billboard advertising, use of direct advertising, whether printed, radio, display, or any similar nature; or act in violation of the "code of ethics" of the Florida podiatry association; it being the purpose of this chapter that a chiropodist shall be respected for his professional skill rather than his ability to advertise.

History.—§2, ch. 24104, 1947.

461.18 Right to employ counsel.—The state board of chiropody examiners may employ counsel or legal assistance when necessary to prosecute violations of any of the provisions of this chapter; and it shall also be the duty of the several state and county prosecuting attorneys of this state to prosecute all persons charged with the violation of any of the provisions hereof. Said board may employ an attorney at law to assist such prosecuting attorneys in any and all prosecutions hereunder; or it may employ an attorney at law to prosecute violations of this chapter independent of such prosecuting attorneys.

History.—§2, ch. 24104, 1947.

461.19 Unauthorized peddling of remedies.—It shall be unlawful for any person to peddle, demonstrate, offer claims for, direct the use, apply, or prescribe medicinal remedies and/or appliances, when such person has not first caused his name to be registered at the state board of health in Jacksonville, Florida, and with the secretary of the state board of chiropody examiners; and further, that any such person must present in person certificates from the above authorities showing registration as aforesaid before an occupational license may be applied for or procured from any city, state or county official having jurisdiction over the issuance of occupational licenses. Any person who attempts to or does procure an occupational license in violation of the provisions of this section shall be subject to the penalty provided for in §461.12, Florida Statutes. This chapter, however, shall not prohibit the manufacture, advertising or simple sale of corrective shoes, arch supports, or similar appliances or foot remedies.

History.—§2, ch. 24104, 1947.

Am. §2, ch. 25279, 1949.
CHAPTER 462

NATUROPATHY

462.01 Naturopathy defined.
462.02 State board of naturopathic examiners.
462.03 Oath of members of board.
462.04 Organization, meetings; powers and duties of board.
462.05 Application for license; examination and admission fee.
462.06 Temporary license.
462.07 Examination fee; not applicable to physicians and surgeons.
462.08 Registration fee.
462.09 Disposition of fees; report; bond of secretary-treasurer.

462.01 Naturopathy defined.—For the purpose of this law naturopathy and naturopath shall be construed as synonymous terms and are hereby defined to mean the use and practice of psychological, mechanical and material health sciences to aid in purifying, cleansing and normalizing human tissues for the preservation or restoration of health, according to the fundamental principles of anatomy, physiology and applied psychology, as may be required. Naturopathic practice employs, among other agencies, phytotherapy, dietetics, psychotherapy, surgery, biochemistry, external applications, electrotherapy, mechanochemistry, mechanical and electrical appliances, hygiene, first aid, sanitation and heliotherapy; provided, however, that nothing in this chapter shall be held or construed to authorize any naturopathic physician licensed hereunder to practice materia medica or surgery or chiropractic, nor shall the provisions of this law in any manner apply to or affect the practice of osteopathy, chiropractic, Christian science, or any other treatment authorized and provided for by law for the cure or prevention of disease and ailments.

History.—§ 462.13, Additional duties of board. 1927, ch. 12286; CGL 3473.

462.02 State board of naturopathic examiners.—A board is created known as the state board of naturopathic examiners. Said board shall be composed of three practicing naturopathic physicians, of integrity and ability, who shall be residents of this state, and who shall have graduated from a reputable naturopathic school, and shall have been engaged in the active practice of their profession within this state for at least one year prior to their appointments, but none of them shall be connected in any way with or have any interest in any naturopathic school or college. The members shall be appointed by the governor for terms of four years from the expiration of the term of office of each one of said board, or whenever a vacancy shall occur thereon, the governor shall appoint a naturopathic physician to fill such vacancy. The members of said board shall hold office until their successors are appointed and qualified. The board shall perform such duties and be vested with and exercise such powers relative to the protection of the public health and the control and regulation of the practice of naturopathy in the State of Florida as shall in this chapter be prescribed and conferred upon it.

History.—§ 462.13, Additional duties of board.

462.03 Oath of members of board.—Before entering upon the duties of the office, the members of the board of naturopathic examiners shall take the constitutional oath of office and shall file the same in the office of the secretary of state; and there shall thereafter issue to him a commission pursuant to his appointment.

History.—§ 462.13, Additional duties of board.

462.04 Organization, meetings; powers and duties of board.—Immediately after the appointment and qualification of its members, the board of naturopathic examiners shall meet and organize. Said board shall elect a president, vice-president and secretary-treasurer from its membership. Said board shall hold two regular meetings each year, one in June and one in November, at some convenient place in the state, and on such date as the board may determine. Notice of such meetings shall be given by publication thereof once a week for four successive weeks in one or more newspapers of general circulation through the state. Special or call meetings may be held at such times and places and upon such notice as the majority of the board may determine. Said board shall adopt a seal which must be affixed to all licenses issued by it. The board shall, from time to time, adopt such rules and regulations not inconsistent with this chapter as it may deem necessary for the performance of its duties, and shall examine and pass upon the qualifications of applicants for the practice of naturopathy in this state as provided in this chapter. A majority of the members of said board shall constitute a quorum for the transaction of business. The secretary shall keep a record of all official actions and proceedings of the board, and said records shall be prima facie evidence of matters therein contained.

History.—§ 462.13, Additional duties of board.

462.05 Application for license; examination and admission fee.—It shall be unlawful for any person to practice naturopathy in the State of Florida basic science law unaffected by this law.
Florida until he shall first receive a license so to do from "the Florida state board of naturopathic examiners," and to this end he shall make application in writing to the secretary of the board, at least two weeks before any regular meeting of the board, or any special meeting that may be called for that purpose, in such form as the board may require for such examination and license. The said applicant shall furnish evidence, satisfactory to the board, that he is more than twenty-one years of age; that he is a citizen of the United States, and that he is of good moral character; that he has completed a high school course and taken a four-year course, of nine months each, or, in a reputable, chartered school or college of naturopathy, wherein the curriculum of study included instruction in the following branches, namely: Anatomy, physiology, histology, pathology, hygiene and sanitation, chemistry, diagnosis, symptomatology, nonsurgical gynecology, midwifery, jurisprudence, first aid, philosophy and the science and practice of naturopathy. All examinations in said enumerated branches shall be in writing, but the applicant shall also be required to give a practical demonstration showing his knowledge and efficiency in such branches, as may be deemed necessary and practicable by the board. In the conduct of written examinations each applicant shall be designated by a number, instead of by his name. His identity shall not be disclosed to the members of the board until after the examination papers are graded. A license or certificate shall then be issued under the seal of the board, countersigned by members of the board, and authenticated by its secretary, to each applicant who shall pass said written examinations by a rating of seventy-five per cent on the questions provided in each of the subjects named, and who shall also have satisfied the members of said board by such practical demonstration as may be required of his fitness to practice naturopathy as defined by this law. All applications for examination and license shall be accompanied by a fee of twenty-five dollars to be paid to the secretary-treasurer, and such fee shall not be returned to the applicant in the event of failure on examination; provided, however, that said applicant may at the next regular meeting of the board, or at any special meeting of the board called for that purpose, again take the examination without the payment of an additional fee. Said board shall conduct within sixty days after its appointment for the purpose of passing on the qualifications of the applicants practicing prior to the passage of this law. No license shall be issued to an applicant unless the applicant passes a satisfactory examination.

History.—§6, ch. 12286, 1927; CGL 3474; am. §2, ch. 21707, 1943.

462.07 Examination fee; not applicable to physicians and surgeons.—There shall be paid to the secretary-treasurer of the board of naturopathic examiners by each applicant for license by examination a fee of twenty-five dollars, which shall accompany the application. The said fee shall be charged for issuing a temporary license, which shall include the fee for examination for permanent license. No part of any fee is returnable under any circumstances or condition, nor shall this chapter be construed as affecting or changing laws in reference to license tax to be paid by physicians and surgeons.

History.—§6, ch. 12286, 1927; CGL 3476.

462.08 Registration fee.—An annual fee of five dollars shall be paid by every person licensed to practice naturopathy within this state on or before the first day of May of each year after a license is issued to such person, for renewal of such license. The secretary-treasurer of the board of naturopathic examiners shall, at least thirty days before May first of each year, send to all persons licensed to practice naturopathy in this state a notice of the fact that such renewal will be due on or before the first day of May. Mailing by secretary-treasurer of such notice by depositing it in the United States mail with proper postage attached and addressed to the last known address of such license holder shall constitute proper notice. Nothing in this section shall be construed to require that license renewals shall be recorded in the office of the clerk of the circuit court.

History.—§8, ch. 12286, 1927; CGL 3477; am. §3, ch. 21707, 1943.

462.09 Disposition of fees; report; bond of secretary-treasurer.—All fees received under this chapter shall be paid to the secretary-treasurer, who shall forthwith deposit the same, to the credit and for the use of the state board of naturopathic examiners, and shall pay the same out only upon written orders issued and signed by the secretary-treasurer and president of said board. The expenses of the board in carrying out the provisions of this chapter shall be paid out of this fund and the remainder to be divided equally among the members of the board, and not otherwise. The secretary-treasurer shall, on the first Tuesday of October, of every year, file with the governor of the state a report of all receipts and disbursements and proceeds of said board for the fiscal year. The secretary-treasurer shall be required to give a good and sufficient bond in such amount and upon such terms and condi-
462.10 Recording of licenses.—All licenses issued as provided in this chapter shall be recorded in the office of the clerk of the circuit court of the county in which applicant practices, and the date of recording of same shall be indicated thereon. Said clerk shall keep a permanent record of the same, and shall receive a fee of one dollar for each license so recorded.

History.—§462.20, Registration with state board of health required.

462.11 Naturopaths to observe regulations.—Doctors of naturopathy shall observe and be subject to all state, county and municipal regulations in regard to the control of contagious and infectious diseases, the reporting of births and deaths, and to any and all matters pertaining to the public health in the same manner as is required of other practitioners of the healing art.

History.—§13, ch. 12256, 1927; CGL 3479.

462.12 Board to pass upon naturopathic schools.—The board of naturopathic examiners may pass upon the good standing and reputation of any naturopathic school or college, and in determining the reputation of any naturopathic school or college, the right to investigate and make a personal inspection of the same is authorized.

History.—§14, ch. 12256, 1927; CGL 3480.

462.13 Additional powers and duties of board.—The state board of naturopathic examiners and its officers may administer oaths, summon witnesses, and take testimony in all matters relating to its duties. Said board shall issue a license to practice naturopathy to all persons who shall furnish satisfactory evidence of attainments and qualifications under the provisions of this chapter, and the rules and regulations of the board. Such license shall be signed by the president, and attested by the secretary-treasurer of the board under its adopted seal, and it shall give absolute authority to the person to whom it is issued to practice naturopathy in this state. Every unrevoked license and endorsement of recordation made as provided in this chapter shall be presumptive evidence in all courts and places that the person therein named is legally licensed to practice naturopathy. The board shall aid the prosecuting attorney of the state in the enforcement of this chapter.

History.—§15, ch. 12256, 1927; CGL 3483.

462.14 Revocation of license.—The license or registration of a practitioner of naturopathy may be revoked, suspended or annulled, or such practitioner may be reprimanded, upon the following grounds:

(1) That he is guilty of fraud or deceit in the practice of naturopathy; or in his admission to the practice of naturopathy; or
(2) That he has been convicted of a felony. The conviction of a felony shall be the conviction of any offense which, if committed within the State of Florida, would constitute a felony under the laws of this state;
(3) That he is engaged in the practice of naturopathy under a false or assumed name, or the impersonation of another practitioner of a like or different name;
(4) That he is addicted to the habitual use of intoxicating liquors, narcotics or stimulants to such an extent as to incapacitate him from the performance of his professional duties;
(5) That he is guilty of untrue, fraudulent, misleading or deceptive advertising;
(6) Causing the publication or circulation of an advertisement of any modality by means whereby the monthly period of women can be regulated; or the use of the words, if suppressed, can be established;
(7) The procuring or aiding orabetting in procuring a criminal abortion.

History.—§16, ch. 12256, 1927; CGL 3484.

462.15 Proceeding for revocation of license; review by circuit court.—Proceedings for the revocation of a license or the annulment of registration shall be begun by filing written charges against the accused. These charges may be preferred by any person or the board may, on its own motion, direct the executive officer of said board to prefer said charges. Said charges shall be filed with the secretary-treasurer of said board.

Upon the filing of said charges the time and place for the hearing of same shall be fixed by said board as soon as convenient, and a copy thereof, together with notice of the time and place when they will be heard and determined, shall be served upon the accused at least ten days before the date actually fixed for said hearing. At said hearing the accused shall have the right to cross-examine the witnesses against him, and to produce witnesses in his defense, and to appear personally or by counsel.

Said board may, upon satisfactory proof made that any licentiate has been guilty of any of the charges against him, suspend such licentiate from the practice of naturopathy, and call in the license of said licentiate upon a majority vote of the board; provided, however, that such suspended naturopathic physician may have the proceedings of said board reviewed by certiorari in the circuit court of the circuit in which said license is recorded. Said writ shall issue upon the petition of the person whose license has been revoked any time within ninety days after such revocation. The accused shall have the right of trial de novo before the circuit court, and thereafter the court shall hear and determine the guilt or innocence of the accused, and unless the guilt of the accused shall appear beyond a reasonable doubt, the court shall render its decision in favor of the accused and restore him to all rights to practice under this chapter.

Appeals from any decision of the circuit court shall be taken by the board to a circuit court, and by the person whose license has been revoked to the supreme court.
court may be taken to the supreme court of Florida in the same manner and subject to like condition as appeals in chancery are taken. In the event that any such license shall be revoked or registration annulled under the provisions of this chapter, the board shall forthwith transmit to the clerk of the circuit court in which said accused is registered as a naturopathic physician, a certificate, under its seal, certifying that such registration has been annulled and that such clerk shall, upon receipt of such certificate, file the same and forthwith mark such registration "Annulled."

History.-§17, ch. 12286, 1927; CGL 3486.

§462.16 Reissue of license.-Any person who shall practice naturopathy after his license has been revoked and registration annulled, shall be deemed to have practiced naturopathy without a license; provided, however, at any time after six months after the date of said conviction, said board, by a majority vote may issue a new license, or grant a license to the person affected, restoring to or conferring upon him all the rights and privileges of and pertaining to the practice of naturopathy as defined and regulated by this chapter. The fee therefor shall be the same as upon the issuance of the original license.

History.-§18, ch. 12286, 1927; CGL 3486.

§462.17 Penalty for offenses relating to naturopathy.-
(1) Any person who shall practice naturopathy under the cover of any diploma, license, record or registration illegally or fraudulently obtained or secured, or issued unlawfully or upon fraudulent representations; or
(c) Advertise to practice naturopathy under the same name as a group or as individuals from taking this postgraduate course.

History.-§4, ch. 21707, 1943.

§462.19 Restoration of expired licenses.-In every instance where any person holding a license to practice naturopathy in this state shall fail to renew such license as herein provided, then, in that event, such license shall terminate and end and be of no further force or effect. However, the state board of naturopathic examiners shall restore such license upon payment to the board by such former license holder of a restoration fee of thirty dollars for each and every year such license has been delinquent and also upon such former license holder furnishing to such board evidence satisfactory to a majority of the board members that the applicant for reinstatement has completed postgraduate study of a reasonable standard approved by the board.

History.-§5, ch. 21707, 1943.

§462.20 Registration with state board of health.-Every person now lawfully engaged in the practice of naturopathy, and every person hereafter duly licensed to practice shall, on or before January first of each year, apply to the secretary of the state board of health for a certificate of registration upon a blank form to be furnished by such secretary, and shall at such time pay a fee of one dollar. A naturopathic physician in making his first registration under this law shall write or cause to be written upon the application blank so furnished by the secretary of the state board of health, his full name, post-office and resident address, the date and number of his license, and shall duly execute and verify the same before an officer authorized to take acknowledgments, and shall mark the same with the said board. Registration subsequent to the first registration need not be upon sworn application. The secretary of the state
board of health, on or before October first of each year after the first registration, shall mail or cause to be mailed to each resident naturopathic physician, a blank form of application for registration, addressed to the last known post-office address of such naturopathic physician. 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 chapter. The secretary of the state board of health shall issue to any duly licensed naturopathic physician in this state, upon his application therefor, a certificate of registration under the seal of the State of Florida for the year ensuing and ending December thirty-first. Each licensed practitioner shall conspicuously display his proper registration certificate in his office at all times.

History.—§6, ch. 21707, 1943.

§462.21 Florida basic science law unaffected by this law.—Nothing in this chapter shall be construed or interpreted as changing, modifying or repealing any of the provisions of chapter 456, "Florida basic science law," and the provisions of said chapter and the provisions of this law shall be construed, interpreted, considered and enforced as separate laws and independent each of the other.

History.—§7, ch. 21707, 1943.
CHAPTER 463

OPTOMETRY

463.01 Optometry and optometrist defined.—The practice of optometry is declared a profession, and, for the purpose of this chapter, is defined as follows, viz: to be the diagnosis of the human eye and its appendages, and the employment of any objective or subjective means or methods for the purpose of determining the refractive powers of the human eyes, or any visual, muscular, neurological or anatomic anomalies of the human eyes and their appendages, and the prescribing and employment of lenses, prisms, frames, mountings, orthoptic exercises, light frequencies and any other means or methods for the correction, remedy, or relief of any insufficiencies or abnormal conditions of the human eyes and their appendages. An optometrist is one who practices optometry in accordance with the provisions of this chapter.

History.—§1, ch. 14778, 1931; §1, ch. 19031, 1939; CGL 1940 Supp. 3487(1); am. §1, ch. 21792, 1943; am. §1, ch. 23982, 1947.

463.02 Florida state board of optometry.—The practice of optometry and the enforcement of this law shall be under the supervision of a board to be known as the “Florida state board of optometry.” There is hereby created the “Florida state board of optometry,” which said board shall have the power and duty of board of optometry, and enforce the provisions of this law, and which said board shall be composed of five optometrists, each of whom shall be a resident of the State of Florida, who has been engaged in the practice of optometry in said state for not less than four years preceding the time of his appointment. The members of said board shall be appointed by the governor of the State of Florida, and selected from the duly qualified and registered optometrists in the State of Florida and recommended by the Florida optometric association, and each such appointee shall hold office for a period of four years, or until his successor is appointed and qualified. The present members of the board now in existence shall continue in office until the expiration of their term. The governor is also empowered to fill vacancies for the unexpired term, and shall appoint only optometrists duly qualified and registered and recommended in accordance with the provisions of this chapter.

History.—§2, ch. 14778, 1931; §2, ch. 19031, 1939; CGL 1940 Supp. 3487(2); am. §2, ch. 23982, 1947.

463.03 Officers of board; meetings; notice.—The Florida state board of optometry shall elect annually one of its members as president, one as vice-president, and one as secretary-treasurer, and shall hold regular meetings at least once each year at such time and place as the board may determine; special meetings may be called and held at such time and place as may be designated by the majority of the members of said board, and a special meeting shall be called within a reasonable time after requested in writing by five qualified applicants for examination, who have complied with the provisions of this chapter with reference to applications. At least thirty days’ notice of any regular meeting shall be given by one publication in a newspaper of general circulation throughout the state.

History.—§3, ch. 14778, 1931; §3, ch. 19031, 1939; CGL 1940 Supp. 3487(3).

463.04 Quorum required for board meetings.—Three members of the board shall constitute a quorum for the transaction of business, and should a quorum not be present on the day appointed for their meeting, those present may adjourn from day to day, or to some designated day until a quorum is present.

History.—§4, ch. 14778, 1931; §4, ch. 19031, 1939; CGL 1940 Supp. 3487(4).

463.05 Powers and duties of board; employees.—Said board shall have the power and shall be its duty to enforce this law and to prosecute all violations of this law, and to make rules and regulations not inconsistent with the provisions of this law, governing the practice of optometry, and to make such other rules and regulations to carry out the provisions of this law as it may consider necessary to the proper performance of its duties. Said board may take testimony concerning any matter within its jurisdiction, and each member thereof may administer oaths for that purpose. Said board shall have the power to issue summons and subpoenas for any witness and subpoenas duces tecum in connection with any matter within the jurisdiction of the board under its seal and signed by the secretary of the board, and directed to the sheriff of any county where such witness resides, or is to be found, which shall be served and returned in the same manner as subpoenas in civil actions in circuit courts are served and returned. It shall be the duty of said board to examine thoroughly every applicant
faithful discharge of the duties of his office. The premium for such bond shall be paid from the funds realized from the fees provided for in this chapter. Such bond, with the approval of the secretary of the board, and oath of office indorsed thereon, shall be fixed by the board, and paid in the same manner as the per diem and expenses of said board are paid. The secretary of said board shall furnish a complete copy of the optometry law, and all rules and regulations of the state board and any amendments thereof, to every registered optometrist in the State of Florida.

History.—§463.06, ch. 1943, 1943; §463.06, ch. 1939, 1939; CGL 1940 Supp. 3487(6); am. §4, ch. 21792, 1943.

cf.—§456.01 et seq., Requirement of certificate of proficiency in basic sciences.

463.06 Secretary of board; salary; bond.—The secretary of the board shall be paid a salary not to exceed four hundred dollars per year, in addition to per diem allowed and his necessary expenses as may be fixed by said board. Before assuming the duties of his office he shall execute a bond to the State of Florida to be approved by the board, in the sum of two thousand dollars condition on the faithful discharge of the duties of his office. The premium for such bond shall be paid from the funds realized from the fees provided for in this chapter. Such bond, with the approval of the board, and oath of office indorsed thereon, shall be deposited with the secretary of state and kept in his office.

History.—§463.06, ch. 1943, 1943; §463.06, ch. 1939, 1939; CGL 1940 Supp. 3487(6).

cf.—§47.11 et seq., Service of process.

463.07 Certificate to be displayed.—Each person to whom a certificate is issued by renewal, upon examination, or by reissue by the board, shall keep said certificate conspicuously displayed in his office or place of business, and shall, whenever required, exhibit said certificate to any member or authorized representative of said board. It is unlawful for any licensing agency, either state, county, or municipal, to issue an occupational license tax to practice optometry unless the applicant therefor shall first exhibit to such official a current certificate issued by the Florida state board of optometry showing that the applicant is qualified in all regards to practice optometry in accordance with the terms of this chapter.

History.—§463.07, ch. 1943, 1943; §463.07, ch. 1939, 1939; CGL 1940 Supp. 3487(7).

463.08 License required; physicians not affected.—It shall be unlawful for anyone to practice optometry in the state without first procuring a certificate of registration and license as a registered optometrist in accordance with the provisions of this law. However, the terms and provisions of this law shall not require those now holding certificates of registration and license as registered optometrists to further be examined; and provided, that the terms and provisions of this law shall not apply to physicians duly licensed to practice under the laws of the State of Florida.

History.—§463.08, ch. 1943, 1943; §463.08, ch. 1939, 1939; CGL 1940 Supp. 3487(8); am. §4, ch. 21792, 1943.

cf.—Ch. 456, Regulating physicians.

463.09 Qualifications of applicants.—No person shall be eligible for examination unless such person is at least eighteen years old, a citizen of the United States of America, and of good moral character, possesses an education of at least four years' attendance and graduation from a school or schools of optometry having a requirement of attendance courses of study of at least four years, consisting of not less than one thousand hours each year. The educational requirements provided for in this section shall not apply to any optometrist now registered within the State of Florida.

History.—§463.09, ch. 1943, 1943; §463.09, ch. 1939, 1939; CGL 1940 Supp. 3487(9); am. §4, ch. 21792, 1943.

cf.—§456.01 et seq., Requirement of certificate of proficiency in basic sciences.

463.10 Time for making application; fees.—Any person resident of the State of Florida desiring to be examined by said board must fill out and take oath to the truth of an application at least thirty days prior to the holding of an examination. Any person not a resident of the State of Florida desiring to be examined by said board must fill out such application furnished by the board, said application to be furnished by the board on written request, being made at least sixty days prior to the holding of an examination. Before taking such examination the applicant shall pay for the use of said board in detaining the legitimate expenses thereof, the sum of twenty-five dollars if a resident of the State of Florida, and the sum of fifty dollars if a nonresident of the State of Florida, and if such person shall successfully pass such examination, he shall then pay for the use of said board aforesaid, the further sum of twenty-five dollars, upon the issuance to him of a certificate signed by a majority of the members of said board.

History.—§463.10, ch. 1943, 1943; §463.10, ch. 1939, 1939; CGL 1940 Supp. 3487(10); am. §4, ch. 21792, 1943.

463.11 Revocation of certificate; reinstatement.—Any certificate of registration granted by the Florida state board of optometry, or issued as a renewal or by reissue, may be revoked by said board, if the person to whom issued, after at least thirty days notice of a time and place of hearing before said board and an opportunity to be heard, shall be found guilty by the board of gross immoral conduct in the practice of his profession as an optometrist, or has been convicted of a felony, or is addicted to habitual intemperance in the use of intoxicat-
ing stimulants, beverages or narcotic drugs, or is found to have become incompetent as an optometrist, or afflicted with contagious disease, or is found guilty of unprofessional conduct, or has secured his certificate of registration through deceit or fraud, or is found guilty of the violation of any of the provisions of this chapter, or any rules or regulations, or orders promulgated by the board.

"Unprofessional conduct" for the purpose of this chapter is defined to mean any conduct of a character likely to deceive or defraud the public, including among other things free examination advertising, price advertising, billboard advertising, use of any advertising whether directly or indirectly, whether printed, radio, display, or of any nature which seeks to solicit practice on any installment payment or price plan; the lending of his certificate or license by any registered optometrist to any person; the employment of "cappers" or "steerers" to obtain business, "splitters", or dividing a fee with any person; the obtaining of any fee or compensation by fraud or misrepresentation; the employing either directly or indirectly any suspended or unlicensed optometrist to perform any work covered by this chapter; and the advertising by any means whatsoever of treatments or advice in which untruthful, improbable, misleading, or impossible statements are made, and shall apply to all persons, including optometrists.

It is unlawful for any person licensed to practice optometry under the provisions of this chapter to advertise, practice, or attempt to practice under a name other than his own except as an associate of, or an assistant to, an optometrist licensed under the laws of the State of Florida. It is likewise unlawful for any corporation, lay body, organization, group, or lay individual to engage, or undertake to engage in, the practice of optometry through means of engaging the services, upon a salary, commission, or lease basis, or by other means or inducement, any person licensed to practice optometry in the State of Florida.

Likewise it is unlawful for any optometrist licensed under the provisions of this chapter to undertake to engage in the practice of optometry with any organization, group or lay individual; excepting that this shall not prohibit the employment by, or the forming of partnerships between optometrists duly licensed in the State of Florida, and further excepting any registered optometrist now engaged in the practice of optometry with a corporation, lay body, organization, group or lay individual, providing that upon the termination of his present contract or agreement he shall be prohibited from engaging with any other corporation, lay body, organization, group or lay individual. Provided further, that after one year, upon application and proof that the disqualification has ceased, the board may at its discretion reinstate such an optometrist.

No optometrist shall practice optometry in any temporary offices, apart from a regularly established office under the penalty of revocation of certificate of registration; provided, however, that a registered optometrist may establish a branch office in accordance with the provisions of this chapter if such branch office be duly equipped with the instruments necessary to make complete optometric examination as may be determined by said board, and provided further that such branch office is in personal and direct charge of a registered optometrist.

History.—§11, ch. 14778, 1931; §11, ch. 19031, 1939; CGL 1940 Supp. 3487 (11). cf.—1463.19, Additional methods of enforcement. 1463.20, Penalty for violation.

463.12 Optometrist’s testimony accepted as expert in trials.—Testimony by any optometrist registered in the State of Florida at any trial or hearing held in the state under the laws of the State of Florida relative to the diagnosis of the human eye and its appendages or any visual, muscular, neurological or anatomic anomalies of the human eyes and their appendages of any person shall be considered qualified expert evidence and testimony in any such trial or hearing. Certificates of ocular and visual diagnosis, acuity and efficiency issued by any registered optometrist of this state shall be accepted as qualified evidence of the ocular and visual diagnosis, acuity and efficiency of the persons to whom said certificates shall relate.

Any agency of the state or county, or any commission, clinic, or board administering relief, social security, health insurance or health service under the laws of the State of Florida shall accept the services of optometrists registered in this state for the purposes of diagnosing and correcting any and all visual, muscular, neurological and anatomic anomalies of the human eyes and their appendages of any persons under the jurisdiction of said agency, clinic, commission, or board administering such relief, social security, health insurance or health service, on the same basis, and on a parity with any other profession when such services are needed, and shall pay for such services in the same way as other professions may be paid for similar services.

History.—§12, ch. 14778, 1931; §12, ch. 19031, 1939; CGL 1940 Supp. 3487 (12); am. 17, ch. 32808, 1945.

463.13 Recording of certificates.—All certificates to practice optometry issued hereafter under the laws of this state, and all certificates issued under this chapter shall be recorded in the office of the clerk of the circuit court of the county in which the said optometrist practices, in a book to be kept by the clerk for that purpose before the person to whom such certificate shall be entitled to practice by virtue thereof, and when so recorded the clerk shall certify thereon, under his official seal, the fact and date of such record, and shall return such certificate to the person to whom the same was granted, and shall be entitled for such services to collect from the holder thereof the usual legal fee for recording, as provided by law. A failure on
the part of the holder to comply with any of the foregoing provisions, for six months after commencing practice of optometry in this state, shall cause the certificate to become void.

History.—§13, ch. 14778, 1931; §13, ch. 16081, 1939; CGL 1940 Supp. 3487(12).

463.14 Unlawful securement of patronage; unlawful advertising, etc.—

(1) It is unlawful for any person, firm or corporation to offer any gift or premium or discount in any form or manner in conjunction with the practice of optometry in order to secure patronage, or to advertise either directly or indirectly by any means whatsoever any definite or indefinite price or credit terms on prescriptive or corrective lenses, frames, complete prescriptive or corrective glasses or any optometric service; to advertise in any manner that will tend to mislead or deceive the public; to solicit optometric patronage by advertising that he or some other person or group of persons possesses better qualifications or had best trained to perform the service or to render any optometric service pursuant to such advertising.

(2) This section is passed in the interest of public health, safety and welfare, and its provisions shall be liberally construed to carry out its objects and purposes.

History.—§14, ch. 14778, 1931; §14, ch. 16081, 1939; CGL 1940 Supp. 3487(13). See §205.69, Opticians, license tax imposed.

463.15 Peddling spectacles, eyeglasses, etc., unlawful.—The peddling of spectacles, eyeglasses or lenses from house to house, or on the streets or highways is unlawful, notwithstanding any law providing for licensing peddlers.

History.—§15, ch. 14778, 1931; §15, ch. 16081, 1939; CGL 1940 Supp. 3487(14).

463.16 Sale of spectacles, goggles, sunglasses, etc., not affected.—Nothing in this chapter shall be construed to prevent the sale of eyeglasses, goggles, or sunglasses, consisting of plano white or plano colored or plano tinted glasses, or ready-made nonprescription glasses.

History.—§16, ch. 14778, 1931; §16, ch. 16081, 1939; CGL 1940 Supp. 3487(15). cf.—§205.69, Opticians, license tax imposed.

463.17 Fees for renewal and reissue of certificates.—Annually, on or before the 15th day of February of each and every year, each and every registered optometrist shall pay to the secretary of the board a sum to be fixed annually by the Florida state board of optometry, not to exceed twenty-five dollars, as a renewal of registration fee. Should any registered optometrist fail to pay said fee or fees after a renewal registration fee, in lieu of any other fees whatsoever shall be paid any member, except the secretary-treasurer. The salary of the secretary-treasurer shall be fixed by the board annually at its regular meeting as provided in §463.16. All moneys received by said board under the provisions of this chapter shall be deposited with the state treasurer and held by him in a special fund for the exclusive use of the state board of optometry, out of which shall be paid the per diem allowance and expenses of members of said board, the salary of the secretary-treasurer, attorney's fees, and expenses incurred by the board in carrying out the provisions of this chapter, and for prosecuting violations thereof; and any indemnity or expenses of said board shall be paid out of any other funds of the state treasury; nor shall the state in anywise be responsible for any indebtedness which may be created or incurred by said board. The secretary-treasurer of said board shall make an annual report to the governor of the State of Florida on or before the tenth day of June of each year, which report shall contain an account of all moneys received
and disbursed in pursuance of the provisions of this chapter for the preceding year.

History.—§19, ch. 14778, 1931; §19, ch. 19031, 1939; CGL 1940 Supp. 3487(18); am. §8, ch. 21762, 1943.

**463.19 Means of enforcing provisions of chapter.**—In addition to the remedies provided for by this chapter for the enforcement thereof, the Florida state board of optometry may proceed in any of the courts of this state by injunction to restrain any continued violation of this chapter. Each state's attorney, county prosecuting attorney, and the attorney general shall assist in the enforcement of the provisions of this chapter upon request of the Florida state board of optometry; provided, that nothing in this chapter shall be construed to limit the jurisdiction of the circuit courts of this state to require a reasonable and proper enforcement hereof.

History.—§21, ch. 14778, 1931; §§20, 20a, ch. 19031, 1939; CGL 1940 Supp. 3487(19), 3487(20).

cf.—§455.04, Who has duty of enforcement.

**463.20 Penalty for violation of chapter; second offense.**—Any person who shall hold himself out to the public as a practitioner of optometry, or who shall engage in the practice of optometry without first complying with the provisions of this chapter, or who shall violate any of the provisions of any section of this chapter, or shall be guilty of unprofessional conduct as defined in this chapter, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not more than five hundred dollars, or by imprisonment for not more than six months in the county jail; and upon conviction of a second offense shall be subject to a fine of not less than five hundred dollars, nor more than one thousand dollars and imprisonment for not less than six months, nor more than one year in the discretion of the court.

History.—§17, ch. 14778, 1931; §17, ch. 19031, 1939; CGL 1940 Supp. 7705(1).

cf.—§775.06, Alternative punishment.
CHAPTER 464
NURSING

464.01 State board of examiners for nurses; qualifications and terms.
464.02 Meetings of board; election of officers; rules and regulations.
464.03 Records of board; nurses register; inspection of schools; expense.
464.04 Salary of secretary and members of board; report.
464.05 Money paid into state treasury.
464.06 Oath of members; bond of secretary of board.
464.07 Board to hold examinations; notice; recording of certificates; qualifications of applicants; fees.

464.01 State board of examiners for nurses; qualifications and terms.—The governor shall appoint a board to be known as the state board of examiners for nurses, consisting of five nurses, all of whom shall be residents of the state and engaged in professional work. They shall have been graduated from a different training school, shall have had five years experience from date of graduation in professional nursing of the sick and two years experience from date of graduation in teaching nurses. They shall be registered nurses under the laws of this state. Upon the expiration of the term of office of any members of said board the governor shall appoint a successor who shall hold office for four years or until their successors are appointed and qualify. The governor may remove any member of said board for neglect of duty and may fill vacancies occurring in said board from time to time in the same manner as original appointments are provided for.

History.— §1, ch. 7831, 1919; CGL 3506; cf.—1478.04 Nurses exempt from barber's law.

464.02 Meetings of board; election of officers; rules and regulations.—The state board of examiners for nurses shall meet at some convenient point within the state no less than once a year, and annually before June 30, of each year and elect from their members a president and a secretary-treasurer, and appoint an educational director who shall also act as an inspector of training schools for nurses in the state, and such other employees as the board may deem advisable. Three members of the board shall constitute a quorum and special meetings of the board of examiners shall be called by the secretary upon written request of any two members, and said board may draw rules and regulations as may be necessary for its government not in conflict with the laws of this state.

History.— §2, ch. 7831, 1919; CGL 3507; am. §1, ch. 23742, 1947.

464.03 Records of board; nurses register; inspection of schools; expense.—The state board of examiners for nurses shall have a seal and the secretary shall keep a record of all the proceedings of said board, including a register of the names of all nurses and training schools for nurses registered under this chapter. Said register shall be open to inspection, and the educational director shall inspect, as provided and directed by the state board of examiners all training schools existing in the State of Florida, and the board shall register such schools as comply with the provisions of this chapter and the rules and regulations from time to time promulgated by the board in reference to such schools and the board may revoke the registration of any training school which fails or refuses to comply with this chapter or said rules and regulations. Said board shall cause the prosecution of all persons violating the provisions of this chapter, and may incur the necessary expenses in so doing.

History.— §3, ch. 7831, 1919; CGL 3508; am. §2, ch. 23742, 1947.

464.04 Salaries of secretary and members of board; report.—The salary of the secretary-treasurer of the state board of examiners for nurses, educational director and other employees shall be fixed by the board and said secretary-treasurer and educational director shall be allowed reasonable traveling expenses, to be approved by the board, when on official business, and such reasonable office expenses as may be approved by the board, all of the aforesaid salaries and expenses shall be payable monthly upon requisition to the comptroller out of the funds known as the state board of nurses fund. The other members of the board shall receive such salaries as the board may from time to time fix, not exceeding twelve dollars per day for each day actually engaged in attendance upon the meetings of said boards, including time going by the nearest and most practical route to and from the same, together with all reasonable traveling expenses to be approved by the board and all other necessary expenses incurred while looking after the business of the board. All of the expenses of the board including salaries shall be paid from moneys received as fees under the provisions of this chapter upon vouchers itemized and certified to the comptroller.

The board shall make a report to the governor on or before the first day of April in each and every year covering the entire transactions thereof including all receipts and disbursements together with a full list of names of nurses registered under the provisions of this chapter, and
such training schools as have been recognized by the board, provided, however, that no employee of said board shall be paid more than fifty-four hundred dollars annually, and but one employee may be paid this amount, and that no other employee of said board shall be paid more than thirty-six hundred dollars annually.

History.—§4, ch. 7831, 1919; CGL 3509, 3510; am. §5, ch. 23742, 1947.

464.05 Money paid into state treasury.—All moneys received by the secretary of the board for registration, or otherwise, under the provisions of this chapter shall be legally transmitted to the state treasurer to be credited to the fund known as the state board of nurses' fund.

History.—§5, ch. 7831, 1919; CGL 3511.

464.06 Oath of members; bond of secretary of board.—Each member of the state board of examiners for nurses before entering upon the discharge of her duties, shall take the oath of public office as required by law. The secretary of the treasurer shall give a bond in the sum of five hundred dollars, payable to the treasurer of the state, for the faithful performance of her duties, said bond to be approved by the governor.

History.—§4, ch. 7831, 1919; CGL 3512.

464.07 Board to hold examinations; notice; recording of certificates; qualifications of applicants; fees.—The state board of examiners for nurses shall meet for the purpose of holding examinations not less than once in each year at such time and place as it may determine and the board may adopt rules for the government and examination of applicants for registration in accordance with the provisions of this chapter. Notice for the meetings for examinations of said board shall be published in two newspapers of general circulation and in the American Journal of Nursing, and notice by mail to every registered training school in this state, at least thirty days prior to the meeting. At such meetings, the board shall examine all applicants that meet the requirements of this chapter, and issue to each duly qualified applicant who shall have complied with the provisions and passed the examination a certificate of registration.

Nurses who are not graduates as provided in this chapter, desiring to nurse as practical nurses, may apply on blanks furnished by the board, first paying an examination fee of five dollars to the state board for examination, and if the board finds that the applicant is competent to practice nursing, said board may issue to the applicant a certificate authorizing her to practice as a licensed attendant, but not as a registered nurse. Any person to whom a certificate shall be issued shall, within sixty days thereafter, cause the same to be recorded with the clerk of the court of the county in which such person resides and such person shall, whenever requested, exhibit such certificate or a certified copy thereof.

All applicants for registration shall furnish satisfactory evidence that she is twenty-one years of age, of good moral character, and has graduated from a school for nurses connected with a hospital approved by the state board in which such school is located, except in cases provided for in this chapter, and all persons registered as registered nurses under this chapter, shall pay the treasurer of said board a registration fee of fifteen dollars which shall accompany the application, and shall annually thereafter pay to the treasurer a renewal fee of one dollar, all of which shall be deposited in the state treasury to the credit of the state board of nurses' fund.

History.—§6, ch. 7831, 1919; CGL 3513; am. §4, ch. 23742, 1947.

464.08 Registration of nurses from other states.—The state board of examiners for nurses upon written application and the receipt of fifteen dollars as registration fee may issue a certificate without examination to those who have been registered as registered nurses, under the law of another state having requirements equivalent to those of Florida; provided, that the board shall be the sole judge of credentials of any nurse admitted to registration without examination.

History.—§7, ch. 7831, 1919; CGL 3514; am. §5, ch. 23742, 1947.

464.09 Subjects of examination.—

(1) Before any person, except those specifically excepted in this chapter, shall be given a certificate of registration such person shall be required to take an examination from the state board of examiners for nurses to determine her qualifications as a trained nurse, and shall pass the same to the satisfaction of the board. The examination to be given such applicants by said board shall include the following subjects: practical nursing, surgical, obstetrical, hygiene, contagion, dietetics, materia medica, anatomy, physiology, gynecology, and all other matters deemed necessary and proper by the board to establish the fitness and qualifications of the applicant.

(2) Provided, further, that in addition to the other qualifications in this chapter prescribed no certificate or license or registration shall be issued to any person who is not a citizen of the United States of America.

History.—§8, ch. 7831, 1919; CGL 3515; am. §6, ch. 23742, 1947.

464.10 Temporary permit to practice nursing.—It is unlawful for any person to practice nursing as a trained nurse without having obtained a certificate, or license, or permit of registration as provided for in this chapter. A permit may be issued trained nurses by the secretary of the state board of examiners for nurses, upon receipt of application and registration fee for state registration in this state, said permit to be valid from date issued until the next meeting of said board.

History.—§9, ch. 7831, 1919; CGL 3516.
§464.10 Revocation of certificates; grounds; procedure.—The state board of examiners for nurses may refuse to issue or renew a certificate of registration provided for in this chapter for any of the following causes:

1. Presentation to the board of any license, certificate, or permit, which was illegally or fraudulently obtained, or the practice of fraud or deception in passing an examination.

2. Chronic or persistent inebriety or addiction to a drug habit, which disqualifies the applicant to practice with safety to the public.

3. Any act of dishonesty, or gross incompetency, or act derogatory to the standing or morals of the nursing profession, or any other grossly unprofessional or any dishonorable conduct of a character likely to deceive the public, may be just cause for said board to revoke a certificate.

In all proceedings for suspension or revocation under this chapter, the holder of a certificate shall be furnished with a copy of the charges, and shall be given thirty days to prepare a defense. She shall be heard by said board, in person or by counsel, as she may select, and upon such hearing and in all matters arising in the course of its duties, the secretary may administer the oath, and at such hearing the board may take oral or written proof for or against the complaints which it may deem will best preserve the facts.

History.—§ 10, ch. 7831, 1919; CGL 3517.

§464.11 When law not applicable.—This chapter shall not be construed to affect or apply to the gratuitous nursing of the sick by friends or members of the family and also it shall not apply to any person nursing the sick for hire, but who does not in any way assume to be a trained nurse.

History.—§11, ch. 7831, 1919; CGL 3518.

§464.12 Certificate holder entitled to use letters “R.N.”—Any person who has received a certificate according to the provisions of this chapter shall be styled and known as a registered nurse, and shall be entitled to append the letters “R. N.” to her name. No person shall assume or knowingly permit any other person to assume or use such abbreviation, “R. N.”, nor any other words or figures after her name, nor after the name of any person for the purpose of indicating that such a person is a registered nurse, unless registered as required by this chapter.

History.—§12, ch. 7831, 1919; CGL 3519.

§464.13 Certificates to be signed.—All certificates of registration issued by the state board of examiners for nurses shall be signed by the president and secretary and the seal affixed.

History.—§13, ch. 7831, 1919; CGL 3520.

§464.14 Recording of certificates.—Every person receiving a certificate from the state board of examiners for nurses shall cause the same to be recorded in the office of the clerk of the circuit court in which such person resides, and shall pay to the clerk the sum of fifty cents, for recording the same.

History.—§14, ch. 7831, 1919; CGL 3521.

§464.15 Penalty for violation of chapter.—Any person who shall practice as a trained nurse, or in any way represent herself as a trained or registered nurse in this state, without holding a certificate, or permit, as provided in this chapter, or who shall violate any of the provisions of this chapter, shall be subject to a fine of not less than five dollars, or more than fifteen dollars. Each day such person shall practice or violate any provisions of this chapter shall be deemed a separate offense.

History.—§15, ch. 7831, 1919; CGL 7709.

§464.16 Penalty for false representations in application.—Any person who shall willfully make any false representations to the state board of examiners for nurses in applying for a certificate of registration, shall be guilty of a misdemeanor, and upon conviction be fined not less than ten dollars, or more than two hundred dollars, and all cost of the courts.

History.—§16, ch. 7831, 1919; CGL 7710.

§464.04, Who has duty of enforcement.
CHAPTER 465
PHARMACISTS

465.01 Board of pharmacy.—The governor shall appoint five persons from among the most prominent pharmacists of the state, all of whom shall have been residents of the state for two years and have had at least four years' practical experience in their profession, who shall be known and styled the board of pharmacy for the State of Florida, and who shall be appointed for terms of four years, dating from the now existing terms, and until successors shall be appointed and qualified. If a vacancy occurs in said board another commissioner shall be appointed as aforesaid to fill the unexpired term thereof. Said board may make by-laws and all necessary regulations, and may create auxiliary boards, if necessary for the proper fulfillment of their duties under this chapter without expense to the state.

History.—s. 3890, 1889; RS 813; GS 1172; CGL 2211; CGL 2228.

465.02 Examinations; qualifications; certificates.—

(1) The board of pharmacy for the State of Florida shall, at stated times, to be fixed by them, being at least twice in each year and at such time and place and in such manner as they may determine, examine under such rules and regulations as such board may prescribe every person who shall desire to conduct the business of selling at retail, compounding or dispensing drugs, medicines or chemicals for medicinal use, or compounding or dispensing physicians' prescriptions as a pharmacist, and who shall have previously paid the required fee and who may have presented to said board satisfactory proof that he is at least twenty-one years of age and a graduate of an accredited school or college of pharmacy, such school or college of pharmacy holding membership in the American association of colleges of pharmacy and accepted by said board of pharmacy, and who shall meet such additional requirements as to moral character, age and education as the board may from time to time prescribe; and if a majority of said board shall be satisfied, that said person is competent and fully qualified to conduct said business of compounding or dispensing drugs, medicines and chemicals for medicinal use, and to compound and dispense physicians' prescriptions, they shall enter the name of such person as a registered pharmacist of this state in a book to be kept for that purpose, and issue to him a registered pharmacist's certificate.

(2) Provided, that any physician legally qualified to practice medicine in the State of Florida for three years prior to June 5, 1915, shall be entitled to register as a pharmacist without examination, and

(3) Provided also, that any person not a pharmacist may open and conduct a drugstore if he shall keep constantly in his employ a registered pharmacist and shall not himself sell, compound or dispense drugs or medicines or chemicals for medicinal use, except in the presence of and under the immediate supervision of such registered pharmacist and except also proprietary and patent medicines in the original package, and

(4) Provided also, that any registered pharmacist in the State of Florida who is guilty of habitual intoxication, either who becomes intoxicated while engaged in the business of compounding or dispensing drugs, medicines or chemicals for medicinal use, or who shall have been convicted in a court of this state, of intoxication, may, after hearing before and under rules and regulations to be fixed by the board of pharmacy, have his license to practice pharmacy revoked.

History.—s. 3890, 1889; RS 813; GS 1172; CGL 2211; CGL 2228; H. ch. 25238, 1941.

465.03 Examination fee; notice of and annual registration.—The board of pharmacy may collect from each qualified person who makes application to take the examination to become a registered pharmacist the sum of twenty-five dollars, which shall be in full for all services; and in case the examination of any person shall prove defective and unsatisfactory, and his name is not registered, he shall be permitted to present himself again for examination within any period not exceeding twelve months thereafter and no charge shall be made for such re-examination. Every person registered who desires to continue the practice of pharmacy in the State of Florida shall annually thereafter, during the time he shall continue such practice, pay to the secretary of said board a registration fee, to be fixed by the said board, but which in no case shall exceed the sum of five dollars, for which he shall receive a renewal of said registration for one year.

Every person registered, upon changing his
place of business from one town to another, forthwith shall notify the secretary of the board of such change in location. Every person registered shall also notify said secretary by the twentieth day of June of each year, by letter, whether he will continue to practice at his registered place of business, enclosing the required fee.

The secretary of said board shall notify by letter, mailed to the address appearing in his books, every person registered, who shall not have notified him as herein provided, that renewal of registration is required. In case an answer enclosing the necessary fee is not received by the secretary within sixty days after the date of such notice, such name shall be stricken from the register and such person shall no longer be known or considered as a registered pharmacist under the laws of the State of Florida, or entitled to practice as such; provided, that such person may have his name re-registered upon payment to said board of a fee of five dollars, if such application be made within twelve months from the date his name is so stricken. If such application is not made within twelve months from such date, then he will be required to proceed as in the case of original registration; provided that actual retirement from the profession of any registered pharmacist for a period not exceeding five years shall not deprive such person of the right to renew his registration upon the payment of all lapsed fees.

§465.04 Disposition of funds; may employ competent persons to check certificates of registration; duty of prosecuting officers.—The fees provided for in this chapter shall be used by the board of pharmacy in the execution of its duties and for the advance of the arts and science of pharmacy. The board may employ competent men to make annual tours of the state, in their opinion, to check up on violations of this chapter, or to make a certificate of registration and report any violation of this chapter they may find to said board. The board shall, upon obtaining sufficient evidence of any violation of the provisions of this chapter, lay the same before the prosecuting attorney of the county in which such violation shall have taken place, or before the state attorney for the judicial circuit where such county has no prosecuting attorney, and such officer shall prosecute such offense under this chapter or other general laws of the State of Florida.

§465.05 Report of board.—The secretary of the board of pharmacy shall annually present to the governor of the state and to the Florida state pharmaceutical association a report, audited by a certified public accountant, which shall include an itemized statement of receipts and expenditures, the name and address of each manufacturer, the names and addresses of all pharmacists from whom the renewal of registration was received for the year.

§465.06 Board may withhold registration; revocation of certificate.—The board of pharmacy may withhold registration from any applicant whenever said board is satisfied that the safety of the public health will be endangered by reason of the character or habits of such applicant. If any registered pharmacist shall have obtained registration by misrepresentation, error or fraud, or shall have become unfit or incompetent to practice pharmacy by reason of habitual intemperance or the use of drugs, or has been convicted of any crime involving moral turpitude, or if any person holding a certificate as a registered pharmacist shall have been convicted of a violation of this chapter, or of chapter 593, Florida Statutes, as amended, that such person may have his name stricken from the register and such person shall no longer be known or considered as a registered pharmacist under the laws of the State of Florida, or entitled to practice as such; or if any person registered under this chapter shall willfully or repeatedly violate any of its provisions, the board may revoke or suspend his registration certificate upon sufficient evidence of such violation or violations, in addition to any other penalty by law imposed therefor.

§465.07 Physicians exempt; merchants may sell certain drugs.—Nothing in this chapter shall be construed to prevent a legally authorized practitioner of the healing arts from preparing, compounding for or giving any medicines or poisons to his patients in the regular course of his practice as such physician; provided, however, that such compounding, preparing and dispensing be done by the physician himself, nor shall this chapter apply to the sale by merchants of paris green, white hellebore and other poisons for destroying insects, or to the sale of any substance for the use in the arts, or to the sale of ammonia, asafetida, alum, bicarbonate of soda, borax, camphor, castor oil, cream of tartar, dye stuffs, essence of ginger, essence of peppermint, essence of wintergreen, non-poisonous flavoring, essences or extracts, glycerine, licorice, olive oil, sal ammoniac, salt peter, sal soda, sulphur, blue vitriol, brimstone, pepper, sage, senna leaves, sweet oil, spirits of turpentine, para-goric, blauer's salts, epsom salts, hive syrup, syrup of ipecac, tincture of arnicas, syrup of the hen, syrup of squills, spirit of camphor, sweet spirits of niter, quinine and all other preparations of cinchona bark, tincture of aconite and
Provided, however, that nothing in §§ 465.09-465.12 shall be construed or deemed to apply to the examination and registration of applicants before the board of pharmacy of the State of Florida, nor to such rules and regulations as the board of pharmacy may promulgate relating to the practice of pharmacy and the operation and management of drug stores in this state.

History.—§1, ch. 11859, 1927; CGL 3531.

465.10 Registration of drug stores; fees.—On the first Monday of July of each and every year, all owners and proprietors of drug stores in the State of Florida, shall register their drug stores with the state board of health, on a printed or typewritten form, or forms, showing the name of the drug store or pharmacy to be registered; the name and address of the owner, or owners, and the manager thereof, if there be one; and, the names of all registered pharmacists employed in such pharmacy or drug store, together with the certificate date and number of such registered pharmacist.

A fee of ten dollars shall be charged by and paid to the state board of health by the owner, or owners, or proprietor of each such pharmacy or drug store, upon each renewal of such pharmacy or drug store, said fee so charged to be used by the state board of health to defray expenses necessarily incurred by said board of health in the enforcement of the provisions of this law. The provisions of this law shall not apply to stores or places of business where patent and proprietary medicines or common household remedies are sold in the original package.

History.—§2, ch. 11859, 1927; CGL 3531.

465.11 Drug inspectors; appointment; salaries, duties, etc.—The state board of health, in order to enforce the provisions of this law and the provisions of all other laws of the State of Florida, and such rules and regulations of the board of pharmacy of the State of Florida as said board may promulgate relating to the regulation of the practice of pharmacy or the operation or management of pharmacies or drug stores in the State of Florida, may appoint one or more registered pharmacists in the State of Florida, who shall be known as drug inspectors of the state board of health, who shall be under the jurisdiction and immediate supervision and control of the state board of health, and for a yearly salary to be fixed by the state board of health, who shall see that the provisions of this and all other laws of the State of Florida regulating the practice of pharmacy and the operation and management of pharmacies and drug stores in the State of Florida are strictly and properly complied with, by making regular and periodical and announced inspections of all pharmacies and drug stores in the State of Florida, and the drug inspectors of the State of Florida shall promptly and diligently report to the state board of health all violations of the provisions of this or
465.12 Penalty for violation of laws regulating pharmacy and operation of drug stores.— Anyone charged with a violation of the provisions of this chapter or any other law regulating or governing the practice of pharmacy or the operation and management of pharmacies and drug stores in this state shall, upon conviction, for each such violation, be fined in a sum not exceeding one thousand dollars, or be imprisoned for a period not to exceed six months.

History.—§5, ch. 6890, 1915; RGS 2218; CGL 3627.
CHAPTER 466
DENTISTRY AND DENTAL HYGIENE

466.01 Objects and purposes of chapter.—
The practice of dentistry in the State of Florida
is hereby declared to affect the public health,
safety and welfare and to be subject to regula-
tion and control in the public interest. It is
further declared to be a matter of public interest
and concern that the dental profession merit
and receive the confidence of the public and that
only qualified dentists be permitted to practice
dentistry in the State of Florida. All provisions
of this chapter relating to the practice of dentis-
try and dental hygiene shall be liberally con-
strued to carry out these objects and purposes.
History.—s. 1, ch. 20240, 1941.

466.02 Persons entitled to practice dentistry. —
It shall be unlawful for any person to prac-
tice dentistry or dental hygiene in the State of
Florida, except:
(1) Those who are now duly licensed and
registered dentists, pursuant to law;
(2) Those who are now duly licensed and
registered dental hygienists, pursuant to law;
(3) Those who may hereafter be duly licensed
and registered as dentists or dental hygienists,
pursuant to the provisions of this chapter.
History.—s. 1, ch. 14708, 1931; s. 1, ch. 16971, 16973, 1935;
CG1, 1936 Supp. 3084(1); s. ch. 20240, 1941.
cf.—s. 466.04, Practicing dentistry defined.

466.03 Persons exempt from operations of chap-
ter.—Nothing in this chapter shall apply
to the following practices, acts, and operations:
(1) To the practice of his profession by a
physician or surgeon licensed as such under the
laws of this state, unless he or she practices
dentistry as a specialty; or,
(2) To the giving by a qualified anaesthetist
or registered nurse of an anaesthetic for a
dental operation under the direct supervision
of a licensed dentist; or,
(3) The practice of dentistry in the dis-
charge of their official duties by graduate dentists
or dental surgeons in the United States army,
navy, public health service, coast guard, or vet-
eran's bureau; or,
(4) The practice of dentistry by licensed
dentists of other states or countries at meetings
of the Florida State dental society or compo-
nents thereof, or other like dental organizations
approved by the board, while appearing as
clinicians.
(5) To the filling of prescriptions of a
licensed and registered dentist as hereinafter
provided by any person or persons, association,
corporation, or other entity, for the construc-
tion, reproduction, or repair of prosthetic den-
tures, bridges, plates, or appliances to be used
or worn as substitutes for natural teeth or for
regulation of natural teeth, provided that such
person or persons, association, corporation, or
other entity, shall not solicit or advertise, di-
rectly or indirectly, by mail, card, newspaper,
pamphlet, radio, or otherwise, to the general
public to construct, reproduce, or repair pros-
thetic dentures, bridges, plates, or other appli-
§466.04 What constitutes practicing dentistry.—Any person shall be deemed to be practicing dentistry who performs, or attempts or professes to perform, any dental operation or oral surgery or dental service of any kind, gratuitously or for a salary, fee, money, or other remuneration paid, or to be paid, directly or indirectly, to himself or herself or to any other person or agency; or who is a proprietor of a place where dental operation, oral surgery, or dental services are performed; or who directly or indirectly, by any means or method, takes impressions of the human teeth, teeth, jaws, or other structure to be worn in the human mouth, except on the written prescription of a duly licensed and registered dentist; or who places such appliance or structure in the human mouth, or adjusts or attempts or professes to adjust the same, or delivers the same to any person other than the dentist upon whose prescription the work was performed; or who professes to the public by any method to furnish, supply, construct, reproduce, or repair any prosthetic denture, bridge, appliance, or any other structure to be worn in the human mouth, or who diagnoses, or professes to diagnose, prescribe for, or professes to prescribe for, treats, or professes to treat, disease, pain, deformity, deficiency, injury, or physical condition of the human teeth or jaws, or adjacent structure, or who extracts, or attempts to extract, human teeth, or corrects, or attempts to correct, malformations of teeth or of the jaws; or who repairs or fills cavities in the human teeth, or who uses a roentgen or x-ray machine for the purpose of taking dental x-rays or roentgenograms, or who gives, or professes to give, interpretations or readings of dental x-rays or roentgenograms; or who administers an anesthesia of any nature in connection with a dental operation, or who uses the words dentist, dental surgeon, oral surgeon, or the letters D. D. S., D. M. D., or any other words, letters, title or descriptive matter which in any way represents him as being able to diagnose, treat, prescribe or operate for any disease, pain, deformity, deficiency, injury, or physical condition of the teeth or jaws or adjacent structures; or who states, or professes, or permits to be stated or professed by any means or method whatsoever that he or she can perform or will attempt to perform dental operations, or render a diagnosis connected therewith.

History.—§3, ch. 20240, 1941.

§466.05 Proprietor defined.—The term proprietor as used in this chapter shall be deemed to include any person who:

(1) Employs dentists or dental hygienists in the operation of a dental office, or,

(2) Places in possession of a dentist or dental hygienist or any other agent such dental material or equipment as may be necessary for the management of a dental office on the basis of a lease or any other agreement for compensation for the use of such material, equipment or offices; or,

(3) Retains the ownership or control of dental equipment or material or office and makes the same available in any manner for the use by dentists or dental hygienists or other agents; provided, however, that nothing in this subsection shall apply to bona fide sales of dental equipment or material secured by a chattel mortgage or retain title agreement. A licensee of dentistry who enters into any of the above described arrangements with an unlicensed proprietor may have his or her license certificate suspended or revoked by the board.

History.—§5, ch. 20240, 1941.

§466.06 Florida state board of dental examiners; terms of office.—The Florida State board of dental examiners is created by chapter 14708, laws of Florida, acts of 1931, and as now constituted in personnel, is hereby continued as the agency of the state for the regulation of the practice of dentistry in this state, and is hereinafter and hereinafter in the board; such board shall be composed of five members, who shall be appointed by the Governor of the State of Florida. The Florida State dental society may recommend from its membership not more than two nominees for each vacancy that exists, or shall exist, on the board, and certify their recommendations to the governor, who may make his appointments therefrom. The term of office of each of the present board members shall be a period of time equal to the time remaining in his term of office under chapter 14708, laws of Florida, acts of 1931, and thereafter until his successor is appointed. Upon vacancies occurring on the board, the governor shall fill such vacancies by appointment for a term of four years, and thereafter until a successor is appointed: provided, that when a vacancy occurs before the expiration of any full four year term the governor shall fill such vacancy by appointment for the remainder of such four year term and thereafter until a successor is appointed: and, provided further, that nothing in this section shall prohibit any one member from serving more than one term.

History.—§6, ch. 14708, 1931; CGL 1936 Supp. 3534(3); 14, ch. 20240, 1941.

§466.07 Qualifications of members of board.—No person shall be appointed to the board who is not a qualified voter under the laws of the State of Florida, and who has not been engaged in the practice of dentistry in the State of Florida for at least five years next preceding his appointment. No person shall be eligible for appointment to the board who has been convicted of a violation of any of the provisions
of this or any prior dental practice laws, or who has been convicted of a felony.

History.—§4, ch. 14708, 1931; CGL 1936 Supp. 3534(4); ch. 20240, 1941.

466.08 Organization, powers, duties, etc., of board.—The board shall exercise, subject to the provisions of this chapter, the following powers and duties:

1. The board shall organize annually by electing one of its members as chairman, one as vice chairman, and one as secretary-treasurer. It shall adopt such rules for its government as it may deem proper and shall adopt and use a corporate seal. The board shall meet at least once a year, and oftener if necessary, at such times and places as it may from time to time designate.

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 shall be approved.

5. Conduct hearings on proceedings to revoke or suspend, and to revoke or suspend, a license, license certificate or renewal 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 or renewal certificate.

6. Conduct proceedings relative to the issuance or reissuance of licenses, license certificates or renewal certificates when evidence has been presented showing violation of any of the provisions of this chapter.

7. Grant licenses, issue license certificates and renewal certificates in conformity with this chapter to such applicants as have been found qualified.

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

History.—§5, ch. 14708, 1931; CGL 1936 Supp. 3534(5); ch. 20240, 1941.

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.

History.—§6, ch. 14708, 1931; CGL 1936 Supp. 3534(6); ch. 20240, 1941.

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.

History.—§7, ch. 14708, 1931; CGL 1936 Supp. 3534(7); §11, ch. 20240, 1941.

466.11 Power of board to administer oaths; issue subpoena; service: penalty for refusing to obey subpoena.—The chairman, and in his absence, the vice-chairman, and in the latter’s absence, the secretary-treasurer, shall have the power to administer oaths, take affirmations of witnesses, issue subpoenas and send for persons and/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 and other officers authorized to serve process shall serve any subpoena or other order issued by said officer or officers of said board, and shall receive for such services the fees provided for like service to be paid on certification of such officer from any funds in the hands of the board. If any person refuses to obey any order of process issued by said board, the said board may certify this fact to the circuit court of the judicial circuit wherein such proceeding is 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 him as in other cases of contempt.

History.—§8, ch. 14708, 1931; CGL 1936 Supp. 3534(8); §12, ch. 20240, 1941.

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 as his assistants the secretary-treasurer, who need not be a member of the board nor a practicing dentist. The assistant secretary-treasurer 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.—§9, ch. 14708, 1931; CGL 1936 Supp. 3534(9); §13, ch. 20240, 1941.

466.13 Applicants to file applications under oath.—Every person who desires to practice dentistry within the State of Florida shall, with the secretary-treasurer of the board, present his or her written application for a license, and furnish satisfactory proof that he or she is at least twenty-one years of age and of good moral character, a citizen of the United States, and that
he or she 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 must be upon 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 shall have first completed a full four-year course in dentistry in an accredited or approved dental college or school in the United States before being eligible for the examination. 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.—§10, ch. 14708, 1931; CGL 1936 Supp. 3534(10); §15, ch. 20240, 1941.

§466.14 Examinations; how conducted; certificates awarded to successful applicants.—When applications and accompanying proof as are required by §466.13 herein are found satisfactory, the board shall notify the applicant to appear before it for examination at a time and place to be fixed by the board. Such examination shall be oral, written, theoretical, practical and clinical, and of such a character as to thoroughly test the qualification of the applicant to practice dentistry, and shall be taken from the following subjects: pathology, radiology, bacteriology, treatment planning, clinical dentistry, operative dentistry, prosthodontics, crown and bridge technique, orthodontics, materials in dentistry, diet and nutrition, oral hygiene and prophylaxis, preventive medicine, periodontia, anaesthesia, oral surgery, oral medicine, principles of medicine, materia medica and pharmacology, anatomy, physiology, histology, chemistry, embryology, and such sub-divisions of these general subjects as relate to the practice of dentistry. All examination papers shall be signed by the secretary-treasurer of the board and kept for reference and inspection for a period of not less than two years. Should the applicant make a passing grade on such examination, he or she shall be granted a license by the board, and a license certificate signed by a majority of the board, including the chairman of the board and the secretary-treasurer, bearing the seal of the said board, shall be issued. Such certificate, when duly recorded as provided in this chapter, shall be evidence of his or her right to practice dentistry in this state; provided, such licensee comply with the further provisions of §466.15 herein. The said board shall make a record of the grade of each applicant on each subject on said examination and said grade shall be a part of said examination papers to be preserved for two years along with the examination papers.

History.—§21, ch. 14708, 1931; CGL 1936 Supp. 3534(11); §15, ch. 20240, 1941.

§466.15 Recording of certificates.—Every person granted a license to practice dentistry in this state by the Florida State Board of Dental Examiners as herein provided shall personally cause his or her license certificate to be recorded in the office of the clerk of the circuit court in the county in which he or she desires to practice before beginning the practice of dentistry in said county, and shall immediately 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 in this state, shall cause his or her 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. 3534(12), 7712(13); §50, ch. 20240, 1941.

§466.16 Certificates to be displayed.—Every practitioner of dentistry within the meaning of this chapter shall post and keep conspicuously displayed his or her name, license certificate and renewal certificate in the office wherein he or she practices, in plain sight of his or her patients, and if there is more than one dentist practicing or employed in any office the name of each practitioner and 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 so practicing or employed therein.

History.—§112, ch. 14708, 1931; CGL 1936 Supp. 3534(13), 7712(14); §50, ch. 20240, 1941.

§466.17 Annual renewal of licenses; fees.—On or before the first day of October of each year, every dentist licensed to practice dentistry in this state shall transmit to the secretary-treasurer of the board, upon a form prescribed by the board, his or her signature, post office address, office address, the number of his or her license certificate, and such other pertinent information as may be requested, together with a fee of six dollars, and receive therefor annual renewal certificate authorizing him or her to continue the practice of dentistry in this state for a period of one year. Any license and license certificate previously granted under the authority of this or any prior dental practice chapter shall automatically be cancelled and annulled if the holder thereof fails to secure the renewal certificate herein provided for within a period of three months after the thirtieth day of September of each year; and, notwithstanding compliance with the provisions of this section, any license, license certificate and renewal certificate may at any time be suspended or revoked by the board for a violation of any of the requirements or provisions of this chapter. After the failure, neglect or refusal of any person who is a regularly licensed dentist to comply with all the provisions of this section during the time his or her license and license certificate remain in force, his or her license and license certificate shall not be restored or renewed except upon a written application therefor, the filling out of the prescribed form,
and the payment to the board of twenty-five dollars; provided, that if said written application for renewal of a license and license certificate canceled solely for failure to comply with the provisions of this section shall not be made within three months from the date of the cancellation of the license and license certificate the applicant shall be required to file application for and to take the examinations and pay the fees provided for in §§466.13 and 466.14 herein. In addition to such fees as are herein provided for, every dentist shall pay his or her annual occupational license fees as required by law; but the latter shall not be issued to any dentist who has not complied with the other provisions of this section.

History.—§13, ch. 14708, 1931; CGL 1936 Supp. 3534(12); §17, ch. 20240, 1941.

466.18 Failure to renew license; examination.—Upon the failure of any dentist to pay the annual renewal fee provided for in section 466.17 within two months after September thirtieth, the board shall notify in writing such dentist that such fees have not been paid; a second of such notices shall be sent by the board at the end of the fourth month; at the end of the fifth month after September thirtieth, if such fees remain unpaid, the board shall notify the delinquent by registered mail with return receipt attached that upon failure to apply for renewal certificate and to pay the required fees within the time specified in §466.17 the delinquent must submit to an examination.

History.—§18, ch. 20240, 1941.

466.19 Change of address; duplicate licenses and certificates.—Every licensed dentist upon changing his or her place of business shall, within thirty days thereafter furnish the secretary-treasurer of the board with his or her new address. In case of a lost or destroyed license certificate or renewal certificate, and upon satisfactory proof of the loss or destruction thereof being furnished to the board by the person to whom the license was granted, the board may issue a duplicate certificate or renewal certificate, charging therefor a fee of five dollars for a duplicate license certificate and one dollar for a duplicate renewal certificate.

History.—§19, ch. 20240, 1941.

466.20 Examination fees; compensation of board.—The board shall charge each person applying to it for a license to practice dentistry in this state an examination fee of thirty dollars, and out of the fund coming into the hands of the board under the provisions of this chapter the members of said board shall each receive as compensation the sum of ten dollars for each day actually engaged in performing the necessary work in connection with the enforcement of this chapter, together with their necessary traveling expenses and other expenses legitimately incurred while engaged on bona fide board business. The secretary-treasurer of said board and his assistants shall be entitled to such amounts as shall be necessary to defray the costs of stationery and necessary expenses actually incurred in the discharge of his or their duties, and such compensation as the board shall authorize. All expenses of said board, its members and officers, shall be paid from the fees received by said board under the provisions of this chapter.

History.—§14, ch. 14708, 1931; CGL 1936 Supp. 3534(14); §20, ch. 20240, 1941.

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.—§16, ch. 14708, 1931; CGL 1936 Supp. 3534(16); §21, 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. 3534(16); §22, 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. 3534(17); §23, ch. 20240, 1941.

466.24 Cause for revocation of certificate; procedure.—Whenever it shall be established to the satisfaction of the board, and after hearing as hereinafter provided, that any licensed dentist or dental hygienist practicing in the State of Florida has been guilty of fraud, deceit, or misrepresentation in obtaining any license, or of gross immorality, or is an habitual user of intoxicants or drugs thus rendering him or her incompetent, or guilty of wilful negligence in the practice of dentistry or dental hygiene; or is guilty of malpractice, or is grossly ignorant or incompetent, or guilty of wilful negligence in the practice of dentistry or dental hygiene; or is guilty of employing, allowing or permitting any unlicensed person or persons to perform any work in his or her office which, under the provisions of this chapter, can only be legally done by a person or persons holding a license to practice dentistry or dental hygiene in this state; or is guilty of the publication or circulation, directly or indirectly, of any fraudulent, false or misleading statements as to the skill or methods or practice of any person; or of the advertising of the performance of any dental operation without causing pain; or of the advertising in any manner which tends to deceive or defraud the public; or of the claiming or inferring of professional superiority over other practitioners; or the publishing of reports of cases or testimonials of patients in any public advertising media; or the use of advertising in which reference is made to any anaesthetic, drug, formula, material, medicine, method, system, or mechanical or electrical device used or to be used; or the advertising of any free dental services or examinations of anything else to be given away as an inducement to secure dental patronage; or the advertising of
price, cost, charge, fee or terms of credit for the services performed or to be performed, or for material used in or to be used by any person engaged as principal or agent in the practice of dentistry; or the advertising of bargains, and reduced prices, or special values in dental service or professional office or upon the doors or windows thereof, or on the door or within the building in which such office or offices are located. Violation of any of the provisions of this section shall subject the dentist to the same penalties as are provided in §466.24 herein.

History.---§25, ch. 20240, 1941; am. §7, ch. 22858, 1945.

§466.26 Filing of accusations against dentists; notice; hearing.—An accusation may be filed by any person with the secretary-treasurer of the board charging any licensed dentist or dental hygienist with the violation of any of the provisions of this chapter, the penalty for which is the suspension or revocation of his or her license, such accusations to be in writing, signed by the accuser, and verified under oath. Whenever such accusation is filed, the board shall set a day for a hearing and the secretary-treasurer of the board shall transmit to the accused a true copy of any and all charges filed with him relating to such accusation, and shall notify the accused in writing that on the day fixed for the hearing, which day shall not be less than ten days from the date of such notice, he or she may appear and show cause, if any, why his or her license to practice dentistry or dental hygiene in the State of Florida should not be revoked. For the purpose of such hearing, the board is hereby 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 charges have been filed with the secretary-treasurer of the Florida State board of dental examiners against you as a practicing dentist (or dental hygienist) in the State of Florida, true copy of such charges 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 charges, 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 (or dental hygiene) in the State of Florida should not be 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.

Dated at , Florida.

Secretary-treasurer of the Florida State board of dental examiners.

Such notice shall be sent to the accused by registered mail directed to his or her last known mailing address, and the post office registration receipt thereof, or the post office registration receipt signed by the accused, or his or her 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.

History.---§19, ch. 14708, 1931; CGL 1936 Supp. 3834(19); §19, ch. 20360, 1941; am. §7, ch. 22858, 1945.

§466.27 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, revoke the license, license certificate and renewal 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 revocation of any license, license certificate and renewal certificate, the fact shall be noted upon the records of the board and the license 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 each county in which such license certificate is then recorded or should have been recorded under any of the provisions of this chapter, and said clerk shall record such notice.

History.—§20, ch. 20240, 1941.

§29, ch. 20240, 1941.

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 or renewal certificate to practice dentistry or dental hygiene of another person, or a forged diploma or license certificate or renewal 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 the laws of this state for the crime of forgery.

History.—§30, ch. 20240, 1941.

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 granted pursuant to this chapter or prior dental practice laws, or procures such diploma or license certificate or renewal certificate with intent that it shall be used as evidence of the right to practice dentistry or dental hygiene, 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 was granted, or with fraudulent intent alters such diploma or license certificate or renewal certificate, or uses or attempts to use it when it is so altered, shall be deemed guilty of a misdemeanor. The board may refuse to grant a certificate to practice dentistry or dental hygiene 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.—§31, ch. 20240, 1941.

466.32 Expenses of board member to national association.—In order to command the highest efficiency in its working capacity, the board may pay from the funds collected under this chapter the expenses of one of its members to the annual meetings of the national association of dental examiners, and also pay the annual membership dues in said association. All moneys received in excess of said expenses herein provided for shall be held by the secretary-treasurer of the board as a special fund for meeting the expenses of the board, he giving such bond as the board shall from time to time require. The board shall make an annual report of its proceedings to the governor of the State of Florida and to the Florida state dental society, together
with a report of all moneys received and dis- 
bursed by the said board pursuant to this 
chapter. Any amount over fifteen hundred dol-
lars held by the secretary-treasurer after the 
payment of all legitimate expenses of the board, 
shall be used in promoting advancement of the 
profession of dentistry in the State of Florida 
in such manner as the board may determine. 

History.—§23, ch. 14708, 1931; CGL 1936 Supp. 7712(4); 
§22, ch. 20240, 1941.

466.33 Enforcement of chapter; duty of 
board.—The board and its members and officers 
shall assist prosecuting officers in the enforce-
ment of this chapter, and it shall be the duty 
of the board, its members and officers, to furnish 
the proper prosecuting officer with such evidence 
as it or they 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 expenditure from the 
funds in its hands as it may deem necessary 
for furnishing and furnishing such evidence. 
History.—§24, ch. 14708, 1931; CGL 1936 Supp. 7712(5); 
§23, ch. 20240, 1941.

466.34 Employment of unlicensed person by 
dentist.—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, plate, 
partial plate, bridge, splint, orthodontic or pros-
thetic appliance, shall be required to furnish such 
unlicensed person with a written prescription, 
signed by such dentist, for each separate and 
individual piece of work; said prescription shall 
be made in duplicate form, the duplicate copy 
to be retained in a permanent file for a period 
of two years by the dentist, and the original 
to be retained on permanent file for a period 
of two years by said unlicensed person. Such 
permanent file of prescriptions to be kept by 
such dentist or by such unlicensed person shall 
be open to inspection at any reasonable time 
by the board or its duly constituted agent. Fail-
ure of the dentist to keep such permanent records 
of said prescriptions shall subject such dentist to 
suspension or revocation of his or her license 
to practice dentistry; failure of such unlicensed 
person to keep such permanent records shall 
constitute a misdemeanor. 
History.—§25, ch. 20240, 1941.

466.35 Soliciting or advertisements by un-
licensed persons; revocation of license of den-
tist using services of unlicensed person. 
(1) Any unlicensed person, corporation, 
entity, partnership, or group of persons, who 
shall solicit or advertise by mail, card, newspa-
per, pamphlet, radio 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, shall be guilty of a misdemeanor. 

(2) Whenever it shall be established to the 
satisfaction of the board that any duly licensed 
and registered dentist is guilty of using the 
services of any person violating any of the provi-
sions of the foregoing subsection, the board 
shall suspend or revoke his or her license; 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 law. 

History.—§26, ch. 20240, 1941.

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 viola-
tion of any of the provisions of this section 
by any dentist shall subject such dentist to 
suspension or revocation of his or her license. 

History.—§27, 28, ch. 14708, 1931; CGL 1936 Supp. 7712(23); 
§26, ch. 20240, 1941.

466.37 Dental hygienist; examinations; fees; 
licenses.—No person shall practice as a dental 
hygienist in this state until such person has 
passed an examination by the board under such 
rules and regulations as it may deem fit and 
proper to formulate. The fee for such examina-
tion shall be ten dollars. The board shall issue 
licenses and license certificates as dental hygien-
ists to those who have passed said examination 
in a manner satisfactory to the board, which 
license certificate shall be posted and displayed 
in the office in which said hygienist is employed, 
but no person shall be entitled to such license 
and license certificate unless such person shall 
be a citizen of the United States of America, 
more than twenty-one years of age, of good moral 
character, and a graduate of a school approved 
by the board for dental hygienists and conduct-
ing a course consisting of not less than one 
academic year for dental hygienists. Any per-
son practicing dental hygiene in violation of the 
provisions of this chapter shall be guilty of a 
misdemeanor. 

History.—§29, ch. 14708, 1931; CGL 1936 Supp. 
7712(16); §28, ch. 20240, 1941.

466.38 Number of dental hygienists em-
ployed; work to be performed; revocation of 
licenses.—No licensed dentist may employ more 
than two dental hygienists. Public institutions 
and the health department of the State of 
Florida may employ such licensed dental hygien-
ists under the supervision of a licensed dentist, 
and are not limited as to the number that may 
be employed. Dental hygienists may remove 
lime deposits, accretions and stains from the 
exposed surfaces of the teeth directly beneath 
the free margin of the gums, but shall not per-
form any other operations on the teeth or mouth.
or any diseased tissues of the mouth. Dental hygienists may perform their duties only in the office of a registered and licensed dentist and under the supervision of such dentist. The board shall suspend or revoke the license, license certificate and renewal certificate of any registered and licensed dentist who shall permit any dental hygienist operating under his or her supervision to perform any operation other than that permitted under the provisions of this chapter, and shall suspend or revoke the license of any hygienist found guilty of performing any operation other than those permitted under this chapter; 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 law.

History.—§27, ch. 14708, 1931; CGL 1936 Supp. 3534(24), (26); §88, ch. 20240, 1941.

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

History.—§131, ch. 14708, 1931; CGL 1936 Supp. 3534(28); §88, ch. 20240, 1941.

466.40 Dental hygienist; revocation of license; grounds.—The board shall 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 whom he or she might have served in the office of a prior employer, unless such names appear upon the bona fide call or prophylactic list of his or her 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 law.

History.—§29, ch. 14708, 1931; CGL 1936 Supp. 3534(28); §10, ch. 20240, 1941.

466.41 Dental interns; issuance and revocation of permits.—The State board of dental examiners shall have 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, and who has not failed to pass an examination for the license in this state, to serve as a dental intern for a period of not more than one year in state maintained and operated hospitals of the State of Florida that may offer such a post; provided, such hospitals maintain a recognized resident 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 to be limited to the patients confined to the hospital in which he serves, and he shall be without fee or compensation other than that received in salary or other remuneration from such hospitals. The board of dental examiners shall have the power to revoke the permit of any such intern at any time within the year for which it is issued upon the recommendation of such procedure by the executive officer of the resident dental staff of the hospital in which he serves or for any other reason which the board may deem justifiable. Such limited permits granted for the purpose of internships shall automatically expire at the end of one year and shall not be subject to renewal.

History.—§41, ch. 20240, 1941.

466.42 Penalties for violations of chapter.—Any person who shall practice dentistry or dental hygiene in this state without having first obtained and had recorded a license certificate from the board, or 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 one thousand dollars, or by imprisonment in the county jail for not more than twelve months, or by both such fine and imprisonment, in the discretion of the court.

History.—§42, ch. 20240, 1941.

§455.04, Who has duty of enforcement. §775.06, Alternative punishment.
CHAPTER 467
ARCHITECTS

467.01 Florida state board of architecture; terms of members.

The governor of the State of Florida shall appoint a Florida state board of architecture, to be composed of five members who are architects residing in the State of Florida, 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.

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, a Florida resident, and a registered architect in this state, nor unless he 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 of Florida, 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.

The terms of three of said members shall be in four year cycles from the date of the appointment of the first board; and term 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.—$2, ch. 6951, 1915; RGS 2230; CGL 3563; ch. 77, 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 they shall, as soon as organized, and annually thereafter in the month of January, elect from their number a president and a secretary, who shall also be treasurer. The treasurer shall file a bond for the penal sum of one thousand dollars with the secretary of state, said bond to be accepted and approved by the secretary of state before the treasurer shall enter upon the duties of his office.

History.—§2, ch. 6951, 1915; RGS 2230; CGL 3563; am. §7, ch. 22858, 1945.

467.03 Board to adopt rules and regulations; seal; records; quorum.
The Florida state board of architecture shall have power to sue and be sued in its official name as an agency of the state and to make such rules and regulations as may be necessary to govern its proceedings and regulate the practice of architecture under the laws of the State of Florida. The board shall adopt a seal, and the secretary shall have the care and custody thereof, and shall keep a record of the proceedings of the board, which shall always be open to public examination.

Three members of the board shall constitute a quorum.

History.—$3, ch. 6951, 1915; RGS 2231; CGL 3564; $2, ch. 22851, 1941.

467.04 Board expenses paid from registration fees only; compensation of secretary-treasurer.
The expenses of the Florida state board of architecture 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 registration fees provided for in this chapter and not otherwise and in no case shall any of the expenses be paid by the State of Florida, or be charged against said state.

The members of the board shall be entitled to reimbursement for their traveling expenses and hotel expenses incurred in pursuance of their duties; 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. 6951, 1915; RGS 2232; CGL 3565.
467.05 Repealed.

History.—§5, ch. 6851, 1915; RGS 2233; CGL 3566; §4, ch. 20661, 1941; repealed by §1, ch. 25668, 1949.

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 and registration of applicants desiring 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. 6851, 1915; RGS 2234; CGL 3567.

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 registrations 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 registration by satisfactory evidence to the board with their annual renewal fee before their registration is to continue. The board shall publish in the at least one daily newspaper in the state, the names and post office address of each officer, and a copy of such rules and regulations, or the amendments, repeal or modification thereof.

History.—§7, ch. 6851, 1915; RGS 2235; CGL 3568.

467.08 Rules governing examinations.—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 registration as provided by law. Upon payment of a fee, new applicants may be admitted by the board upon examination. The scope of the examination 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. All applicants for examination shall be examined by satisfactory evidence to the board with their application that they are twenty-one years of age, that they shall practice architecture or use the designations of architects and professional engineers defined. Provided that no professional engineer or registered architects or their employees or supervisors of such engineer or registered architects or whose employees or supervisors of such engineer or registered architects or 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 person 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. 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.—19, ch. 6951, 1915; RGS 2237; CGL 3570; 11, ch. 20651, 1941.

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 possesses a registration certificate and any required annual renewal thereof and no such certificate and current renewal may be revoked upon 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, 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.—135, ch. 6951, 1915; RGS 2240; CGL 3573.

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; provided, however, that such registration fee shall not exceed $25.00; and the secretary shall thereupon issue to such registered architect a certificate of renewal of his registration for a term of one year. Architect's certificate is 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 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 dishonest practices on the part of the holder thereof, or on conviction of a felony or misdemeanor involving moral turpitude, in which case the record of conviction is conclusive evidence, or willfully misleading or defrauding any person employing
him as an architect by any artifice or false statement, 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 in pursuance 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 any 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 several circuit courts of this state are hereby authorized in their discretion upon application of the board or any member thereof to issue witness subpoenas and subpoenas duces tecum requiring the attendance and presentation of evidence before the board or any member thereof in connection with the performance of the duties of the board under the law, and may in their discretion punish persons refusing to obey such subpoenas as for contempt. In any judicial proceeding to which the board may be a party, the board shall be entitled to the services 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.

The person whose certificate of registration 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 dollars.

**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 recommendations for the advancement and betterment of the profession as it may think best.

**History.**—§15, ch. 6951, 1915; RGS 2242; CGL 3577; §8, ch. 2061, 1941.

**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 device 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 registration then in force unless exempted therefrom by the provisions of law; or to give false testimony or knowingly offer forged evidence to the board or any member thereof with the intent of deceiving the board or any member thereof, or of obtaining registration or a renewal certificate of registration; or to 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 of Florida relating to the registration of architects.

**History.**—§12, ch. 6951, 1915; RGS 2243; CGL 2376. Am. §1, ch. 25013, 1949.

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

No architect shall affix or permit 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, 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.**—§15, ch. 6951, 1915; RGS 2242; CGL 3577; §8, ch. 2061, 1941.
CHAPTER 468
OPERATORS OF MOVING PICTURE MACHINES

468.01 Licenses required; application of chapter.
468.02 Board of examiners; qualifications.
468.03 Examination of applicants; fee.
468.04 Issuance of license.
468.05 Qualifications of operator and assistant.

468.01 Licenses required; application of chapter.—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.

The provisions of this chapter shall not apply to cities and towns of less than six thousand inhabitants.

History.—§ 1, ch. 6955, 1915; RGS 2244; CGL 3577.

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 3578.

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 3580.

468.05 Qualifications of operator and assistant.—It is unlawful for any proprietor, owner, or manager of any theater or moving picture show in any city, to employ or have 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 chapter. 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.—§ 5, 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 chapter, 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 chapter, 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 2251; CGL 3584.
CHAPTER 469
PLUMBERS

469.01 Plumbers 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.

469.04 Examination of applicants; fees, etc.

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

469.06 Counties containing cities of certain population to appoint plumbing inspector; duties.

469.07 Penalty for violation of chapter.
PLUMBERS

469.06 Counties containing cities of certain population to appoint plumbing inspector; duties.—In counties of this state containing cities or towns having a population of seven thousand five hundred inhabitants or more according to the latest federal census, the county commissioners or governing board of said counties shall appoint an inspector of plumbing, who shall be a plumber of not less than ten years' experience. His duties shall be to inspect all plumbing and drainage installed in the territory embraced in a radius of one mile beyond said city or town's limits, and to do such other work as the county commissioners may require. All plumbing and drainage done in this territory shall be done in conformity with the rules and regulations governing plumbing in the city or town contiguous thereto.

History.—§5, ch. 6944, 1915; §6, ch. 7312, 1917; RGS 2255; CGL 3595, 3596.
Am. §1, ch. 25339, 1949.

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. 7312, 1917; RGS 2256; CGL 3597, 3598.
CHAPTER 470
FUNERAL DIRECTORS AND EMBALMERS

470.01 Definitions.—
(1) For the purpose of this chapter, the term "embalming" shall be construed to mean the disinfection, preservation or the attempted disinterment or preservation of the dead human body by the application of chemicals, externally or internally, or both, or by any other means whatsoever.

(2) The term "embalmer," as used in this chapter, shall be construed to mean a person licensed to practice the profession of embalming under the laws of the State of Florida.

(3) The term "funeral directing," as used in this chapter, shall be construed to mean the profession of directing or supervising funerals for profit, or the profession of preparing dead human bodies for burial by means other than embalming, or the disposition of dead human bodies, or the provision or maintenance of a place for the preparation of dead human bodies.

(4) The term "funeral director," as used in this chapter, shall be construed to mean a person licensed to practice the profession of funeral directing under the laws of the State of Florida, or one who meets the public, displays and sells funeral supplies, plans details of funeral services with members of the family and minister, and directs and supervises such services, completes financial arrangements for funerals, or uses in connection with the profession of funeral directing the words or terms "funeral director," "undertaker," "mortician," or any other word or term from which can be implied the practicing of the profession of funeral directing or the holding out to the public that one is engaged in the profession of a funeral director.

(5) The term "cemetery," as used in this chapter, shall be construed to mean any one or a combination of more than one of the follow-

470.02 State board of funeral directors and embalmers; terms of office.—
(1) A state board of funeral directors and embalmers for the State of Florida, 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 of the State of Florida and six practical and practicing, licensed 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 of Florida for five years immediately preceding such appointment. The first appointments 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 of Florida 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 that area 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, attorneys and such field representatives as may be necessary to enforce the provisions of this chapter.

History.—§2, ch. 17950, 1937; CGL 1940 Supp. 3599(2); am. §2, ch. 22837, 1945; am. §7, ch. 24337, 1947.

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. History.—§3, ch. 17950, 1937; CGL 1940 Supp. 3599(3).

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.

(2) The practice of the profession of funeral directing.

(3) The sanitary condition of funeral homes, mortuaries and funeral establishments where the profession of embalming and funeral directing is carried on, with particular regard to plumbing, sewerage, ventilation and equipment.

(4) Carrying out generally the various provisions of this chapter for the protection of the peace, health, safety, welfare and morals of the public.

History.—§4, ch. 17950, 1937; CGL 1940 Supp. 3599(4); am. §5, ch. 22817, 1945.

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 is necessary and efficient to discharge 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 by-laws adopted by the board and its by-laws 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 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.—§5, ch. 17950, 1937; CGL 1940 Supp. 3599(5).

470.06 Officers of board; compensation and expenses; how paid.—The board at its annual meetings shall organize and elect from among its members a president, a secretary and treasurer. Such officers shall serve for a period of one year and until their successors are elected and qualified. The president and secretary 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 a reasonable per diem for each day's attendance of the meetings of the board or in and about the business of the board. Any person who has served one year of practical training and instruction as an apprentice under a regular licensed and practicing embalmer holding a Florida state license and who has graduated and received a degree in the profession of funeral directing and embalming from a college or university that is a member of the American association of colleges and universities.

(f) Any person who shall have otherwise qualified as required by §470.08 (1), 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 for the State of Florida (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 holding a Florida state license, shall be credited on said three-year required apprentice service with such time as he may have so served but the total of such credit shall not exceed two and one-half years.

(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.

(b) 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 emballing 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 be a bona fide resident of the State of Florida.
(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.
(d) He shall have a good moral character.
(e) He shall have had three years of practical training and instruction as an apprentice under a regular licensed and practicing embalmer holding a Florida state license, and shall have emballmed 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 vouched for 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 subparagraph shall not apply to any person who has served one year of practical training and instruction as an apprentice under a regular licensed and practicing embalmer holding a Florida state license and who has graduated and received a degree in the profession of funeral directing and embalming from a college or university that is a member of the American association of colleges and universities.
§470.09 Application, fee and examination of applicant; license issued to successful applicant. 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 license 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.

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 of not less than one hundred and fifty questions on the subject of anatomy and embalming and of not less than one hundred 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 said board, either oral or written, as to such qualifications for a funeral director's license, as provided in this chapter, or prescribed by said board. All examination papers, questions and answers and credits allowed upon same by the board shall be kept on file by the secretary of the board.

The board shall grant to any applicant eligible under the terms of this chapter for examination and who has correctly answered more than seventy-five per cent of the oral and seventy-five per cent of the written questions propounded in the examination provided for herein, a license to practice the profession of funeral directing or embalming, whichever it may be, in the State of Florida.

History.—§8, ch. 17950, 1937; CGL 1940 Supp. 3599(8).

§470.10 Licenses; renewal; suspension; practicing without; fictitious names. —

(1) All licenses issued by the board shall expire on the 31st day of December in the year in which said licenses are issued. Every person actively engaged in the profession of funeral directing or embalming in the State of Florida who fails to renew his license within sixty days from the date the same becomes due, shall be suspended from the right to practice the profession for which he was previously licensed until said license is renewed. If the licensee shall desire a renewal of such license for the succeeding year, the board shall grant and issue the same without further examination upon the payment by said licensee of a renewal fee as follows: Embalmer, ten dollars; funeral director, fifteen dollars. If a licensed funeral director or embalmer of the State of Florida fails to apply for a renewal license within a period of three years after the expiration of his license, he shall be held to the same requirements as to qualifications, examinations and payment of fees as are persons who have not previously been licensed funeral directors or embalmers in this state.

(2) All licenses issued under this chapter shall be properly signed by the president and secretary of the board and shall bear the official seal of the board.

(3) All persons receiving licenses under the provisions of this chapter shall register same in the office of the clerk of the circuit court and at the office of the local registrar of vital statistics in the jurisdiction in which he proposes to carry on such practice and shall display such license in a conspicuous place in the office of the licensee. No license shall be assignable or valid for any person other than the original licensee.

(4) No license shall be issued to any corporation, firm, or association, or to any person, partnership or corporation acting jointly, for engaging in the profession of funeral directing or embalming under a fictitious name; provided, however, that where any funeral director or embalmer shall be operating and conducting a business under his own name at the time of the passage of this chapter and said funeral director, his heirs or personal representatives thereafter sells such business, then and in that event the purchaser thereof shall have the right to continue the use of the name for a period of five years from the date the purchase of said business, either continuing the business in the former name, or using the former name in connection with his own, or using his name as successor to the former name. Provided, however, the purchaser complies with the fictitious name law of the State of Florida; and provided, further, that the provisions of this chapter shall not affect or impair the rights now held by corporations or an embalmer or funeral director now engaged in the profession of funeral directing or embalming under a corporate or fictitious name and secured a license from and after the date this law becomes effective; and further, provided, that any person engaging in the profession of funeral directing or embalming under a corporate or fictitious name and securing a license from and after the date this law becomes effective, shall cause to be placed and shall keep in a conspicuous place at each public entrance to his funeral home, mortuary or funeral
establishment, in intelligible lettering, not less than one and one-half inches in height and one inch in width, the name of the person or persons licensed to engage in the profession of funeral directing or embalming at said funeral home, mortuary or funeral establishment.

(6) From and after the effective date of this chapter any person engaging in the practice of the profession of funeral directing shall set forth, in intelligible lettering, on all letterheads, billheads, literature or advertising material published by him, the name of the licensed funeral director in charge of such funeral home, mortuary or funeral establishment.

(7) Every funeral director licensed under this chapter who maintains a funeral home, mortuary or funeral establishment where the professions of funeral directing and embalming are practiced, shall maintain a preparation or operating room where embalming is practiced in said establishment, which preparation or operating room must be properly screened, must have a sanitary floor, must have a glass, porcelain or metal-lined operating table; must contain necessary instruments and supplies for the preparation or embalming of dead human bodies, and must have good ventilation, running water and proper sanitary plumbing, all of which plumbing must be connected with a sewer, septic tank or cesspool, which operating room must be maintained in a clean and sanitary condition at all times. The board shall adopt such rules, regulations and classifications as may be reasonable and proper to define what shall be deemed the proper drainage and ventilation and what instruments are necessary and suitable in a funeral establishment, which rules must conform with the rules of the state board of health. Every funeral establishment operated and conducted by any person licensed under this chapter shall at all times 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.—§9, ch. 17950, 1937; CGL 1940 Supp. 3599(9); am. 16, ch. 22017, 1946.

470.12 Grounds for revocation of license.—

(1) EMBALMER. Whenever it shall appear to the board that any licensed embalmer practicing in the State of Florida has been guilty of any of the following acts, his license shall be revoked by the board:

(a) That the licensee has willfully made material misrepresentations in his application for such license.

(b) That the licensee is either an habitual drunkard or narcotic addict or has been convicted of a crime within the State of Florida involving moral turpitude.

(c) That 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.

(d) That 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.

(e) That the licensee has paid or caused to be paid, any sum of money or other valuable consideration to any person to secure business from or through such person.

(f) That the licensee has willfully violated any law of the State of Florida or any rule or regulation of the state board of health relating to the embalming of a dead human body.

(g) That the licensee has willfully signed a certificate that he embalmed a dead human body, when in fact the said 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 said licensee shall be considered, for the purpose of this provision, as embalming a dead human body by said licensee.

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

(a) That the licensee has willfully made material misrepresentations in his application for such license.

(b) That 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.

(c) That the licensee is an habitual drunkard or narcotic addict or has been convicted in the State of Florida of a crime involving moral turpitude.

(d) That the licensee has paid or caused to be paid, any sum of money or other valuable
§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 charging said licensee with the commission of any of the acts set forth in §470.12, the board shall conduct an investigation 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 such notice. The accused licensee may appear before the board at such time and place in person or by counsel and dispute or disprove the said 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 of Florida, 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 with 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.

(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 and embalmer shall be revoked by the board, the licensee may apply to the board for reinstatement of his license after the lapse of a period of one year, with the right reserved to the applicant to appeal from any adverse decision of the board to the circuit court of the county of his residence, and such appeal shall be had in the manner prescribed by the rules for the government of courts of equity in this state.
470.14 Review of order of revocation or suspension by circuit court; procedure on reversal.—Upon the revocation or suspension of any funeral director's or embalmer's license as provided in this chapter, the final order of the board revoking or suspending the license shall be subject to review by the circuit court within whose jurisdiction the funeral director or embalmer whose license has been so revoked or suspended resides.

Such review may be secured by filing in the office of the clerk of said court, within thirty days after the order revoking or suspending the license has been entered a written entry of appeal assigning the errors and stating the grounds upon which a review of such order is sought. Upon the service of a copy of such appeal upon the president or secretary of the board, the secretary of said board shall prepare a certified copy of the transcript of record, said transcript to include a copy of all the papers on file in the office of the secretary and all evidence, documentary or oral, presented at the hearing or hearings pertaining to the order revoking or suspending the said license. The transcript shall be filed by the secretary of the board with the clerk of said court within thirty days after the receipt of a copy of such appeal. The court shall thereupon proceed to consider the cause as shown by the assignment of errors and the transcript of record and make such order concerning same as required by law and the evidence. The costs of such appeal shall be assessed by the court against the losing party.

If the order of the board suspending or revoking said license shall be reversed, said court by its mandate shall specifically direct the board as to its further action in the matter, including the making or entering of any order in connection therewith and the conditions, limitations or restrictions to be therein contained. Such appeal shall not in anywise suspend the operation of the order appealed from the said license. The transcript shall be filed by the secretary of the board with the clerk of said court within thirty days after the receipt of a copy of such entry of appeal. The court shall thereupon proceed to consider the cause as shown by the assignment of errors and the transcript of record and make such order concerning same as required by law and the evidence. The costs of such appeal shall be assessed by the court against the losing party.

470.15 Employment of attorneys by board; compensation; payment of witnesses.—The board may employ such attorneys to represent said board as in its discretion seem necessary, compensation of said attorneys to be determined by the board, and may authorize the payment of fees and traveling expenses of necessary witnesses required to appear and actually examined in any proceedings before the board.

470.16 License fees are qualification fees.—The license fees required to be paid by this chapter to the board are declared to be qualification fees only and not occupational or professional license fees.

470.17 Record of licenses to be kept.—The secretary of the board shall keep a record of all licenses issued, the dates upon which they were issued, the names and addresses of the persons to whom issued, and the kind or character of licenses so issued, and shall furnish a copy of such list to all licensed embalmers and licensed funeral directors, and to all transportation companies within the state, and to the state board of health of the State of Florida.

470.18 Privileges as to use of bodies extended to board and embalming schools.—The board and all schools within the state for the teaching of embalming and funeral directing shall have the same privilege extended to them as to the use of bodies for demonstration and teaching as are granted in this state to medical colleges.

470.19 Fees payable to secretary-treasurer; board of secretary-treasurer.—All fees collected under the provisions of this chapter shall be paid to the secretary and treasurer of the board to be used for the purpose of defraying the necessary expenses of the board in the administration of this chapter; and the secretary and treasurer of the board shall furnish bond running to the president of said board, to be approved by said board and in a sum to be fixed by said board, conditioned for the faithful discharge of his duties and the safekeeping of all such funds.

470.20 Report of board; emergency fund.—The board shall make annually in writing a report to the comptroller of the State of Florida in detail pertaining to the manner and amounts of all its receipts and the nature of all of its expenditures. Any balance of money remaining over at the end of the year, after paying the necessary expenses of the board, shall be held in an emergency fund to meet any extraordinary expense incurred in the proper administration of this chapter, and for educational and extension purposes of the profession of funeral directing and embalming.

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 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.
470.22 Unlawful to embalm body without consent of proper official when 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 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.—§19, ch. 17950, 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.—§20, ch. 17950, 1937; CGL 1940 Supp. 3599(21); am. 77, ch. 22617, 1945.

Am. §20, ch. 25372, 1949.

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 of Florida 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.—§11, ch. 14730, 1931; CGL 1936 Supp. 302(1).

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.—§12, ch. 17950, 1937; CGL 1940 Supp. 3599(21); am. §21, ch. 17950, 1937; CGL 1940 Supp. 3599(22).

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.

History.—§22, ch. 17950, 1937; CGL 1940 Supp. 3599(23).

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

History.—§23, ch. 17950, 1937; CGL 1940 Supp. 3599(23).

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 of this chapter, 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 in §470.12, are being indulged in, by a bill in equity for an injunction restraining such person from practicing his profession as an embalmer or funeral director 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 seems 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 suspending his license for such 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 a temporary restraining order entered prior to the final hearing.

History.—§24, ch. 22617, 1945.
CHAPTER 471

PROFESSIONAL ENGINEERS

471.01 Purpose.—It is hereby declared to be the public policy of the State of Florida that, in order to safeguard the life, health, property and public welfare of her 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 in Florida, as herein 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.—§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 use 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 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 hoisting and portable engineers, nor shall the provisions herein 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) of construction (or works)" and words of similar purport shall be construed to mean the control and direction of the investigation, design or construction of structures, systems or works, involving engineering and requiring engineering skill and judgment.

History.—§1, ch. 7404, 1917; RGS 2273; CGL 3619; §2, ch. 20621, 1941; am. §7, ch. 22858, 1945.

471.03 Unlawful practice.—It shall be unlawful:

(1) For any person who has not been duly registered under the provisions of this chapter or whose certificate has been revoked, to practice, offer to practice, or to hold himself out as qualified to practice professional engineering, as defined in this chapter, in the State of Florida.

(2) For any person who has not been duly registered under the provisions of this chapter or whose certificate has been revoked, to use, filch, or use the name or otherwise fraudulently obtain or dispose of a certificate of registration.

(3) To falsely impersonate any other registrant of like or different name.

(4) To use or attempt to use any dormant, expired or revoked certificate.

(5) To buy or sell, or offer to buy or sell, or otherwise fraudulently obtain or dispose of a certificate of registration.

(6) To aid or abet in any of the above matters and things.

(7) To steal or otherwise unlawfully obtain a certificate of registration belonging to another person.

History.—§18, ch. 7404, 1917; RGS 5542; CGL 7720; §4, ch. 20621, 1941.

471.05 Exemptions.—The following persons shall be exempt from the provisions of this chapter, to-wit:

(1) Any person practicing professional engineering for the improvement of or otherwise affecting property legally owned by him unless such practice involves a public utility or the public health, public safety, public welfare or the safety or health of employees. This provision shall not be construed as authorizing the practice of professional engineering through an agent, servant or employee who is not duly registered under the provisions of this chapter.

(2) Salaried officers of the government of the United States of America or salaried engineers employed by said government while engaged within this state in the practice of professional engineering 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) A 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.

History.—§10, 19, ch. 7404, 1917; RGS 2282, 2290; CGL 3634; §6, ch. 20621, 1941.

471.06 Corporations, firms and partnerships.—A corporation, firm or partnership may engage in the practice of professional engineering in this state provided that one or more of the principal officers of said corporation or firm, or members of said partnership, are registered professional engineers under this chapter, and further provided that said practice shall be carried on directly by professional engineers duly registered under this chapter.

History.—§126, ch. 7404, 1917; RGS 2288; CGL 3634; §6, ch. 20621, 1941.
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 to practice in this state, 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 professional engineering in this state without first obtaining such a certificate to practice hereinafter set forth.

471.08 Florida state board of engineer examiners; creation, establishment, etc.—For the purpose of carrying out the provisions of this chapter and such other duties as may be imposed upon them by law, there is hereby created the Florida state board of engineer examiners, hereinafter called the board. Said board shall take the place of, be substituted for, and the successor to the present state board of engineering examiners, existing by virtue of Section 2275, Revised General Statutes of Florida, 1920, Section 3, of Chapter 7404, Laws of Florida, 1917, which is hereby abolished, and all the duties and obligations thereof, save as changed by this chapter, together with all and every its property and assets are hereby imposed and transferred to said board hereby created. The rights now vested in any person under and by virtue of the law heretofore existing respecting the practice of professional engineering shall not be affected by this chapter. Said board shall consist of five members, and shall, except the first members thereof, be appointed by the governor of the state. The five members of the present state board of engineering examiners shall constitute the first board under the provisions of this chapter, and shall serve until their present terms of office shall have expired and their successors duly appointed and qualified. When the expiration of the term of office of the members of the first board, the succeeding members shall be appointed or reappointed for terms of four years each from and after the expiration of the term of office of their predecessors and shall serve until their successors are duly appointed and qualified. Of the five members composing the said board, there shall be at least two engineers, qualified to practice civil engineering and land surveying, one engineer qualified to practice electrical or mining engineering, and one engineer qualified to practice mechanical engineering. At no time shall the membership of the board include more than three members of governmental agencies, and at least two members shall be engineers engaged in private practice. Each member shall have had at least twelve years active experience in engineering work (responsible charge of engineering teaching in a recognized technical institution of higher learning shall be construed as “active experience”), shall be of recognized good standing in his profession, shall be a member of recognized engineering societies, shall have at least thirty-five years of age and shall have been a resident and citizen of and practicing engineering in the State of Florida for at least five years immediately preceding his appointment. The governor of the state may remove any member of the board for misconduct, incapacity, neglect of duty, or upon conviction of a crime involving moral turpitude, and vacancies on the board shall be filled by the governor of the state for an unexpired term.

471.09 Expenses of board members.—No member of the board shall receive compensation for his services on the board but shall be reimbursed for all necessary traveling, hotel, clerical and incidental expenses in carrying out the provisions of the chapter and while on official duty for the board.

471.10 Oath and commission of members; official seal.—Each member of the board upon taking the oath of office, shall receive a certificate or commission of office which shall be evidence of his appointment and qualification in all courts and before all boards. The board shall adopt an official seal, of which the courts of Florida shall take judicial cognizance.

471.11 Powers of board.—The board shall have power and it is hereby directed to make, adopt, amend, suspend, and repeal such by-laws, rules and regulations as may be necessary to fully carry out the objects and purposes of this chapter. The board shall have power to receive, consider and accept or reject applications for registration; to examine said applicants as to their qualifications, fitness and ability to practice engineering in Florida; to register and certify such applicants as are found to be qualified; and to hear and determine complaints, objections and charges against any applicant or registered engineer or any person practicing engineering without registration or otherwise in violation of law, and, for cause, to revoke any certificate of registration issued by said board. In exercising the powers of the board, 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 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. Any member of the board may administer oaths or affirmations to witnesses appearing
§471.12 Organization of the board—treasurer's bond.—The board shall elect annually from among its membership, a president, a vice-president and a secretary who shall be treasurer for the ensuing term. The secretary shall give a bond in such amount and with such sureties as may be approved by the board, conditioned upon the faithful performance of its duties and the accounting for payment of all moneys received by him. The present officers of the state board of engineering examiners shall be the officers of said Florida board of engineering examiners until the time when their term as such officer would have expired had there been no change in the law.

History.—§5, ch. 7404, 1917; RGS 2276; CGL 8622; §11, ch. 20621, 1941.

§471.13 Headquarters of the board; its meetings—quorum.—The headquarters of said board shall be in the state of Florida where the secretary of said board resides. The board shall hold at least two regular meetings each year. Special meetings of the board may be called in such manner and at such times as prescribed by the by-laws, rules, or regulations of the board. At all meetings, a majority of the board shall constitute a quorum and such quorum shall be sufficient for the transaction of the business of the board, except as herein otherwise specifically provided.

History.—§5, ch. 7404, 1917; RGS 2277; CGL 2622; §12, ch. 20621, 1941.

§471.14 Power to hire and discharge employees, rent offices, and incur other expenses.—The board shall have the power to employ and discharge all employees, to rent offices, print its reports, year book, roster of professional engineers, and other necessary printing, purchase furniture, materials, stationery and supplies, and incur such other expenses, as may be within the amounts collected by it, necessary and proper to carry out the objects and purposes of this chapter and the administration thereof.

History.—§4, ch. 7404, 1917; RGS 2278; CGL 2624; §14, ch. 20621, 1941.

§471.15 Expenses of board paid from registration fees.—The expenses of the board for all matters connected with the administration and provisions of the chapter shall be paid from fees collected as herein provided and in no case shall any of such expenses be paid by the State of Florida nor charged against said state.

History.—§5, ch. 7404, 1917; RGS 2279; CGL 2625; §15, ch. 20621, 1941.

§471.16 Records of the board.—The board shall keep a record of all of its proceedings and a register of all applications for registration, which register shall show:

1. The name, age and residence of each applicant,
2. The date of the application,
3. The place of business of the applicant,
4. The applicant's education and other qualifications,
5. The disposition of the application,
6. The result of the examination if the applicant was examined,
7. Whether a certificate of registration was issued and, if so, the serial number of same,
8. The dates of the action of the board on the application,
9. Such other information as may be deemed necessary by the board.

History.—§12, ch. 7404, 1917; RGS 2284; CGL 2630; §16, ch. 20621, 1941.

§471.17 Roster of registered engineers.—A roster showing the names and places of business or residence of all registered professional engineers legally qualified to practice professional engineering in the State of Florida shall be prepared annually by the secretary of the board. A copy of this roster shall be obtainable by each registered engineer and copies thereof shall be placed on file with the secretary of state, the clerks of the circuit courts of the several counties and clerks or recorders of all cities having a population of more than five thousand by the last preceding state or federal census.

History.—§117, ch. 7404, 1917; RGS 2285, 2288; CGL 2630, 2632; §17, ch. 20621, 1941.

§471.18 Records and certificates as evidence.—The records of the board shall be prima facie evidence of the proceedings of the board as set forth therein, and a full transcript of these records or any part thereof, duly certified by the secretary of the board under the seal of the board, shall be received in evidence as prima facie evidence of the facts as set forth therein.

History.—§115, ch. 7404, 1917; RGS 2286, 2287; CGL 2630, 2632; §18, ch. 20621, 1941.