	COMMITTEE/SUBCOMMITTEE ACTION									
	ADOPTED (Y/N)									
	ADOPTED AS AMENDED (Y/N)									
	ADOPTED W/O OBJECTION (Y/N)  FAILED TO ADOPT (Y/N)									
	WITHDRAWN (Y/N)									
	OTHER									
1	Committee/Subcommittee hearing bill: Economic Affairs Committee									
2	Representative Grant offered the following:									
3										
4	Amendment (with title amendment)									
5	Remove everything after the enacting clause and insert:									
6	Section 1. Subsection (10) of section 455.271, Florida									
7	Statutes, is amended to read:									
8	455.271 Inactive and delinquent status									
9	(10) The board, or the department when there is no board,									
10	may not require Before reactivation, an inactive or delinquent									
11	licensee, except for a licensee under chapter 473 or chapter									
12	475, to complete more than one renewal cycle of shall meet the									
13	same continuing education to reactivate a license. requirements,									
14	if any, imposed on an active status licensee for all biennial									
15	licensure periods in which the licensee was inactive or									
16	delinquent. This subsection does not apply to persons regulated									
17	under chapter 473.									
18	Section 2. Section 468.4338, Florida Statutes, is amended									
19	to read:									
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468.4338 Reactivation; continuing education.—The council shall prescribe by rule continuing education requirements for reactivating a license. The continuing education requirements for reactivating a license may not exceed more than one renewal cycle of continuing education 10 classroom hours for each year the license was inactive.

Section 3. Paragraph (h) is added to subsection (3) of section 468.525, Florida Statutes, to read:

468.525 License requirements.-

- (3) Each employee leasing company licensed by the department shall have a registered agent for service of process in this state and at least one licensed controlling person. In addition, each licensed employee leasing company shall comply with the following requirements:
- (h) Following initial licensure, each employee leasing company and each employee leasing company group shall be considered an applicant for renewal of its license and all of the financial information of such licensees submitted to the board pursuant to part XI of chapter 468 and the rules enacted thereunder shall be considered supplied in furtherance of the renewal application process.
- Section 4. Subsection (2) of section 468.8317, Florida Statutes, is amended to read:

468.8317 Inactive license.-

(2) A license that <u>becomes</u> has become inactive may be reactivated upon application to the department. The department may prescribe by rule continuing education requirements as a condition of reactivating a license. The <u>rules may not require</u> 740789 - h0517-strike.docx

more than one renewal cycle of continuing education to
reactivate requirements for reactivating a license may not
exceed 14 hours for each year the license was inactive.

Section 5. Subsection (2) of section 468.8417, Florida Statutes, is amended to read:

468.8417 Inactive license.—

(2) A license that <u>becomes</u> has become inactive may be reactivated upon application to the department. The department may prescribe by rule continuing education requirements as a condition of reactivating a license. The <u>rules may not require more than one renewal cycle of</u> continuing education <u>to reactivate requirements for reactivating</u> a license <u>may not exceed 14 hours for each year the license was inactive</u>.

Section 6. Subsection (4) of section 469.002, Florida Statutes, is amended to read:

469.002 Exemptions.-

- (4) Licensure as an asbestos consultant or contractor is not required for the repair, maintenance, removal, or disposal of asbestos-containing pipe or conduit, if:
- (a) The pipe or conduit is used for electrical, electronic, communications, sewer, gas, or water service;
  - (b) The pipe or conduit is not located in a building;
- (c) The pipe or conduit is made of Category I or Category II nonfriable material as defined in NESHAP; and
- (d) All such activities are performed according to all applicable regulations, including work practices and training, of the United States Occupational Safety and Health Administration under 29 C.F.R. part 1926.

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Section 7. Subsection (5) of section 475.615, Florida Statutes, is amended to read:

475.615 Qualifications for registration or certification.

or certification, the applicant must sign a pledge <u>indicating</u> that upon becoming registered or certified, she or he will comply with the standards of professional practice established by rule of the board, including standards for the development or communication of a real estate appraisal, to comply with the Uniform Standards of Professional Appraisal Practice upon registration or certification and must indicate in writing that she or he understands the types of misconduct for which disciplinary proceedings may be initiated. The application shall expire 1 year after the date received by the department.

Section 8. Subsection (1), paragraph (b) of subsection (2), and paragraph (b) of subsection (3) of section 475.617, Florida Statutes, is amended to read:

475.617 Education and experience requirements.-

(1) To be registered as a trainee appraiser, an applicant must present evidence satisfactory to the board that she or he has successfully completed at least 100 hours of approved academic courses in subjects related to real estate appraisal, which shall include coverage of the Uniform Standards of Professional Appraisal Practice, or its equivalent, as established by rule of the board, from a nationally recognized or state-recognized appraisal organization, career center, accredited community college, college, or university, state or federal agency or commission, or proprietary real estate school 740789 - h0517-strike.docx

that holds a permit pursuant to s. 475.451. The board may increase the required number of hours to not more than 125 hours. A classroom hour is defined as 50 minutes out of each 60-minute segment. Past courses may be approved on an hour-for-hour basis.

- applicant must present satisfactory evidence to the board that she or he has met the minimum education and experience requirements prescribed by rule of the board. The board shall prescribe by rule education and experience requirements that meet or exceed the following real property appraiser qualification criteria adopted on February 20, 2004, by the Appraisal Qualifications Board of the Appraisal Foundation:
- (b) Has successfully completed at least 200 classroom hours, inclusive of examination, of approved academic courses in subjects related to real estate appraisal, which shall include a 15-hour National Uniform Standards of Professional Appraisal Practice course, or its equivalent, as established by rule of the board, from a nationally recognized or state-recognized appraisal organization, career center, accredited community college, college, or university, state or federal agency or commission, or proprietary real estate school that holds a permit pursuant to s. 475.451. A classroom hour is defined as 50 minutes out of each 60-minute segment. Past courses may be approved by the board and substituted on an hour-for-hour basis.
- (3) To be certified as a general appraiser, an applicant must present evidence satisfactory to the board that she or he has met the minimum education and experience requirements 740789 h0517-strike.docx

prescribed by rule of the board. The board shall prescribe education and experience requirements that meet or exceed the following real property appraiser qualification criteria adopted on February 20, 2004, by the Appraisal Qualifications Board of the Appraisal Foundation:

- (b) Has successfully completed at least 300 classroom hours, inclusive of examination, of approved academic courses in subjects related to real estate appraisal, which shall include a 15-hour National Uniform Standards of Professional Appraisal Practice course, or its equivalent, as established by rule of the board, from a nationally recognized or state-recognized appraisal organization, career center, accredited community college, college, or university, state or federal agency or commission, or proprietary real estate school that holds a permit pursuant to s. 475.451. A classroom hour is defined as 50 minutes out of each 60-minute segment. Past courses may be approved by the board and substituted on an hour-for-hour basis.
- Section 9. Subsection (1) of section 475.6175, Florida Statutes, is amended to read:
- 475.6175 Registered trainee appraiser; postlicensure education required.—
- (1) The board shall prescribe postlicensure educational requirements in order for a person to maintain a valid registration as a registered trainee appraiser. If prescribed, the postlicensure educational requirements consist of one or more courses which total no more than the total educational hours required to qualify as a state certified residential appraiser. Such courses must be in subjects related to real 740789 h0517-strike.docx

estate appraisal and shall include coverage of the Uniform Standards of Professional Appraisal Practice or its equivalent, as established by rule of the board. Such courses are provided by a nationally or state-recognized appraisal organization, career center, accredited community college, college, or university, state or federal agency or commission, or proprietary real estate school that holds a permit pursuant to s. 475.451.

Section 10. Subsection (2) of section 477.0212, Florida Statutes, is amended to read:

477.0212 Inactive status.-

(2) The board shall adopt promulgate rules relating to licenses that which have become inactive and for the renewal of inactive licenses. The rules may not require more than one renewal cycle of continuing education to reactivate a license. The board shall prescribe by rule a fee not to exceed \$50 for the reactivation of an inactive license and a fee not to exceed \$50 for the renewal of an inactive license.

Section 11. Subsection (1) of section 481.209, Florida Statutes, is amended to read:

481.209 Examinations.

- (1) A person desiring to be licensed as a registered architect by initial examination shall apply to the department, complete to take the licensure examination. The department shall administer the licensure examination for architects to each applicant who the board certifies:
- (a) Has completed the application form, and remit remitted a nonrefundable application fee. The department shall license 740789 h0517-strike.docx

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any applicant who the board certifies: and an examination fee which is refundable if the applicant is found to be ineligible to take the examination;

- (a) Has passed the licensure examination prescribed by board rule; and
- (b)  $\frac{1}{1}$ . Is a graduate of a school or college of architecture with a program accredited by the National Architectural Accreditation Board.  $\frac{1}{1}$  or
- 2. Is a graduate of an approved architectural curriculum, evidenced by a degree from an unaccredited school or college of architecture approved by the board. The board shall adopt rules providing for the review and approval of unaccredited schools and colleges of architecture and courses of architectural study based on a review and inspection by the board of the curriculum of accredited schools and colleges of architecture in the United States; and
- (c) Has completed, prior to examination, 1 year of the internship experience required by s. 481.211(1).
- Section 12. Section 481.211, Florida Statutes, is amended to read:
  - 481.211 Architecture internship required.-
- (1) An applicant for licensure as a registered architect shall complete, prior to licensure, an internship of diversified architectural experience approved by the board, meeting requirements set forth by rule. in the design and construction of structures which have as their principal purpose human habitation or use. The internship shall be for a period of:

(a) Three years for an applicant holding the degree of	( )	Throo	770220	for	าก	annligant	holding	+ h o	doaroo	o f
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- (b) Two years for an applicant holding the professional degree of Master of Architecture.
- (2) Each applicant for licensure shall complete 1 year of the internship experience required by this section subsequent to graduation from a school or college of architecture as defined in s. 481.209(1).
- Section 13. Paragraph (c) of subsection (3) of section 481.213, Florida Statutes, is amended to read:

481.213 Licensure.-

- (3) The board shall certify as qualified for a license by endorsement as an architect or as an interior designer an applicant who:
- (c) Has passed the prescribed licensure examination and holds a valid certificate issued by the National Council of Architectural Registration Boards, and holds a valid license to practice architecture issued by another state or jurisdiction of the United States. For the purposes of this paragraph, any applicant licensed in another state or jurisdiction after June 30, 2000 1984, must also hold a degree in architecture and such degree must be equivalent to that required in s. 481.209(1)(b) and. Also for the purposes of this paragraph, any applicant licensed in another state or jurisdiction after June 30, 1985, must have completed an internship equivalent to that required by s. 481.211 and any rules adopted with respect thereto.
- Section 14. Subsection (1) of section 481.217, Florida Statutes, is amended to read:

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481.217 Inactive status.—

(1) The board may prescribe by rule continuing education requirements as a condition of reactivating a license. The <u>rules may not require more than one renewal cycle of</u> continuing education to reactivate requirements for reactivating a license for a registered architect or interior designer may not exceed 12 contact hours for each year the license was inactive. The minimum continuing education requirement for reactivating a license for a registered interior designer shall be those of the most recent biennium plus one-half of the requirements in s. 481.215 for each year or part thereof during which the license was inactive. The board may shall only approve continuing education for an interior designer which that builds upon the basic knowledge of interior design.

Section 15. Subsection (1) of section 481.315, Florida Statutes, is amended to read:

481.315 Inactive status.-

(1) A license that has become inactive or delinquent may be reactivated under this section upon application to the department and payment of any applicable biennial renewal or delinquency fee, or both, and a reactivation fee. The board may not require a licensee to complete more than one renewal cycle of continuing education requirements The board may prescribe by rule continuing education requirements as a condition of reactivating the license. The continuing education requirements for reactivating a license may not exceed 12 classroom hours for each year the license was inactive.

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Section 16. Subsections (3) and (6) of section 489.116, Florida Statutes, are amended to read:

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

- (3) An inactive status certificateholder or registrant may change to active status at any time, if provided the certificateholder or registrant meets all requirements for active status, pays any additional licensure fees necessary to equal those imposed on an active status certificateholder or registrant, and pays any applicable late fees, and meets all continuing education requirements prescribed by the board.
- (6) The board may not require an inactive certificateholder or registrant to complete more than one renewal cycle of shall comply with the same continuing education for reactivating a certificate or registration requirements, if any, that are imposed on an active status certificateholder or registrant.

Section 17. Subsection (1) of section 489.519, Florida Statutes, is amended to read:

489.519 Inactive status.—

(1) A certificate or registration that <u>becomes</u> has become inactive may be reactivated under s. 489.517 upon application to the department. The board may <u>not require a licensee to complete</u> more than one renewal cycle of <u>prescribe</u>, by rule, continuing education to reactivate requirements as a condition of reactivating a certificate or registration. The continuing education requirements for reactivating a certificate or

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registration may not exceed 12 classroom hours for each year the certificate or registration was inactive.

Section 18. Subsection (4) of section 475.6235, Florida Statutes, is amended to read:

475.6235 Registration of appraisal management companies required.—

(4) At the time of filing an application for registration of an appraisal management company, each person listed in paragraph (2)(f) must sign a pledge to comply with the standards of professional practice established by rule of the board, including standards for the development or communication of a real estate appraisal, Uniform Standards of Professional Appraisal Practice upon registration and must indicate in writing that she or he understands the types of misconduct for which disciplinary proceedings may be initiated. The application shall expire 1 year after the date received by the department.

Section 19. Section 468.391, Florida Statutes, is amended to read:

468.391 Penalty.—Any auctioneer, apprentice, or auction business or any owner or manager thereof, or, in the case of corporate ownership, any substantial stockholder of the corporation owning the auction business, who operates without an active license or violates any of the provisions provision of the prohibited acts listed under s. 468.389(1)(c), (e), (f), (h), and (i) commits a felony of the third degree, punishable as provided in s. 775.082 or s. 775.083.

Section 20. Paragraph (t) of subsection (1) of section 475.25, Florida Statutes, is amended to read:

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Amendment No. 1 475.25 Discipline.—

- (1) The commission may deny an application for licensure, registration, or permit, or renewal thereof; may place a licensee, registrant, or permittee on probation; may suspend a license, registration, or permit for a period not exceeding 10 years; may revoke a license, registration, or permit; may impose an administrative fine not to exceed \$5,000 for each count or separate offense; and may issue a reprimand, and any or all of the foregoing, if it finds that the licensee, registrant, permittee, or applicant:
- established by rule of the Florida Real Estate Appraisal Board, including standards for the development or communication of a real estate appraisal or other provision of the Uniform Standards of Professional Appraisal Practice, as defined in s. 475.611, as approved and adopted by the Appraisal Standards Board of the Appraisal Foundation, as defined in s. 475.611. This paragraph does not apply to a real estate broker or sales associate who, in the ordinary course of business, performs a comparative market analysis, gives a broker price opinion, or gives an opinion of value of real estate. However, in no event may this comparative market analysis, broker price opinion, or opinion of value of real estate be referred to as an appraisal, as defined in s. 475.611.
- Section 21. Paragraphs (f) through (o) of subsection (1) of section 475.42, Florida Statutes, are redesignated as paragraphs (e) through (n), respectively, and present paragraph (e) of that subsection is amended to read:

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475.42 Violations and penalties.-

- (1) VIOLATIONS.—
- (e) A person may not violate any lawful order or rule of the commission which is binding upon her or him.

Section 22. Subsection (14) of section 475.624, Florida Statutes, is amended to read:

475.624 Discipline of appraisers.-

The board may deny an application for registration or certification of an appraiser; may investigate the actions of any appraiser registered, licensed, or certified under this part; may reprimand or impose an administrative fine not to exceed \$5,000 for each count or separate offense against any such appraiser; and may revoke or suspend, for a period not to exceed 10 years, the registration, license, or certification of any such appraiser, or place any such appraiser on probation, if the board finds that the registered trainee, licensee, or certificateholder:

(14) Has violated any standard of professional practice, including standards for the development or communication of a real estate appraisal, as established by rule of the board or other provision of the Uniform Standards of Professional Appraisal Practice.

Section 23. Paragraph (n) of subsection (1) of section 475.6245, Florida Statutes, is amended to read:

475.6245 Discipline of appraisal management companies.

(1) The board may deny an application for registration of an appraisal management company; may investigate the actions of any appraisal management company registered under this part; may 740789 - h0517-strike.docx

reprimand or impose an administrative fine not to exceed \$5,000 for each count or separate offense against any such appraisal management company; and may revoke or suspend, for a period not to exceed 10 years, the registration of any such appraisal management company, or place any such appraisal management company on probation, if the board finds that the appraisal management company or any person listed in s. 475.6235(2)(f):

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

Section 24. Paragraphs (d) through (h) of subsection (1) of section 475.626, Florida Statutes, are redesignated as paragraphs (b) through (f), respectively, and present paragraphs (b) and (c) of that subsection are amended to read:

475.626 Violations and penalties.-

- (1) A person may not:
- (b) Violate any lawful order or rule of the board which is binding upon her or him.
- (c) If a registered trainee appraiser or a licensed or certified appraiser, commit any conduct or practice set forth in s. 475.624.

Section 25. Paragraphs (c) through (f) of subsection (1) of section 476.194, Florida Statutes, are redesignated as paragraphs (b) through (e), respectively, and present paragraph (b) of that subsection is amended to read:

476.194 Prohibited acts.-

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- (1) It is unlawful for any person to:
- (b) Engage in willful or repeated violations of this act or of any of the rules adopted by the board.

Section 26. Paragraphs (d) through (h) of subsection (1) of section 477.0265, Florida Statutes, are redesignated as paragraphs (c) through (g), respectively, and present paragraph (c) of that subsection is amended to read:

477.0265 Prohibited acts.-

- (1) It is unlawful for any person to:
- (c) Engage in willful or repeated violations of this chapter or of any rule adopted by the board.

Section 27. Section 475.628, Florida Statutes, is amended to read:

475.628 Professional standards for appraisers registered, licensed, or certified under this part.—The board shall adopt rules establishing standards of professional practice that meet or exceed nationally recognized standards of appraisal practice, including standards adopted by the Appraisal Standards Board of the Appraisal Foundation. Each appraiser registered, licensed, or certified under this part must shall comply with the rules Uniform Standards of Professional Appraisal Practice. Statements on appraisal standards which may be issued for the purpose of clarification, interpretation, explanation, or elaboration through the Appraisal Foundation shall also be binding on any appraiser registered, licensed, or certified under this part, upon adoption by rule of the board.

Section 28. Paragraph (c) of subsection (5) of section 373.461, Florida Statutes, is amended to read:

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373.461 Lake Apopka improvement and management.-

- (5) PURCHASE OF AGRICULTURAL LANDS.-
- The district shall explore the availability of funding from all sources, including any federal, state, regional, and local land acquisition funding programs, to purchase the agricultural lands described in paragraph (a). It is the Legislature's intent that, if such funding sources can be identified, acquisition of the lands described in paragraph (a) may be undertaken by the district to purchase these properties from willing sellers. However, the purchase price paid for acquisition of such lands that were in active cultivation during 1996 may shall not exceed the highest appraisal obtained by the district for these lands from a state-certified general appraiser following the standards of professional practice established by rule of the Florida Real Estate Appraisal Board, including standards for the development or communication of a real estate appraisal Uniform Standards of Professional Appraisal Practice. This maximum purchase price limitation may shall not include, nor be applicable to, that portion of the purchase price attributable to consideration of income described in paragraph (b), or that portion attributable to related facilities, or closing costs.

Section 29. This act shall take effect July 1, 2012.

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TITLE AMENDMENT

Remove the entire title and insert:

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A bill to be entitled An act relating to reducing and streamlining regulations; amending ss. 455.271, 468.4338, 468.525, 468.8317, 468.8417, 475.615, 475.617, 475.6175, 477.0212, 481.209, 481.211, 481.213, 481.217, 481.315, 489.116, and 489.519, F.S.; revising initial licensure and continuing education requirements for reactivating a license, certificate, or registration to practice certain professions and occupations regulated by the Department of Business and Professional Regulation or a board or council within the department, including community association management, employee leasing, home inspection, mold-related services, real estate appraisal, cosmetology, architecture and interior design, landscape architecture, construction contracting, and electrical and alarm system contracting; amending s. 469.002, F.S.; providing an exemption from licensure as an asbestos consultant or contractor for activities involving pipe or conduit used for gas service; amending s. 475.6235, F.S.; revising registration requirements for appraisal management companies; amending ss. 468.391, 475.25, 475.42, 475.624, 475.6245, 475.626, 476.194, and 477.0265, F.S., relating to auctioneering, real estate brokering and appraisal, barbering, and cosmetology; revising language with respect to certain penalties; revising grounds for discipline to which penalties apply; amending s. 475.628, F.S.; requiring the

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## COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 517 (2012)

## Amendment No. 1

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Florida Real Estate Appraisal Board to adopt rules establishing professional practice standards; amending s. 373.461, F.S.; requiring certain appraisers to follow specific standards of professional practice in appraisals involving the restoration of the Lake Apopka Basin; providing an effective date.

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