

**The Florida Senate**  
**BILL ANALYSIS AND FISCAL IMPACT STATEMENT**

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Criminal Justice Committee

**BILL:** CS/SB 762

**INTRODUCER:** Criminal Justice Committee and Senator Hays

**SUBJECT:** Practice of Professions Regulated by Department of Business and Professional Regulation

**DATE:** February 13, 2012      **REVISED:** \_\_\_\_\_

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Oxamendi	Imhof	RI	<b>Favorable</b>
2.	Clodfelter	Cannon	CJ	<b>Fav/CS</b>
3.			BC	
4.				
5.				
6.				

**Please see Section VIII. for Additional Information:**

A. COMMITTEE SUBSTITUTE.....  Statement of Substantial Changes

B. AMENDMENTS.....  Technical amendments were recommended

Amendments were recommended

Significant amendments were recommended

**I. Summary:**

The bill revises references to the professional standards with which registered, licensed, and certified appraisers are required to comply. It requires the Florida Real Estate Appraisal Board to adopt rules that establish 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.

The bill also reduces the continuing education hours required to reactivate an inactive license to only one renewal cycle of hours, instead of the hours required for each year the license was inactive, for the following professions: community association managers, home inspectors, providers of mold-related services, cosmetologists, architects, landscape architects, construction contractors, and electrical and alarm system contractors. The bill exempts certified public accountants licensed under ch. 473, F.S., and real estate brokers, sales associates, real estate schools, and appraisers licensed under ch. 474, F.S. These professionals would continue to be required to complete the continuing education required for each two-year period of licensure in order to reactivate an inactive license. The bill also clarifies that the Board of Architecture and

Interior Design may only approve continuing education for an interior designer that builds upon the basic knowledge of interior design.

The bill repeals provisions that provide criminal penalties for violations of agency rules and the chapters of the Florida Statutes that govern the specified professions. Under the bill the following professions would not be subject to criminal penalties for such violations: auctioneers, real estate professionals, barbers, and cosmetologists. However, the bill limits the application of criminal penalties for specified violations by auctioneers that relate to financial dishonesty or malfeasance.

The bill revises the provisions related to the regulation of appraisal management companies banks, credit unions, or other lending institutions that own and operate an internal appraisal office, business unit, or department. This is consistent with the federal Dodd Frank Act, which exempts from state regulation financial institutions that own or operate an internal appraiser office, business, unit, or department and appraisal management companies that are owned and controlled by a subsidiary of a financial institution.

In addition, the bill:

- Waives the initial licensing fee, the initial application fee, and the initial unlicensed activity fee for military veterans who apply to the department for a license within 24 months of being honorably discharged from service;
- Authorizes filing of a lien for collection services expenses that are reasonably related to the collection of a delinquent account rendered by a community association manager or management firm on behalf of a community association;
- Clarifies the confidentiality of certain financial documents for employee leasing companies;
- Permits applicants for a real estate appraiser's certification to use the results of national examinations required for the license that were obtained more than 24 months after the date of the examination;
- Permits real estate continuing education instructors to complete their continuing education through distance learning and permits real estate schools to offer any course through distance learning;
- Allows greater reciprocity of architect licensees and modifies the internship requirements to make Florida consistent with other states to improve licensing mobility for architects;
- Conforms with exemptions for other utilities by removing a requirement for persons repairing, maintaining, removing, or disposing of asbestos-containing pipe or conduit used for gas service to be licensed as an asbestos consultant or contractor; and
- Expands exemptions regarding mold-related services to include landscape architects if they are not holding themselves out for hire to the public using names implying that they perform mold assessment services or stating or implying licensure under Part XVI.

The bill provides an effective date of July 1, 2012.

This bill substantially amends the following sections of the Florida Statutes: 373.461, 455.213, 455.271, 468.391, 468.4338, 468.439, 468.525, 468.8317, 468.841, 468.8417, 469.002, 475.25, 475.42, 475.451, 475.611, 475.615, 475.617, 475.6171, 475.6175, 475.6235, 475.624, 475.6245,

475.626, 475.628, 476.194, 477.0212, 477.0265, 481.217, 481.209, 481.211, 481.213, 481.315, 489.116, and 489.519.

## II. Present Situation:

### **Department of Business and Professional Regulation**

The Department of Business and Professional Regulation (department) was established in 1993 with the merger of the Department of Business Regulation and the Department of Professional Regulation.<sup>1</sup> The department is created in s. 20.165, F.S. Section 20.165(2), F.S., creates the following eleven divisions within the department:

- Division of Administration.
- Division of Alcoholic Beverages and Tobacco.
- Division of Certified Public Accounting.
- Division of Florida Condominiums, Timeshares, and Mobile Homes.
- Division of Hotels and Restaurants.
- Division of Pari-mutuel Wagering.
- Division of Professions.
- Division of Real Estate.
- Division of Regulation.
- Division of Technology.
- Division of Service Operations.

### **Professional Boards**

Section 20.165(4)(a), F.S., establishes the following boards and professions within the Division of Professions:

- Board of Architecture and Interior Design, created under part I of ch. 481, F.S.
- Florida Board of Auctioneers, created under part VI of ch. 468, F.S.
- Barbers' Board, created under ch. 476, F.S.
- Florida Building Code Administrators and Inspectors Board, created under part XII of ch. 468, F.S.
- Construction Industry Licensing Board, created under part I of ch. 489, F.S.
- Board of Cosmetology, created under ch. 477, F.S.
- Electrical Contractors' Licensing Board, created under part II of ch. 489, F.S.
- Board of Employee Leasing Companies, created under part XI of ch. 468, F.S.
- Board of Landscape Architecture, created under part II of ch. 481, F.S.
- Board of Pilot Commissioners, created under ch. 310, F.S.
- Board of Professional Engineers, created under ch. 471, F.S.
- Board of Professional Geologists, created under ch. 492, F.S.
- Board of Veterinary Medicine, created under ch. 474, F.S.
- Home Inspection Services Licensing Program, created under part XV of ch. 468, F.S.
- Mold-Related Services Licensing Program, created under part XVI of ch. 468, F.S.

---

<sup>1</sup> Chapter 93-220, L.O.F.

The Pilot Rate Review Committee is established under the Board of Pilot Commissioners.<sup>2</sup> Section 20.165(4)(b), F.S., establishes the following board and commission within the Division of Real Estate:

- Florida Real Estate Appraisal Board, created under part II of ch. 475, F.S.
- Florida Real Estate Commission, created under part I of ch. 475, F.S.

Section 20.165(4)(c), F.S., establishes the Board of Accountancy, created under ch. 473, F.S., within the Division of Certified Public Accounting.

The Florida State Boxing Commission<sup>3</sup> and the Regulatory Council of Community Managers<sup>4</sup> are also housed within the department. The department also has regulatory oversight responsibilities over the following professions:

- Child labor under part I of ch. 450, F.S.
- Farm labor contractors under part III of ch. 450, F.S.
- Talent agencies under part VII of ch. 468, F.S.

In addition to administering the professional boards, the department processes applications for licensure and license renewal. The department also receives and investigates complaints made against licensees and, if necessary, brings administrative charges.

Chapter 455, F.S., provides the general powers of the department and sets forth the procedural and administrative frame-work for all of the professional boards housed under the department, the Divisions of Certified Public Accounting, Professions, Real Estate, and Regulation.

### **Continuing Education**

Section 455.271(4), F.S., provides that an inactive licensee may change his or her status to active provided the licensee meets all requirements for active status, pays the appropriate fees, and meets all continuing education requirements.

### ***Community Association Managers***

Section 468.4338, F.S., requires the Regulatory Council of Community Association Managers to prescribe by rule continuing education requirements for reactivating a license. The continuing education requirements for reactivating a license may not exceed 10 classroom hours for each year the license was inactive.

### ***Home Inspectors***

Section 468.8317(2), F.S., provides that the department may prescribe rules that require continuing education requirements as a condition to reactivate an inactive license. The continuing education requirements for reactivating a license may not exceed 14 hours for each year the license was inactive.

---

<sup>2</sup> Section 310.151, F.S.

<sup>3</sup> Section 548.003, F.S.

<sup>4</sup> Section 468.4315, F.S.

***Mold-Related Services***

Section 468.8417(2), F.S., provides that the department may prescribe rules that require continuing education requirements as a condition to reactivate an inactive license. The continuing education requirements for reactivating a license may not exceed 14 hours for each year the license was inactive. Section 468.841, F.S., provides exemptions from Part XVI of ch. 468, F.S., which concerns mold-related services.

***Cosmetology***

Section 477.019(7)(a), F.S., requires the Board of Cosmetology to prescribe by rule continuing education requirements, not to exceed 16 hours biennially,<sup>5</sup> as a condition for renewal of a license or registration. Section 477.0212, F.S., provides that a cosmetologist's license that has become inactive may be reactivated upon application to the department, which would require the inactive licensee to complete 16 hours of continuing education coursework for each cycle he or she was inactive.

***Architecture and Interior Design***

Section 481.215, F.S., provides that the continuing education requirements for renewal of architect and interior designer licenses shall be no less than 20 hours per license cycle. Section 481.217(1), F.S., provides that the continuing education requirement for reactivating an architect's license may not exceed 12 hours for each year the license was inactive. The statute provides that the minimum continuing education requirement for reactivating an interior designer's license shall be the number of hours required for the most recent license cycle plus half of the requirements for each year or part in which the license was inactive.

***Landscape Architecture***

Section 481.315(1), F.S., provides that continuing education requirements for renewing an inactive landscape architect's license may not exceed 12 hours for each year the license was inactive.

***Construction***

Section 489.115, F.S., provides that the continuing education requirement for renewal of a construction contractor's license shall be at least 14 hours per license cycle. Section 489.116(6), F.S., provides that an inactive licensee shall comply with the same continuing education requirements that are imposed on an active licensee.

***Electrical or Alarm Contracting***

Section 489.517(3), F.S., provides that the continuing education requirement for renewal of an electrical or alarm contractor's license shall be at least 14 hours per license cycle. Section 489.519(1), F.S., provides that the continuing education requirements for reactivating a license may not exceed 12 classroom hours for each year the certificate or registration was inactive.

---

<sup>5</sup> Licenses are renewed on a two-year cycle.

### **Community Association Managers**

Section 468.432, F.S., requires licensing of community association managers and community association management firms. “Community association” is defined in s. 468.431(1), F.S., as a:

“ . . . (r)esidential homeowners’ association in which membership is a condition of ownership of a unit in a planned unit development, or of a lot for a home or a mobile home, or of a townhouse, villa, condominium, cooperative, or other residential unit which is part of a residential development scheme and which is authorized to impose a fee which may become a lien on the parcel.”

### **Exemptions from Requirements Concerning Mold-Related Services**

Section 468.841(d), F.S., exempts certain licensed persons or businesses from complying with requirements in Part XVI of ch. 468, F.S., relating to mold assessment. The exemption applies if the licensed person or business is not holding itself out for hire to the public using names implying that they perform mold assessment services or stating or implying licensure under Part XVI.

### **Real Estate Schools-Distance Learning**

Section 475.17(2)(a)2., F.S., authorizes the Florida Real Estate Commission to approve distance learning courses as an option to classroom hours as satisfactory completion of continuing education requirements. Real estate schools have the option of providing classroom courses, distance learning courses, or both. A satisfactory completion of a distance learning course must require the satisfactory completion of a timed distance learning course examination. Such examination does not need to be monitored or given at a centralized location.

### **Appraisal Management Companies**

Individual real estate appraisers are regulated under part II of ch. 475, F.S., by the Florida Real Estate Appraisal Board within the department. Section 475.6235, F.S., requires the registration of Appraisal Management Companies.

“Appraisal management company,” is defined in s. 475.611(1)(c), F.S., to mean a person<sup>6</sup> who performs appraisal management services.

The term “appraisal management services” is defined in s. 475.611(1)(d), F.S., to mean the coordination or management of appraisal services for compensation by:

1. Employing, contracting with, or otherwise retaining one or more appraisers to perform appraisal services for a client; or
2. Acting as a broker or intermediary between a client and one or more appraisers to facilitate the client’s employing, contracting with, or otherwise retaining the appraisers.

Section 475.6235(1), F.S., provides that a person may not engage in appraisal services for compensation or advertise themselves as an appraisal management company or use the titles “appraisal management company,” “appraiser cooperative,” “appraiser portal,” or “mortgage

---

<sup>6</sup> Section 1.01(3), F.S., defines the word “person” to include “individuals, children, firms, associations, joint adventures, partnerships, estates, trusts, business trusts, syndicates, fiduciaries, corporations, and all other groups or combinations.”

technology company,” or any abbreviation or words to that effect, unless the person is registered with the department as an appraisal management. A person may not engage in appraisal management services for compensation in this state, advertise or represent herself or himself as an appraisal management company, or company under this section.

Employees of the appraisal management company are not required to obtain a separate registration.

The “Dodd-Frank Wall Street Reform and Consumer Protection Act (Frank-Dodd Act)”<sup>7</sup> permits states to regulate appraisal management companies. However, an appraisal management company that is a subsidiary owned and controlled by a financial institution regulated by a federal financial institution regulatory agency is not required to register with a state.<sup>8</sup>

### **Criminalization of Rule Violations**

The practice acts for several professions provide criminal penalties for violations of agency rules and the chapters of the Florida Statutes that govern the specified professions. The following professions are subject to criminal penalties for such violations:

- Auctioneers in s. 468.391, F.S.;
- Real estate professionals in s. 475.42(1)(e), F.S.;
- Barbers in s. 476.194(1)(b), F.S.; and
- Cosmetologists in s. 477.0265(1)(c), F.S.

For each of these professions, a violation of an agency rule of the governing chapter would be punishable as a misdemeanor of the second degree, punishable as provided in s. 775.082, F.S., or s. 775.083, F.S. If the violation is by a corporation licensed by the Florida Real Estate Commission, the corporation may be subject to a misdemeanor of the second degree, punishable as provided in s. 775.083, F.S.

Section 775.082, F.S., provides that a second degree misdemeanor is punishable by incarceration for not longer than 60 days in jail.<sup>9</sup> Section 775.083, F.S., provides that a second degree misdemeanor can also be punishable by a fine of not more than \$500.<sup>10</sup>

### **III. Effect of Proposed Changes:**

#### **Military Veterans-Fee Waiver**

The bill creates s. 455.213(12), F.S., to waive the initial licensing fee, the initial application fee, and the initial unlicensed activity fee for a military veteran who applies to the department for a license within 24 months of being honorably discharged. (Section 34).

#### **Lien for Collection Service Expenses of Community Associations**

The bill creates s. 468.439, F.S., in Part VIII (Community Association Management) of ch. 468, F.S. This new section authorizes the filing of a lien for collection services expenses that are

<sup>7</sup> “Dodd-Frank Wall Street Reform and Consumer Protection Act” Pub. L. 111-203 (2010).

<sup>8</sup> *Id.* at s. 1473.

<sup>9</sup> *See* s. 775.082(4)(b), F.S.

<sup>10</sup> *See* s. 775.083(1)(e), F.S.

reasonably related to the collection of a delinquent account rendered by a community association manager or a community association management firm on behalf of a community association. The collection expenses may be secured by filing a claim of lien if the collection services expense is: (1) specified by amount in a written agreement with the community association manager or management firm; and (2) payable to the community association manager or management firm as a liquidated sum.

The new section applies to collection expenses for delinquent accounts owed to community associations governed by chapters 617 (corporations not for profit), 718 (condominiums), 719 (cooperatives), 720 (homeowner's associations), 721 (vacation and timeshare plans), or 723 (mobile home lot tenancies).

It is not clear whether a separate lien would have to be filed for collection expenses in addition to filing of a lien pertaining to the debt for which the collection services are rendered. However, the new section would allow filing a lien for collection expenses even if the underlying debt has been satisfied.

### **Employee Leasing Companies**

The bill amends s. 468.525, F.S., to clarify the confidentiality of certain financial documents for employee leasing companies. (Section 3).

### **Exemption from Licensing As Asbestos Consultant or Contractor**

Section 469.002, F.S., is amended to remove a requirement that persons repairing, maintaining, removing, or disposing of asbestos-containing pipe or conduit used for gas service must be licensed as an asbestos consultant or contractor. This removes duplication of regulation where natural gas utilities are subject to federal and state regulations. The statute already includes such an exemption for pipe or conduit that is used for electrical, electronic, communications, sewer, or water service. (Section 7).

### **Professional Practice Standards for Appraisers**

The bill amends s. 373.461(5)(c), F.S., which relates to the purchase of agricultural lands by the St. Johns River Water Management District, to reference standards of professional practice adopted by rule of the Florida Real Estate Appraisal Board, including standards for the development or communication of real estate appraisals, instead of referencing the Uniform Standards of Professional Appraisal Practices. (Section 29).

The bill amends s. 475.25(1), F.S., which provides the disciplinary provisions for real estate brokers, sales associates, and real estate schools to replace references to the Uniform Standards of Professional Appraisal Practice with the standards of professional practice adopted by rule of the Florida Real Estate Appraisal Board. (Section 21).

The bill amends s. 475.611, F.S., as follows:

- Section 475.611(1)(c), F.S., is amended to revise the definition of “appraisal management company” by incorporating the provision from s. 475.6235(1), F.S., which prohibits the use of the titles “appraisal management company,” “appraiser cooperative,” “appraiser portal,” or



“mortgage technology company,” or other terms unless the person is registered with the department as an appraisal management company.

- Section 475.611(1)(d), F.S., is amended to reference “licensed or certified appraisers” instead of “appraisers.”
- Section 475.611(1)(t), F.S., is created to define the term “subsidiary” to mean an organization that is controlled by a financial institution that is regulated by a federal agency. (Section 31).

The bill amends s. 475.615, F.S., to replace references to the Uniform Standards of Professional Appraisal Practice with the standards of professional practice, including standards for the development or communication of real estate appraisal, adopted by rule of the Florida Real Estate Appraisal Board with which an applicant must pledge that he or she will comply. (Section 8).

The bill amends ss. 475.617 and 475.6175(1), F.S., which provide the pre-licensure and post-licensure education requirements for registered trainee appraisers, respectively, to include rules of the Florida Real Estate Appraisal Board that are equivalent to the Uniform Standards of Professional Appraisal Practice. (Sections 9 and 10).

The bill amends s. 475.6171(4), F.S., to repeal the provision that no certifications as an appraiser shall be issued based upon the results of national examinations that are obtained more than 24 months after the date of the examination. (Section 32).

The bill amends s. 475.6235(1), F.S., to delete the prohibition against the use of the titles “appraisal management company,” “appraiser cooperative,” “appraiser portal,” or “mortgage technology company,” or other terms unless the person is registered with the department as an appraisal management company. This prohibition is added by the bill to the definition of the term “appraisal management company” in s. 475.611(1)(c), F.S. (Section 33).

The bill amends s. 475.6235(4), F.S., which relates to the registration of appraisal management companies, to reference standards of professional practice adopted by rule of the Florida Real Estate Appraisal Board, including standards for the development or communication of real estate appraisal, instead of referencing the Uniform Standards of Professional Appraisal Practices with which the officers, managers, or owners must pledge they will comply. (Section 19).

The bill also creates s. 475.6235(9), F.S., to exempt a financial institution, as defined in s. 655.005, F.S., from the provisions of this section if the financial institution owns or operates an internal appraiser office, business, unit, or department, or an appraisal management company that is a subsidiary owned and controlled by a financial institution regulated by a Federal agency. This would conform the provision to the exemption from state regulation provided for bank-owned appraisal management companies as provided by the Dodd Frank Act.<sup>11</sup> (Section 33).

The bill amends s. 475.624(14), F.S., which provides the disciplinary provisions for appraisers, to reference standards of professional practice adopted by rule of the Florida Real Estate Appraisal Board. (Section 23).

---

<sup>11</sup> *Supra* at n. 6.

The bill amends s. 475.6245(1), F.S., which provides the disciplinary provisions for appraisal management companies, to reference standards of professional practice adopted by rule of the Florida Real Estate Appraisal Board. (Section 24).

The bill amends s. 475.628, F.S., which specifies the professional standards with which registered, licensed, and certified appraisers are required to comply, to require the Florida Real Estate Appraisal Board to adopt rules that establish 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.<sup>12</sup> It also references the standards of professional practice adopted by rule of the Florida Real Estate Appraisal Board. (Section 28).

### **Real Estate Schools-Distance Learning**

The bill amends s. 475.451, F.S., to permit continuing education instructors to complete their continuing education through either classroom or distance learning. It also provides that real estate schools may offer any continuing education course through distance learning if the course complies with s. 475.17(2), F.S., which authorizes the Florida Real Estate Commission to approve distance learning courses. (Section 35).

### **Architects**

The bill amends s. 481.209, F.S., to allow greater reciprocity of licensees' requirements to make Florida consistent with other states to improve licensing mobility for architects. (Section 12). It also amends ss. 481.211 and 481.213, F.S., to modify the internship requirements to make Florida consistent with other states to improve licensing mobility for architects. (Sections 13 and 14).

### **Continuing Education for Inactive and Delinquent Licenses**

The bill amends s. 455.271(10), F.S., to require only one renewal cycle of continuing education to reactivate a license for the professions regulated by a board of the department, or by the department if there is no board. It reduces the continuing education requirements for renewal of an inactive license to only one renewal cycle of hours, instead of the hours required for each year or two-year period that the license was inactive. The bill exempts certified public accountants licensed under ch. 473, F.S., and real estate brokers, sales associates, real estate schools, and appraisers licensed under ch. 474, F.S. These professionals would have to complete the continuing education required for each two-year period of licensure. (Section 1).

The bill also reduces the continuing education hours required to reactivate an inactive license to only one renewal cycle of hours, instead of the hours required for each year the license was inactive, for the following professions:

- Community association managers in s. 468.4338, F.S. (Section 2);
- Home inspectors in s. 468.8317, F.S. (Section 4);
- Mold-related services in s. 468.8417, F.S. (Section 5);

---

<sup>12</sup> Established in 1986, the Appraisal Foundation is composed of professional appraisal organizations in the United States and Canada. Its mission is to establish generally accepted standards of professional practice, i.e., the Uniform Standards of Professional Appraisal Practice (USPAP). The Appraisal Standards Board sets forth the rules for developing and reporting its results. It also promotes the use, understanding and enforcement of the USPAP. Information about the Appraisal Foundation is available at: <http://www.appraisalfoundation.org/> (Last visited February 6, 2012).

- Cosmetology in s. 477.0212(2), F.S. (Section 11);
- Architecture and interior design in s. 481.217(1), F.S. (Section 15);
- Landscape architecture in s. 481.315(1), F.S. (Section 16);
- Construction contracting in s. 489.116(6), F.S. (Section 17); and
- Electrical and alarm system contracting in s. 489.519(1), F.S. (Section 18).

The bill also amends s. 481.217(1), F.S., to clarify that the Board of Architecture and Interior Design may only approve continuing education for an interior designer that builds upon the basic knowledge of interior design. (Section 15).

### **Repeal of Criminal Penalties**

The bill amends s. 468.391, F.S., to limit the application of criminal penalties relating to auctioneering. The criminal penalties would not apply to violations of rules of the Florida Board of Auctioneers or violations of part VI of ch. 468, F.S. The bill limits the application of criminal penalties to the violations related to the following paragraphs in s. 468.389(1), F.S. (Section 20):

- (c) Failure to account for or to pay or return, within a reasonable time not to exceed 30 days, money or property belonging to another which has come into the control of an auctioneer or auction business through an auction.
- (e) Any conduct in connection with a sales transaction which demonstrates bad faith or dishonesty.
- (f) Using or permitting the use of false bidders, cappers, or shells.
- (h) Commingling money or property of another person with his or her own. Every auctioneer and auction business shall maintain a separate trust or escrow account in an insured bank or savings and loan association located in this state in which shall be deposited all proceeds received for another person through an auction sale.
- (i) Refusal or neglect of any auctioneer or other receiver of public moneys to pay the moneys so received into the State Treasury at the times and under the regulations prescribed by law.

The bill also repeals the following provisions that provide criminal penalties for violations of agency rules and the chapters of the Florida Statutes that govern the specified professions:

- Section 475.42(1)(e), F.S., relating to violations of rules of the Florida Real Estate Commission and violations of ch. 475, F.S. (Section 22);
- Section 476.194(1)(b), F.S., relating to violations of rules of the Barbers' Board, and violations of ch. 476, F.S. (Section 26); and
- Section 477.0265(1)(c), F.S., relating to violations of the Board of Cosmetology and ch. 477, F.S. (Section 27).

### **Exemptions from Requirements Concerning Mold-Related Services**

The bill amends s. 468.841(d), F.S., to exempt persons and businesses licensed as Landscape Architects under Part 2 of ch. 481., F.S., from complying with requirements in Part XVI of ch. 468, F.S., relating to mold assessment if they are not holding themselves out for hire to the public using names that imply that they perform mold assessment services, or stating or implying

that they are licensed under Part XVI. (Section 30). The statute's current exemptions include persons and businesses licensed as architects or interior designers under Part I of ch. 481, F.S.

#### **Repeal of Redundant Penalties**

The bill repeals paragraphs (b) and (c) of s. 475.626(1), F.S., which provide violations and penalties for real estate appraisers. These provisions are redundant of other provisions in this section. Section 475.626(1)(b), F.S., which prohibits violating any lawful order or rule of the board which is binding on him or her, is addressed in s. 475.624(4), F.S. Section 475.626(1)(c), F.S., which provides that a trainee appraiser or a licensed or certified appraiser may not commit any conduct set forth in s. 475.624, F.S., is addressed by s. 475.624, F.S., which contains prohibitions that apply to trainee appraisers, and licensed or certified appraisers. (Section 25).

#### **Effective Date**

The bill provides an effective date of July 1, 2012.

#### **IV. Constitutional Issues:**

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

#### **V. Fiscal Impact Statement:**

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

The reduction in the number of continuing education hours required to reactivate an inactive license would reduce costs for the following professionals with inactive licenses: community association managers, home inspectors, providers of mold-related services, cosmetologists, architects, landscape architects, construction contractors, and electrical and alarm system contractors. The bill may reduce the amount paid by the licensees to private continuing education providers.

Authorization of the filing of a lien to secure collections services expenses for condominium associations would result in increased collection of the expenses if liens are satisfied.

Because the bill decriminalizes violations of rules that are currently second degree misdemeanors, it would have an impact on private citizens who may otherwise have been assessed a fine or required to serve a jail sentence.

**C. Government Sector Impact:**

According to the department, it would see no increase or decrease in revenue. The costs of continuing education courses are paid by the licensees directly to the private sector course provider and not to the department. Therefore, the reduction in the number of continuing education hours required to reactivate an inactive license would not affect the department.

**VI. Technical Deficiencies:**

Section 16 of the bill amends s. 481.315(1), F.S., concerning reactivation of inactive or delinquent landscape architecture licenses. It provides that the board may not require completion of more than one renewal cycle of continuing education requirements, but does not specify “to reactivate the license” as is stated in all other sections of the bill that make similar changes for other licensing requirements.

On line 588 of the bill, the word “or” is inadvertently deleted.

**VII. Related Issues:**

None.

**VIII. Additional Information:**

**A. Committee Substitute – Statement of Substantial Changes:**  
(Summarizing differences between the Committee Substitute and the prior version of the bill.)

**CS by Criminal Justice on February 9, 2012:**

- Waives the initial licensing fee, the initial application fee, and the initial unlicensed activity fee for military veterans who apply to the department for a license within 24 months of being honorably discharged from service.
- Authorizes filing of a lien for collection services expenses that are reasonably related to the collection of a delinquent account rendered by a community association manager or management firm on behalf of a community association.
- Clarifies the confidentiality of certain financial documents for employee leasing companies.
- Conforms with exemptions for other utilities by removing a requirement for persons repairing, maintaining, removing, or disposing of asbestos-containing pipe or conduit used for gas service to be licensed as an asbestos consultant or contractor.
- Allows greater reciprocity of architect licensees and modifies the internship requirements to make Florida consistent with other states to improve licensing mobility for architects.
- Expands exemptions regarding mold-related services to include landscape architects.

- Revises provisions related to the regulation of appraisal management companies, banks, credit unions, or other lending institutions that own and operate an internal appraisal office, business unit, or department.
- Permits applicants for a real estate appraiser's certification to use the results of national examinations required for the license that were obtained more than 24 months after the date of the examination.
- Permits real estate continuing education instructors to complete their continuing education through distance learning and permits real estate schools to offer any course through distance learning.

B. Amendments:

None.