

By the Committee on Regulated Industries and Senator Clary

315-1714-98

1 A bill to be entitled
 2 An act relating to rulemaking authority with
 3 respect to professional regulation (RAB);
 4 amending s. 475.17, F.S.; authorizing the
 5 Florida Real Estate Commission to adopt rules
 6 requiring written evidence to establish good
 7 character; amending s. 475.25, F.S.;
 8 authorizing the Florida Real Estate Commission
 9 to adopt rules concerning the advertising of
 10 property or services and extending certain time
 11 limits for licensees on probation; amending s.
 12 489.115, F.S.; providing for the adoption of
 13 rules relating to continuing education
 14 requirements by the Construction Industry
 15 Licensing Board; amending s. 489.1195, F.S.;
 16 authorizing the Construction Industry Licensing
 17 Board to adopt rules defining the
 18 qualifications for financially responsible
 19 officers; amending s. 492.105, F.S.;
 20 authorizing the Board of Professional
 21 Geologists to determine acceptable geology
 22 education; providing an effective date.

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

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 26 Section 1. Paragraph (a) of subsection (1) of section
 27 475.17, Florida Statutes, is amended to read:

28 475.17 Qualifications for practice.--

29 (1)(a) An applicant for licensure who is a natural
 30 person must be at least 18 years of age; hold a high school
 31 diploma or its equivalent; be honest, truthful, trustworthy,

1 and of good character; and have a good reputation for fair
2 dealing. An applicant for an active broker's license or a
3 salesperson's license must be competent and qualified to make
4 real estate transactions and conduct negotiations therefor
5 with safety to investors and to those with whom the applicant
6 may undertake a relationship of trust and confidence. If the
7 applicant has been denied registration or a license or has
8 been disbarred, or the applicant's registration or license to
9 practice or conduct any regulated profession, business, or
10 vocation has been revoked or suspended, by this or any other
11 state, any nation, or any possession or district of the United
12 States, or any court or lawful agency thereof, because of any
13 conduct or practices which would have warranted a like result
14 under this chapter, or if the applicant has been guilty of
15 conduct or practices in this state or elsewhere which would
16 have been grounds for revoking or suspending her or his
17 license under this chapter had the applicant then been
18 registered, the applicant shall be deemed not to be qualified
19 unless, because of lapse of time and subsequent good conduct
20 and reputation, or other reason deemed sufficient, it appears
21 to the commission that the interest of the public and
22 investors will not likely be endangered by the granting of
23 registration. The commission may adopt rules requiring an
24 applicant for licensure to provide written information to the
25 commission regarding the applicant's good character.

26 Section 2. Paragraph (c) of subsection (1) of section
27 475.25, Florida Statutes, is amended, and subsection (4) is
28 added to that section, to read:

29 475.25 Discipline.--

30 (1) The commission may deny an application for
31 licensure, registration, or permit, or renewal thereof; may

1 place a licensee, registrant, or permittee on probation; may
2 suspend a license, registration, or permit for a period not
3 exceeding 10 years; may revoke a license, registration, or
4 permit; may impose an administrative fine not to exceed \$1,000
5 for each count or separate offense; and may issue a reprimand,
6 and any or all of the foregoing, if it finds that the
7 licensee, registrant, permittee, or applicant:

8 (c) Has advertised property or services in a manner
9 which is fraudulent, false, deceptive, or misleading in form
10 or content. The commission may adopt rules defining methods of
11 advertising that violate this paragraph.

12 (4) The commission may adopt rules allowing the
13 Director of the Division of Real Estate to grant to a licensee
14 placed on probation additional time within which to complete
15 the terms of probation, but the rules must allow the licensee
16 to appeal any denial to the commission.

17 Section 3. Paragraph (b) of subsection (4) of section
18 489.115, Florida Statutes, is amended to read:

19 489.115 Certification and registration; endorsement;
20 reciprocity; renewals; continuing education.--

21 (4)

22 (b)1. Each certificateholder or registrant shall
23 provide proof, in a form established by rule of the board,
24 that the certificateholder or registrant has completed at
25 least 14 classroom hours of at least 50 minutes each of
26 continuing education courses during each biennium since the
27 issuance or renewal of the certificate or registration. The
28 board shall establish by rule that a portion of the required
29 14 hours must deal with the subject of workers' compensation
30 and workplace safety. The board shall by rule establish
31 criteria for the approval of continuing education courses and

1 providers, including requirements relating to the content of
2 courses and standards for approval of providers, and may by
3 rule establish criteria for accepting alternative nonclassroom
4 continuing education on an hour-for-hour basis. The board
5 shall prescribe by rule the continuing education, if any,
6 which is required during the first biennium of initial
7 licensure. A person who has been licensed for less than an
8 entire biennium must not be required to complete the full 14
9 hours of continuing education.

10 2. In addition, the board may approve specialized
11 continuing education courses on compliance with the wind
12 resistance provisions for one and two family dwellings
13 contained in the State Minimum Building Codes and any
14 alternate methodologies for providing such wind resistance
15 which have been approved for use by the Board of Building
16 Codes and Standards. Division I certificateholders or
17 registrants who demonstrate proficiency upon completion of
18 such specialized courses may certify plans and specifications
19 for one and two family dwellings to be in compliance with the
20 code or alternate methodologies, as appropriate, except for
21 dwellings located in floodways or coastal hazard areas as
22 defined in ss. 60.3D and E of the National Flood Insurance
23 Program.

24 Section 4. Subsection (1) of section 489.1195, Florida
25 Statutes, is amended to read:

26 489.1195 Responsibilities.--

27 (1) A qualifying agent is a primary qualifying agent
28 unless he or she is a secondary qualifying agent under this
29 section.

30 (a) All primary qualifying agents for a business
31 organization are jointly and equally responsible for

1 supervision of all operations of the business organization;
2 for all field work at all sites; and for financial matters,
3 both for the organization in general and for each specific
4 job.

5 (b) Upon approval by the board, a business entity may
6 designate a financially responsible officer for purposes of
7 certification or registration. A financially responsible
8 officer shall be responsible for all financial aspects of the
9 business organization and may not be designated as the primary
10 qualifying agent. The designated financially responsible
11 officer shall furnish evidence of the financial
12 responsibility, credit, and business reputation of either
13 himself, or the business organization he desires to qualify,
14 as determined appropriate by the board.

15 (c) Where a business organization has a certified or
16 registered financially responsible officer, the primary
17 qualifying agent shall be responsible for all construction
18 activities of the business organization, both in general and
19 for each specific job.

20 (d) The board shall adopt rules prescribing the
21 qualifications for financially responsible officers, including
22 net worth, cash, and bonding requirements. These
23 qualifications must be at least as extensive as the
24 requirements for the financial responsibility of qualifying
25 agents.

26 Section 5. Paragraph (d) of subsection (1) of section
27 492.105, Florida Statutes, is amended to read:

28 492.105 Licensure by examination; requirements;
29 fees.--

30 (1) Any person desiring to be licensed as a
31 professional geologist shall apply to the department to take

1 the licensure examination. The written licensure examination
2 shall be designed to test an applicant's qualifications to
3 practice professional geology, and shall include such subjects
4 as will tend to ascertain the applicant's knowledge of the
5 theory and the practice of professional geology and may
6 include such subjects as are taught in curricula of accredited
7 colleges and universities. The department shall examine each
8 applicant who the board certifies:

9 (d) Fulfills the following educational requirements at
10 a college or university the geological curricula of which meet
11 the criteria established by an accrediting agency recognized
12 by the United States Department of Education:

13 1. Graduation from such college or university with a
14 major in geology or other related science acceptable to the
15 board ~~department~~; and

16 2. Satisfactory completion of at least 30 semester
17 hours of geological courses, 24 of which must be at the third
18 or fourth year or graduate level.

19 Section 6. This act shall take effect upon becoming a
20 law.

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22 STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
23 COMMITTEE SUBSTITUTE FOR
24 SB 1164

25 Deletes The Florida Real Estate Commission's authority to
26 adopt rules relating to holding a broker responsible for a
salesperson's failure to meet renewal requirements.

27 Narrows the authority provided in the original bill for the
28 commission to adopt rules relating to advertising.

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