

By Representative Brown

1 A bill to be entitled
2 An act relating to regulation of professions
3 and occupations; amending s. 455.213, F.S.,
4 relating to general licensing provisions;
5 providing for direct payment of
6 organization-related or vendor-related fees
7 associated with the examination to the
8 organization or vendor; providing that passing
9 a required examination does not entitle a
10 person to licensure if the person is not
11 otherwise qualified; amending s. 455.217, F.S.,
12 relating to examinations; authorizing the
13 contracting for examinations and services
14 related to examinations; providing requirements
15 with respect to examinations developed by the
16 department or a contracted vendor and to
17 national examinations; amending s. 455.225,
18 F.S.; providing that complaints or actions
19 against unlicensed persons or persons operating
20 outside their scope of practice are not
21 confidential; amending s. 489.109, F.S.;
22 revising language relating to fees applicable
23 to regulation of construction contracting, to
24 conform to changes authorizing contracted
25 examinations; amending s. 489.113, F.S.;
26 authorizing a local construction regulation
27 board to deny, suspend, or revoke the authority
28 of a certified contractor to obtain a building
29 permit or limit such authority to obtaining a
30 permit or permits with specific conditions;
31 providing for notices of noncompliance for

1 minor violations of regulatory law; amending s.
2 489.114, F.S., relating to evidence of workers'
3 compensation coverage; conforming terminology;
4 amending s. 489.115, F.S.; providing for
5 licensure by endorsement reciprocity with other
6 jurisdictions; providing for rules covering
7 requirements relating to the content of
8 continuing education courses and standards for
9 approval of continuing education providers;
10 requiring submission of a credit report
11 reflecting financial responsibility as a
12 prerequisite to the initial issuance of a
13 certificate; amending s. 489.119, F.S.;
14 requiring business organizations other than
15 sole proprietorships to secure a certificate of
16 authority rather than registration or
17 certification; amending s. 489.127, F.S.,
18 relating to prohibitions and penalties;
19 including reference to certificates of
20 authority; specifying that a local occupational
21 license issued under authority of chapter 205,
22 F.S., is not a license for purposes of part I
23 of chapter 489, F.S., relating to construction
24 contracting; amending s. 489.129, F.S.,
25 relating to disciplinary proceedings; including
26 reference to certificates of authority;
27 prohibiting issuance or renewal of licensure
28 until restitution is paid in full, if
29 restitution has been ordered, or until all
30 terms and conditions of the final order have
31 been satisfied; amending s. 489.131, F.S.;

1 providing applicability of the part to the
2 authority of local authorities to issue and the
3 requirement of specified contractors to obtain
4 local occupational license tax certificates;
5 providing for payment of local bonds into the
6 Construction Industry Recovery Fund; providing
7 for issuance of notices of noncompliance for
8 minor violations of regulatory law; amending s.
9 489.132, F.S., relating to prohibited acts by
10 unlicensed principals; conforming terminology;
11 creating s. 489.1455, F.S.; providing
12 requirements for local reciprocity of licensed
13 journeymen; providing for a fee; creating s.
14 489.146, F.S.; requiring privatization of
15 services of the Department of Business and
16 Professional Regulation; providing requirements
17 and rulemaking authority for such purpose;
18 amending s. 466.007, F.S.; correcting a cross
19 reference; providing effective dates.
20

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

22
23 Section 1. Subsections (1) and (2) of section 455.213,
24 Florida Statutes, 1996 Supplement, are amended to read:

25 455.213 General licensing provisions.--

26 (1) Any person desiring to be licensed shall apply to
27 the department in writing ~~to take the appropriate examination.~~
28 The application for licensure shall be made on a form prepared
29 and furnished by the department and shall be supplemented as
30 needed to reflect any material change in any circumstance or
31 condition stated in the application which takes place between

1 the initial filing of the application and the final grant or
2 denial of the license and which might affect the decision of
3 the agency. In cases where a person applies or schedules
4 directly with a national examination organization or
5 examination vendor to take an examination required for
6 licensure, any organization-related or vendor-related fees
7 associated with the examination may be paid directly to the
8 organization or vendor.

9 (2) Before the issuance of any license, the department
10 may charge an initial license fee as determined by rule of the
11 applicable board or, if no such board exists, by rule of the
12 department. Upon receipt of the appropriate license fee,
13 except as provided in subsection (3), the department shall
14 issue a license to any person certified by the appropriate
15 board, or its designee, or the department when there is no
16 board, as having met the applicable requirements imposed by
17 law or rule. An applicant who is not otherwise qualified for
18 licensure is not entitled to licensure solely based on a
19 passing score on a required examination.

20 Section 2. Section 455.217, Florida Statutes, 1996
21 Supplement, is amended to read:

22 455.217 Examinations.--

23 (1) The Division of Technology, Licensure, and Testing
24 of the Department of Business and Professional Regulation
25 shall provide, contract for, or approve services for the
26 development, preparation, and administration, scoring, score
27 reporting, and evaluation of all examinations in consultation
28 with the appropriate board.

29 (a) The department, acting in conjunction with the
30 Division of Technology, Licensure, and Testing and the
31 Division of Real Estate, as appropriate, shall certify ~~ensure~~

1 that the examinations developed or approved by the department
2 adequately and reliably measure an applicant's ability to
3 practice the profession regulated by the department ~~and shall~~
4 ~~seek the advice of the appropriate board in the preparation~~
5 ~~and administration of the examinations.~~ After an examination
6 developed or approved by the department has been administered,
7 the board or the department may reject any question which does
8 not reliably measure the general areas of competency specified
9 in the rules of the board, or the department when there is no
10 board. ~~The department shall use professional testing services~~
11 ~~to prepare, administer, grade, and evaluate the examinations,~~
12 ~~when such services are available and approved by the board.~~

13 (b) For each examination developed by the department
14 or a contracted vendor, to the extent not otherwise specified
15 by statute, the board, ~~or, when there is no board,~~ the
16 department when there is no board, shall by rule specify the
17 general areas of competency to be covered by the each
18 examination, the relative weight to be assigned in grading
19 each area tested, ~~and~~ the score necessary to achieve a passing
20 grade, and the fees, where applicable, to cover the actual
21 cost for any purchase, development, and administration of the
22 required examination. This subsection does not apply to
23 national examinations approved and administered pursuant to
24 paragraph (d).

25 (c) If a practical examination is deemed to be
26 necessary, ~~the~~ rules shall specify the criteria by which
27 examiners are to be selected, the grading criteria to be used
28 by the examiner, the relative weight to be assigned in grading
29 each criterion, and the score necessary to achieve a passing
30 grade. When a mandatory standardization exercise for a
31 practical examination is required by law, the board may

1 conduct such exercise. Therefore, board members may serve as
2 examiners at a practical examination with the consent of the
3 board.

4 (d)(c) A board, or the department when there is no
5 board, may approve by rule the use of any national examination
6 which the department has certified as meeting requirements of
7 national examinations and generally accepted testing standards
8 pursuant to department rules. Providers of examinations
9 seeking certification by the department shall pay the actual
10 costs incurred by the department in making a determination
11 regarding the certification. ~~The department shall use any~~
12 ~~national examination which is available and which is approved~~
13 ~~by the board.~~ The name and number of a candidate may be
14 provided to a national contractor for the limited purpose of
15 preparing the grade tape and information to be returned to the
16 board or department or, to the extent otherwise specified by
17 rule, the candidate may apply directly to the vendor of the
18 national examination and supply test score information to the
19 department. The department may delegate to the board the duty
20 to provide and administer the examination. Any national
21 examination approved by a board, or the department when there
22 is no board, prior to October 1, 1997, is deemed certified
23 under this paragraph.

24 (e)(d) The department shall adopt rules regarding the
25 security and monitoring of examinations. In order to maintain
26 the security of examinations, the department may employ the
27 procedures set forth in s. 455.228 to seek fines and
28 injunctive relief against an examinee who violates the
29 provisions of s. 455.2175 or the rules adopted pursuant to
30 this paragraph. The department, or any agent thereof, may,
31 for the purposes of investigation, confiscate any written,

1 photographic, or recording material or device in the
2 possession of the examinee at the examination site which the
3 department deems necessary to enforce such provisions or
4 rules.

5 (f)~~(e)~~ If the professional board with jurisdiction
6 over an examination concurs, the department may, for a fee,
7 share with any other state's licensing authority an
8 examination developed by or for the department unless
9 prohibited by a contract entered into by the department for
10 development or purchase of the examination. The department,
11 with the concurrence of the appropriate board, shall establish
12 guidelines that ensure security of a shared exam and shall
13 require that any other state's licensing authority comply with
14 those guidelines. Those guidelines shall be approved by the
15 appropriate professional board. All fees paid by the user
16 shall be applied to the department's examination and
17 development program for professions regulated by this chapter.
18 All fees paid by the user for professions not regulated by
19 this chapter shall be applied to offset the fees for the
20 development and administration of that profession's
21 examination.

22 (2) For each examination developed by the department
23 or a contracted vendor, the board, or the department, when
24 there is no board, ~~the department~~ shall make rules providing
25 for reexamination of any applicants who fail an ~~have failed~~
26 the examination developed by the department or a contracted
27 vendor. If both a written and a practical examination are
28 given, an applicant shall be required to retake only the
29 portion of the examination for ~~on~~ which he failed to achieve a
30 passing grade, if he successfully passes that portion within a
31 reasonable time, as determined by rule of the board, or the

1 department when there is no board,of his passing the other
2 portion.

3 (3) Except for national examinations approved and
4 administered pursuant to paragraph (1)(d), the department
5 shall provide procedures for applicants who fail an
6 examination developed by the department or a contracted vendor
7 to review their examination questions, answers, papers,
8 grades, and grading key. Applicants shall bear the actual
9 cost for the department to provide examination review pursuant
10 to this subsection. The board or, when there is no board, the
11 department shall make available an examination review
12 procedure for applicants and charge an examination review fee
13 not to exceed \$75 per review. Unless prohibited or limited by
14 rules implementing security or access guidelines of national
15 examinations, the applicant is entitled to review his
16 examination questions, answers, papers, grades, and grading
17 key. An applicant may waive in writing the confidentiality of
18 his examination grades.

19 (4)(3) For each examination developed or administered
20 by the department or a contracted vendor,The department shall
21 make an accurate record of each applicant's examination
22 questions, answers, papers, grades, and grading key. The
23 department shall be kept keep such record for a period of not
24 less than 2 years immediately following the examination, and
25 such record shall thereafter be maintained or destroyed as
26 provided in chapters 119 and 257. This subsection does not
27 apply to national examinations approved and administered
28 pursuant to paragraph (1)(d).

29 (5)(4) Meetings and records of meetings of any member
30 of the department or of any board or commission within the
31 department held for the exclusive purpose of creating or

1 reviewing licensure examination questions or proposed
2 examination questions are confidential and exempt from ss.
3 119.07(1) and 286.011. However, this exemption shall not
4 affect the right of any person to review an examination as
5 provided in subsection (3)~~(2)~~.

6 (6)~~(5)~~ Each board, or the department when there is no
7 board, may provide licensure examinations in an applicant's
8 native language. Applicants for examination or reexamination
9 pursuant to this subsection shall bear the full cost for the
10 department's development, preparation, administration,
11 grading, and evaluation of any examination in a language other
12 than English.

13 (7)~~(6)~~ In addition to meeting any other requirements
14 for licensure by examination or by endorsement, an applicant
15 may be required by a board, or by the department if there is
16 no board, to pass an examination pertaining to state laws and
17 rules applicable to the practice of the profession regulated
18 by that board or by the department.

19 Section 3. Subsection (10) of section 455.225, Florida
20 Statutes, 1996 Supplement, is amended to read:

21 455.225 Disciplinary proceedings.--Disciplinary
22 proceedings for each board shall be within the jurisdiction of
23 the department or the Agency for Health Care Administration,
24 as appropriate.

25 (10) The complaint and all information obtained
26 pursuant to the investigation by the department or the Agency
27 for Health Care Administration are confidential and exempt
28 from s. 119.07(1) until 10 days after probable cause has been
29 found to exist by the probable cause panel or by the
30 department or the agency, or until the regulated professional
31 or subject of the investigation waives his privilege of

1 confidentiality, whichever occurs first. However, this
2 exemption does not apply to actions against unlicensed persons
3 pursuant to s. 455.228 or the applicable practice act. Upon
4 completion of the investigation and pursuant to a written
5 request by the subject, the department or the agency shall
6 provide the subject an opportunity to inspect the
7 investigative file or, at the subject's expense, forward to
8 the subject a copy of the investigative file. Notwithstanding
9 s. 455.241, the subject may inspect or receive a copy of any
10 expert witness report or patient record connected with the
11 investigation, if the subject agrees in writing to maintain
12 the confidentiality of any information received under this
13 subsection until 10 days after probable cause is found and to
14 maintain the confidentiality of patient records pursuant to s.
15 455.241. The subject may file a written response to the
16 information contained in the investigative file. Such
17 response must be filed within 20 days, unless an extension of
18 time has been granted by the department or the agency. This
19 subsection does not prohibit the department or the Agency for
20 Health Care Administration from providing such information to
21 any law enforcement agency or to any other regulatory agency.

22 Section 4. Subsection (1) of section 489.109, Florida
23 Statutes, is amended to read:

24 489.109 Fees.--

25 (1) The board, by rule, shall establish reasonable
26 fees to be paid for applications, ~~examination~~, certification
27 and renewal, registration and renewal, and recordmaking and
28 recordkeeping. The fees shall be established as follows:

29 (a) With respect to an applicant for a certificate,
30 the initial application ~~and examination~~ fee may not exceed
31 \$350, and the initial certification fee and the renewal fee

1 may not exceed \$200. However, any applicant who seeks
2 certification under this part by taking a practical
3 examination must pay as an examination fee the actual cost
4 incurred by the department in conducting the examination, if
5 the examination is conducted by the department.

6 (b) With respect to an applicant for registration, the
7 initial application fee may not exceed \$100, and the initial
8 registration fee and the renewal fee may not exceed \$200.

9 (c) The board, by rule, may establish delinquency
10 fees, not to exceed the applicable renewal fee for renewal
11 applications made after the expiration date of the certificate
12 or registration.

13 (d) The board, by rule, may establish a fee for
14 transfer of a certificate of authority ~~or registration~~ from
15 one business organization to another, not to exceed the
16 applicable renewal fee.

17 (e) The board, by rule, shall impose a renewal fee for
18 an inactive status certificate or registration, not to exceed
19 the renewal fee for an active status certificate or
20 registration. Neither the inactive certification fee nor the
21 inactive registration fee may exceed \$50. The board, by rule,
22 may provide for a different fee for inactive status where such
23 status is sought by a building code administrator, plans
24 examiner, or inspector certified pursuant to part XIII of
25 chapter 468 who is employed by a local government and is not
26 allowed by the terms of such employment to maintain a
27 certificate on active status issued pursuant to this part.

28 (f) The board, by rule, shall impose an additional
29 late fee on a delinquent status certificateholder or
30 registrant when such certificateholder or registrant applies
31 for active or inactive status.

1 (g) The board, by rule, shall impose an additional
2 fee, not to exceed the applicable renewal fee, which
3 reasonably reflects the costs of processing a
4 certificateholder's or registrant's request to change
5 licensure status at any time other than at the beginning of a
6 licensure cycle.

7 Section 5. Subsections (1) and (4) of sections
8 489.113, Florida Statutes, are amended to read:

9 489.113 Qualifications for practice; restrictions.--

10 (1) Any person who desires to engage in contracting on
11 a statewide basis shall, as a prerequisite thereto, establish
12 his competency and qualifications to be certified pursuant to
13 this part. To establish his competency, a person shall pass
14 the appropriate examination approved by the board and
15 certified ~~administered~~ by the department. Any person who
16 desires to engage in contracting on other than a statewide
17 basis shall, as a prerequisite thereto, be registered pursuant
18 to this part, unless exempted by this part.

19 (4)(a) When a certificateholder desires to engage in
20 contracting in any area of the state, as a prerequisite
21 therefor, he shall be required only to exhibit to the local
22 building official, tax collector, or other person in charge of
23 the issuance of licenses and building permits in the area
24 evidence of holding a current certificate and to pay the fee
25 for the occupational license and building permit required of
26 other persons.

27 (b) Notwithstanding the provisions of paragraph (a), a
28 local construction regulation board may deny, suspend, or
29 revoke the authority of a certified contractor to obtain a
30 building permit or limit such authority to obtaining the
31 ~~issuance of a building permit to a certified contractor, or~~

1 ~~issue~~ a permit or permits with specific conditions, if the
2 local construction regulation board has found such contractor,
3 through the public hearing process, to be guilty of fraud or a
4 willful building code violation within the county or
5 municipality that the local construction regulation board
6 represents or if the local construction regulation board has
7 proof that such contractor, through the public hearing
8 process, has been found guilty in another county or
9 municipality within the past 12 months, of fraud or a willful
10 building code violation and finds, after providing notice of
11 an opportunity to be heard to the contractor, that such fraud
12 or violation would have been fraud or a violation if committed
13 in the county or municipality that the local construction
14 board represents. Notification of and information concerning
15 such permit denial shall be submitted to the department within
16 15 days after the local construction regulation board decides
17 to deny the permit.

18 (c) The local government may also deny issuance of, or
19 may suspend, any outstanding building permit where a
20 contractor fails or refuses to provide proof of public
21 liability and property damage insurance coverage as required
22 by s. 489.115(5) and workers' compensation insurance coverage
23 as required by s. 489.114.

24 (d) It is the policy of the state that the purpose of
25 regulation is to protect the public by attaining compliance
26 with the policies established in law. Fines and other
27 penalties are provided in order to ensure compliance; however,
28 the collection of fines and the imposition of penalties are
29 intended to be secondary to the primary goal of attaining
30 compliance with state laws and local jurisdiction ordinances.
31 It is the intent of the Legislature that a local jurisdiction

1 agency charged with enforcing regulatory laws shall issue a
2 notice of noncompliance as its first response to a minor
3 violation of a regulatory law in any instance in which it is
4 reasonable to assume that the violator was unaware of such a
5 law or unclear as to how to comply with it. A violation of a
6 regulatory law is a "minor violation" if it does not result in
7 economic or physical harm to a person or adversely affect the
8 public health, safety, or welfare or create a significant
9 threat of such harm. A "notice of noncompliance" is a
10 notification by the local jurisdiction agency charged with
11 enforcing the ordinance, which is issued to the licensee that
12 is subject to the ordinance. A notice of noncompliance should
13 not be accompanied with a fine or other disciplinary penalty.
14 It should identify the specific ordinance that is being
15 violated, provide information on how to comply with the
16 ordinance, and specify a reasonable time for the violator to
17 comply with the ordinance. Failure of a licensee to take
18 action correcting the violation within a set period of time
19 would then result in the institution of further disciplinary
20 proceedings.

21 Section 6. Section 489.114, Florida Statutes, is
22 amended to read:

23 489.114 Evidence of workers' compensation
24 coverage.--Any person, business organization, or qualifying
25 agent engaged in the business of contracting in this state and
26 certified or registered under this part shall, as a condition
27 precedent to the issuance or renewal of a certificate, ~~or~~
28 registration, or certificate of authority of the contractor,
29 provide to the Construction Industry Licensing Board, as
30 provided by board rule, evidence of workers' compensation
31 coverage pursuant to chapter 440. In the event that the

1 Division of Workers' Compensation of the Department of Labor
2 and Employment Security receives notice of the cancellation of
3 a policy of workers' compensation insurance insuring a person
4 or entity governed by this section, the Division of Workers'
5 Compensation shall certify and identify all persons or
6 entities by certification or registration license number to
7 the department after verification is made by the Division of
8 Workers' Compensation that such cancellation has occurred or
9 that persons or entities governed by this section are no
10 longer covered by workers' compensation insurance. Such
11 certification and verification by the Division of Workers'
12 Compensation shall result solely from records furnished to the
13 Division of Workers' Compensation by the persons or entities
14 governed by this section. The department shall notify the
15 persons or entities governed by this section who have been
16 determined to be in noncompliance with chapter 440, and the
17 persons or entities notified shall provide certification of
18 compliance with chapter 440 to the department and pay an
19 administrative fine as provided by rule. The failure to
20 maintain workers' compensation coverage as required by law
21 shall be grounds for the board to revoke, suspend, or deny the
22 issuance or renewal of a certificate, or registration, or
23 certificate of authority of the contractor under the
24 provisions of s. 489.129.

25 Section 7. Subsections (3), (4), and (5) of section
26 489.115, Florida Statutes, are amended to read:

27 489.115 Certification and registration; endorsement;
28 reciprocity; renewals; continuing education.--

29 (3) The board shall certify as qualified for
30 certification by endorsement any applicant who:

31

1 (a) Meets the requirements for certification as set
2 forth in this section; has passed a national, regional, state,
3 or United States territorial licensing examination that is
4 substantially equivalent to the examination required by this
5 part; and has satisfied the requirements set forth in s.
6 489.111; ~~or~~

7 (b) Holds a valid license to practice contracting
8 issued by another state or territory of the United States, if
9 the criteria for issuance of such license were substantially
10 equivalent to Florida's current certification criteria; or

11 (c) Holds a valid, current license to practice
12 contracting issued by another state or territory of the United
13 States, if the state or territory has entered into a
14 reciprocal agreement with the board for the recognition of
15 contractor licenses issued in that state, based on criteria
16 for the issuance of such licenses that are substantially
17 equivalent to the criteria for certification in this state.

18 (4)(a) Each certificateholder or registrant who
19 desires to continue as a certificateholder or registrant shall
20 renew his certificate or registration every 2 years. The
21 department shall mail each certificateholder and registrant an
22 application for renewal.

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

1 criteria for the approval of continuing education courses and
2 providers, including requirements relating to the content of
3 courses and standards for approval of providers,and may by
4 rule establish criteria for accepting alternative nonclassroom
5 continuing education on an hour-for-hour basis.

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

20 (c) The certificateholder or registrant shall
21 complete, sign, and forward the renewal application to the
22 department, together with the appropriate fee. Upon receipt of
23 the application and fee, the department shall renew the
24 certificate or registration.

25 (5)(a) As a prerequisite to the initial issuance or
26 the renewal of a certificate or registration, the applicant
27 shall submit an affidavit on a form provided by the board
28 attesting to the fact that the applicant has obtained workers'
29 compensation insurance as required by chapter 440, public
30 liability insurance, and property damage insurance for the
31 safety and welfare of the public, in amounts determined by

1 rule of the board. The board shall by rule establish a
2 procedure to verify the accuracy of such affidavits based upon
3 a random sample method.

4 (b) In addition to the affidavit of insurance, as a
5 prerequisite to the initial issuance of a certificate, the
6 applicant shall furnish a credit report from a nationally
7 recognized credit agency that reflects the financial
8 responsibility of the applicant and evidence of financial
9 responsibility, credit, and business reputation of either
10 himself or the business organization he desires to qualify.
11 The board shall adopt rules defining financial responsibility
12 based upon the applicant's credit history, ability to be
13 bonded, and any history of bankruptcy or assignment of
14 receivers. Such rules shall specify the financial
15 responsibility grounds on which the board may refuse to
16 qualify an applicant for certification.

17 (c) If, within 60 days from the date the applicant is
18 notified that he has qualified, he does not provide the
19 evidence required, he shall apply to the department for an
20 extension of time which shall be granted upon a showing of
21 just cause.

22 Section 8. Section 489.119, Florida Statutes, 1996
23 Supplement, is amended to read:

24 489.119 Business organizations; qualifying agents.--

25 (1) If an individual proposes to engage in contracting
26 in the individual's own name, or a fictitious name where the
27 individual is doing business as a sole proprietorship,
28 registration or certification may be issued only to that
29 individual.

30 (2) If the applicant proposes to engage in contracting
31 as a business organization, including any partnership,

1 corporation, business trust, or other legal entity, or in any
2 name other than the applicant's legal name or a fictitious
3 name where the applicant is doing business as a sole
4 proprietorship, the business organization must apply for a
5 certificate of authority ~~certification or registration~~ through
6 a qualifying agent and under the fictitious name, if any.

7 (a) The application for a certificate of authority
8 must state the name of the partnership and of its partners;
9 the name of the corporation and of its officers and directors
10 and the name of each of its stockholders who is also an
11 officer or director; the name of the business trust and its
12 trustees; or the name of such other legal entity and its
13 members; and must state the fictitious name, if any, under
14 which the business organization is doing business.

15 1. The application for primary qualifying agent must
16 include an affidavit on a form provided by the board attesting
17 that the applicant has final approval authority for all
18 construction work performed by the entity and that the
19 applicant has final approval authority on all business
20 matters, including contracts, specifications, checks, drafts,
21 or payments, regardless of the form of payment, made by the
22 entity, except where a financially responsible officer is
23 approved.

24 2. The application for financially responsible officer
25 must include an affidavit on a form provided by the board
26 attesting that the applicant's approval is required for all
27 checks, drafts, or payments, regardless of the form of
28 payment, made by the entity and that the applicant has
29 authority to act for the business organization in all
30 financial matters.

31

1 3. The application for secondary qualifying agent must
2 include an affidavit on a form provided by the board attesting
3 that the applicant has authority to supervise all construction
4 work performed by the entity as provided in s. 489.1195(2).

5 (b) The applicant must furnish evidence of statutory
6 compliance if a fictitious name is used, the provisions of s.
7 865.09(7) notwithstanding.

8 (c) A joint venture, including a joint venture
9 composed of qualified business organizations, is itself a
10 separate and distinct organization that must be qualified and
11 obtain a certificate of authority in accordance with board
12 rules.

13 (d) A certificate of authority must be renewed every 2
14 years. ~~The registration or certification, when issued upon~~
15 ~~application of a business organization, must be in the name of~~
16 ~~the business organization.~~ If there is a change in any
17 information that is required to be stated on the application,
18 the business organization shall, within 45 days after such
19 change occurs, mail the correct information to the department.

20 (3)(a) The qualifying agent shall be certified or
21 registered under this part in order for the business
22 organization to be issued a certificate of authority ~~certified~~
23 ~~or registered~~ in the category of the business conducted for
24 which the qualifying agent is certified or registered. If any
25 qualifying agent ceases to be affiliated with such business
26 organization, he shall so inform the department. In addition,
27 if such qualifying agent is the only certified or registered
28 contractor affiliated with the business organization, the
29 business organization shall notify the department of the
30 termination of the qualifying agent and shall have 60 days
31 from the termination of the qualifying agent's affiliation

1 with the business organization in which to employ another
2 qualifying agent. The business organization may not engage in
3 contracting until a qualifying agent is employed, unless the
4 executive director or chair of the board has granted a
5 temporary nonrenewable certificate or registration to the
6 financially responsible officer, the president, a partner, or,
7 in the case of a limited partnership, the general partner, who
8 assumes all responsibilities of a primary qualifying agent for
9 the entity. This temporary certificate or registration shall
10 only allow the entity to proceed with incomplete contracts as
11 defined in s. 489.121.

12 (b) The qualifying agent shall inform the department
13 in writing when he proposes to engage in contracting in his
14 own name or in affiliation with another business organization,
15 and he or such new business organization shall supply the same
16 information to the department as required of applicants under
17 this part.

18 (c) Upon a favorable determination by the board, after
19 investigation of the financial responsibility, credit, and
20 business reputation of the qualifying agent and the new
21 business organization, the department shall issue, without an
22 examination, a new certificate of authority ~~or registration~~ in
23 the business organization's name.

24 (4) Disciplinary action against a business
25 organization holding a certificate of authority shall be
26 administered in the same manner and on the same grounds as
27 disciplinary action against a contractor. The board may deny
28 the certification of any person cited in subsection (2) if the
29 person has been involved in past disciplinary actions or on
30 any grounds for which individual certification can be denied.
31

1 ~~(5)(4)~~ When a certified qualifying agent, on behalf of
2 a business organization, makes application for an occupational
3 license in any municipality or county of this state, the
4 application shall be made with the tax collector in the name
5 of the business organization and the qualifying agent; and the
6 license, when issued, shall be issued to the business
7 organization, upon payment of the appropriate licensing fee
8 and exhibition to the tax collector of a valid certificate for
9 the qualifying agent and a valid certificate of authority for
10 the business organization issued by the department, and the
11 state license numbers ~~number~~ shall be noted thereon.

12 ~~(6)(5)~~(a) Each registered or certified contractor
13 shall affix the number of his registration or certification to
14 each application for a building permit and on each building
15 permit issued and recorded. Each city or county building
16 department shall require, as a precondition for the issuance
17 of the building permit, that the contractor taking out the
18 permit must provide verification giving his Construction
19 Industry Licensing Board registration or certification number.

20 (b) The registration or certification number of each
21 contractor or certificate of authority number for each
22 business organization shall appear in each offer of services,
23 business proposal, bid, contract, or advertisement, regardless
24 of medium, as defined by board rule, used by that contractor
25 or business organization in the practice of contracting.

26 (c) If a vehicle bears the name of a contractor or
27 business organization, or any text or artwork which would lead
28 a reasonable person to believe that the vehicle is used for
29 contracting, the registration or certification number of the
30 contractor or certificate of authority number of the business
31 organization must be conspicuously and legibly displayed with

1 the name, text, or artwork. Local governments may also
2 require that locally licensed contractors must also display
3 their certificate of competency or license numbers. Nothing
4 in this paragraph shall be construed to create a mandatory
5 vehicle signage requirement.

6 (d) For the purposes of this part, the term
7 "advertisement" does not include business stationery or any
8 promotional novelties such as balloons, pencils, trinkets, or
9 articles of clothing.

10 (e) The board shall issue a notice of noncompliance
11 for the first offense, and may assess a fine or issue a
12 citation for failure to correct the offense within 30 days or
13 for any subsequent offense, to any contractor or business
14 organization that fails to include the certification, or
15 registration, or certificate of authority number as required
16 by this part when submitting an advertisement for publication,
17 broadcast, or printing or fails to display the certification,
18 or registration, or certificate of authority number as
19 required by this part.

20 ~~(7)(6)~~ Each qualifying agent shall pay the department
21 an amount equal to the original fee for a certificate of
22 authority ~~certification or registration~~ of a new business
23 organization. If the qualifying agent for a business
24 organization desires to qualify additional business
25 organizations, the board shall require him to present evidence
26 of ability and financial responsibility of each such
27 organization. The issuance of such certificate of authority
28 ~~certification or registration~~ is discretionary with the board.

29 Section 9. Subsection (1) of section 489.127, Florida
30 Statutes, 1996 Supplement, is amended to read:

31 489.127 Prohibitions; penalties.--

- 1 (1) No person shall:
- 2 (a) Falsely hold himself or a business organization
- 3 out as a licensee, certificateholder, or registrant;
- 4 (b) Falsely impersonate a certificateholder or
- 5 registrant;
- 6 (c) Present as his own the certificate,~~or~~
- 7 registration, or certificate of authority of another;
- 8 (d) Knowingly give false or forged evidence to the
- 9 board or a member thereof;
- 10 (e) Use or attempt to use a certificate,~~or~~
- 11 registration, or certificate of authority which has been
- 12 suspended or revoked;
- 13 (f) Engage in the business or act in the capacity of a
- 14 contractor or advertise himself or a business organization as
- 15 available to engage in the business or act in the capacity of
- 16 a contractor without being duly registered or certified or
- 17 having a certificate of authority;
- 18 (g) Operate a business organization engaged in
- 19 contracting after 60 days following the termination of its
- 20 only qualifying agent without designating another primary
- 21 qualifying agent, except as provided in ss. 489.119 and
- 22 489.1195;
- 23 (h) Commence or perform work for which a building
- 24 permit is required pursuant to an adopted state minimum
- 25 building code without such building permit being in effect; or
- 26 (i) Willfully or deliberately disregard or violate any
- 27 municipal or county ordinance relating to uncertified or
- 28 unregistered contractors.
- 29
- 30 For purposes of this subsection, a person or business
- 31 organization operating on an inactive or suspended

1 ~~certificate, or registration, or certificate of authority or~~
2 ~~operating beyond the scope of work or geographical scope of~~
3 ~~the registration,~~ is not duly certified or registered and is
4 considered unlicensed. An occupational license certificate
5 issued under the authority of chapter 205 is not a license for
6 purposes of this part.

7 Section 10. Paragraph (a) of subsection (6) and
8 subsections (1), (5), and (7) of section 489.129, Florida
9 Statutes, 1996 Supplement, are amended to read:

10 489.129 Disciplinary proceedings.--

11 (1) The board may take any of the following actions
12 against any certificateholder or registrant: place on
13 probation or reprimand the licensee, revoke, suspend, or deny
14 the issuance or renewal of the certificate, ~~or~~ registration,
15 or certificate of authority, require financial restitution to
16 a consumer for financial harm directly related to a violation
17 of a provision of this part, impose an administrative fine not
18 to exceed \$5,000 per violation, require continuing education,
19 or assess costs associated with investigation and prosecution,
20 if the contractor, financially responsible officer, or
21 business organization for which the contractor is a primary
22 qualifying agent, a financially responsible officer, or a
23 secondary qualifying agent responsible under s. 489.1195 is
24 found guilty of any of the following acts:

25 (a) Obtaining a certificate, ~~or~~ registration, or
26 certificate of authority by fraud or misrepresentation.

27 (b) Being convicted or found guilty of, or entering a
28 plea of nolo contendere to, regardless of adjudication, a
29 crime in any jurisdiction which directly relates to the
30 practice of contracting or the ability to practice
31 contracting.

1 (c) Violating any provision of chapter 455.

2 (d) Knowingly violating the applicable building codes
3 or laws of the state or of any municipalities or counties
4 thereof.

5 (e) Performing any act which assists a person or
6 entity in engaging in the prohibited uncertified and
7 unregistered practice of contracting, if the certificateholder
8 or registrant knows or has reasonable grounds to know that the
9 person or entity was uncertified and unregistered.

10 (f) Knowingly combining or conspiring with an
11 uncertified or unregistered person by allowing his
12 certificate,or registration, or certificate of authority to
13 be used by the uncertified or unregistered person with intent
14 to evade the provisions of this part. When a
15 certificateholder or registrant allows his certificate or
16 registration to be used by one or more business organizations
17 without having any active participation in the operations,
18 management, or control of such business organizations, such
19 act constitutes prima facie evidence of an intent to evade the
20 provisions of this part.

21 (g) Acting in the capacity of a contractor under any
22 certificate or registration issued hereunder except in the
23 name of the certificateholder or registrant as set forth on
24 the issued certificate or registration, or in accordance with
25 the personnel of the certificateholder or registrant as set
26 forth in the application for the certificate or registration,
27 or as later changed as provided in this part.

28 (h) Committing mismanagement or misconduct in the
29 practice of contracting that causes financial harm to a
30 customer. Financial mismanagement or misconduct occurs when:

31

1 1. Valid liens have been recorded against the property
2 of a contractor's customer for supplies or services ordered by
3 the contractor for the customer's job; the contractor has
4 received funds from the customer to pay for the supplies or
5 services; and the contractor has not had the liens removed
6 from the property, by payment or by bond, within 75 days after
7 the date of such liens;

8 2. The contractor has abandoned a customer's job and
9 the percentage of completion is less than the percentage of
10 the total contract price paid to the contractor as of the time
11 of abandonment, unless the contractor is entitled to retain
12 such funds under the terms of the contract or refunds the
13 excess funds within 30 days after the date the job is
14 abandoned; or

15 3. The contractor's job has been completed, and it is
16 shown that the customer has had to pay more for the contracted
17 job than the original contract price, as adjusted for
18 subsequent change orders, unless such increase in cost was the
19 result of circumstances beyond the control of the contractor,
20 was the result of circumstances caused by the customer, or was
21 otherwise permitted by the terms of the contract between the
22 contractor and the customer.

23 (i) Being disciplined by any municipality or county
24 for an act or violation of this part.

25 (j) Failing in any material respect to comply with the
26 provisions of this part or violating a rule or lawful order of
27 the board.

28 (k) Abandoning a construction project in which the
29 contractor is engaged or under contract as a contractor. A
30 project may be presumed abandoned after 90 days if the
31 contractor terminates the project without just cause or

1 without proper notification to the owner, including the reason
2 for termination, or fails to perform work without just cause
3 for 90 consecutive days.

4 (l) Signing a statement with respect to a project or
5 contract falsely indicating that the work is bonded; falsely
6 indicating that payment has been made for all subcontracted
7 work, labor, and materials which results in a financial loss
8 to the owner, purchaser, or contractor; or falsely indicating
9 that workers' compensation and public liability insurance are
10 provided.

11 (m) Committing fraud or deceit in the practice of
12 contracting.

13 (n) Committing incompetency or misconduct in the
14 practice of contracting.

15 (o) Committing gross negligence, repeated negligence,
16 or negligence resulting in a significant danger to life or
17 property.

18 (p) Proceeding on any job without obtaining applicable
19 local building department permits and inspections.

20 (q) Intimidating, threatening, coercing, or otherwise
21 discouraging the service of a notice to owner under part I of
22 chapter 713 or a notice to contractor under chapter 255 or
23 part I of chapter 713.

24 (r) Failing to satisfy within a reasonable time, the
25 terms of a civil judgment obtained against the licensee, or
26 the business organization qualified by the licensee, relating
27 to the practice of the licensee's profession.

28

29 For the purposes of this subsection, construction is
30 considered to be commenced when the contract is executed and
31 the contractor has accepted funds from the customer or lender.

1 (5) The board may not reinstate the certification, or
2 registration, or certificate of authority of, or cause a
3 certificate, ~~or~~ registration, or certificate of authority to
4 be issued to, a person who or business organization which the
5 board has determined is unqualified or whose certificate, or
6 registration, or certificate of authority the board has
7 suspended until it is satisfied that such person or business
8 organization has complied with all the terms and conditions
9 set forth in the final order and is capable of competently
10 engaging in the business of contracting.

11 (6)(a) The board may assess interest or penalties
12 ~~payments~~ on all fines imposed under this chapter against any
13 person or business organization which has not paid the imposed
14 fine by the due date established by rule or final order. The
15 provisions of chapter 120 do not apply to such assessment.
16 Interest rates to be imposed shall be established by rule and
17 shall not be usurious.

18 (7) The board shall not issue or renew a certificate,
19 or registration, or certificate of authority to any person or
20 business organization that ~~who~~ has been assessed a fine,
21 interest ~~payments~~, or costs associated with investigation and
22 prosecution, or has been ordered to pay restitution, until
23 such fine, interest ~~payments~~, or costs associated with
24 investigation and prosecution or restitution are paid in full
25 or until all terms and conditions of the final order have been
26 satisfied.

27 Section 11. Paragraphs (c) and (e) of subsection (3)
28 and subsection (7) of section 489.131, Florida Statutes, 1996
29 Supplement, are amended to read:

30 489.131 Applicability.--

31

1 (3) Nothing in this part limits the power of a
2 municipality or county:

3 (c) To collect occupational license taxes, subject to
4 s. 205.065, and inspection fees for engaging in contracting or
5 examination fees from persons who are registered with the
6 board pursuant to local examination requirements and issue
7 occupational license tax certificates. However, nothing in
8 this part shall be construed to require general contractors,
9 building contractors, or residential contractors to obtain
10 additional occupational license tax certificates ~~licenses~~ for
11 specialty work when such specialty work is performed by
12 employees of such contractors on projects for which they have
13 substantially full responsibility and such contractors do not
14 hold themselves out to the public as being specialty
15 contractors.

16 (e) To require one bond for each contractor in an
17 amount not to exceed \$5,000, which bond shall be conditioned
18 only upon compliance with the applicable state minimum
19 building code and applicable local building code requirements
20 adopted pursuant to s. 553.73. Any such bond must be equally
21 available to all contractors without regard to the period of
22 time a contractor has been certified or registered and without
23 regard to any financial responsibility requirements. Any such
24 bonds shall be payable to the Construction Industry Recovery
25 Fund ~~Governor~~ and filed in each county or municipality in
26 which a building permit is requested. Bond reciprocity shall
27 be granted statewide. All such bonds shall be included in
28 meeting any financial responsibility requirements imposed by
29 any statute or rule. Any contractor who provides a third
30 party insured warranty policy in connection with a new
31 building or structure for the benefit of the purchaser or

1 owner shall be exempt from the bond requirements under this
2 subsection with respect to such building or structure.
3 (7)(a) It is the policy of the state that the purpose
4 of regulation is to protect the public by attaining compliance
5 with the policies established in law. Fines and other
6 penalties are provided in order to ensure compliance; however,
7 the collection of fines and the imposition of penalties are
8 intended to be secondary to the primary goal of attaining
9 compliance with state laws and local jurisdiction ordinances.
10 It is the intent of the Legislature that a local jurisdiction
11 agency charged with enforcing regulatory laws shall issue a
12 notice of noncompliance as its first response to a minor
13 violation of a regulatory law in any instance in which it is
14 reasonable to assume that the violator was unaware of such a
15 law or unclear as to how to comply with it. A violation of a
16 regulatory law is a "minor violation" if it does not result in
17 economic or physical harm to a person or adversely affect the
18 public health, safety, or welfare or create a significant
19 threat of such harm. A "notice of noncompliance" is a
20 notification by the local jurisdiction agency charged with
21 enforcing the ordinance, which is issued to the licensee that
22 is subject to the ordinance. A notice of noncompliance should
23 not be accompanied with a fine or other disciplinary penalty.
24 It should identify the specific ordinance that is being
25 violated, provide information on how to comply with the
26 ordinance, and specify a reasonable time for the violator to
27 comply with the ordinance. Failure of a licensee to take
28 action correcting the violation within a set period of time
29 would then result in the institution of further disciplinary
30 proceedings.
31

1 (b)~~(a)~~ The local governing body of a county or
2 municipality, or its local enforcement body, is authorized to
3 enforce the provisions of this part as well as its local
4 ordinances against locally licensed or registered contractors,
5 as appropriate. The local jurisdiction enforcement body may
6 conduct disciplinary proceedings against a locally licensed or
7 registered contractor and may require restitution, impose a
8 suspension or revocation of his local license, or a fine not
9 to exceed \$5,000, or a combination thereof, against the
10 locally licensed or registered contractor, according to
11 ordinances which a local jurisdiction may enact. In addition,
12 the local jurisdiction may assess reasonable investigative and
13 legal costs for the prosecution of the violation against the
14 violator, according to such ordinances as the local
15 jurisdiction may enact.

16 (c)~~(b)~~ In addition to any action the local
17 jurisdiction enforcement body may take against the
18 individual's local license, and any fine the local
19 jurisdiction may impose, the local jurisdiction enforcement
20 body shall issue a recommended penalty for board action. This
21 recommended penalty may include a recommendation for no
22 further action, or a recommendation for suspension,
23 revocation, or restriction of the registration, or a fine to
24 be levied by the board, or a combination thereof. The local
25 jurisdiction enforcement body shall inform the disciplined
26 contractor and the complainant of the local license penalty
27 imposed, the board penalty recommended, his rights to appeal,
28 and the consequences should he decide not to appeal. The
29 local jurisdiction enforcement body shall, upon having reached
30 adjudication or having accepted a plea of nolo contendere,
31

1 immediately inform the board of its action and the recommended
2 board penalty.

3 (d)~~(e)~~ The department, the disciplined contractor, or
4 the complainant may challenge the local jurisdiction
5 enforcement body's recommended penalty for board action to the
6 Construction Industry Licensing Board. A challenge shall be
7 filed within 60 days after the issuance of the recommended
8 penalty to the board. If challenged, there is a presumptive
9 finding of probable cause and the case may proceed without the
10 need for a probable cause hearing.

11 (e)~~(d)~~ Failure of the department, the disciplined
12 contractor, or the complainant to challenge the local
13 jurisdiction's recommended penalty within the time period set
14 forth in this subsection shall constitute a waiver of the
15 right to a hearing before the board. A waiver of the right to
16 a hearing before the board shall be deemed an admission of the
17 violation, and the penalty recommended shall become a final
18 order according to procedures developed by board rule without
19 further board action. The disciplined contractor may appeal
20 this board action to the district court.

21 (f)~~(e)~~ The department may investigate any complaint
22 which is made with the department. However, if the department
23 determines that the complaint against a registered contractor
24 is for an action which a local jurisdiction enforcement body
25 has investigated and reached adjudication or accepted a plea
26 of nolo contendere, including a recommended penalty to the
27 board, the department shall not initiate prosecution for that
28 action, unless the secretary has initiated summary procedures
29 pursuant to s. 455.225(8).

30
31

1 ~~(f)~~(g) Nothing in this subsection shall be construed
2 to allow local jurisdictions to exercise disciplinary
3 authority over certified contractors.

4 Section 12. Subsection (5) of section 489.132, Florida
5 Statutes, is amended to read:

6 489.132 Prohibited acts by unlicensed principals;
7 investigation; hearing; penalties.--

8 (5) The department may suspend, revoke, or deny
9 issuance or renewal of a certificate,or registration, or
10 certificate of authority for any individual or business
11 organization that associates a person as an officer, director,
12 or partner, or in a managerial or supervisory capacity, after
13 such person has been found under a final order to have
14 violated this section or was an officer, director, partner,
15 trustee, or manager of a business organization disciplined by
16 the board by revocation, suspension, or fine in excess of
17 \$2,500, upon finding reasonable cause that such person knew or
18 reasonably should have known of the conduct leading to the
19 discipline.

20 Section 13. Section 489.1455, Florida Statutes, is
21 created to read:

22 489.1455 Journeyman; reciprocity; standards.--

23 (1) An individual who holds a valid, active journeyman
24 license in the electrical, plumbing/pipe fitting, mechanical,
25 or HVAC trades issued by any county or municipality in this
26 state may work as a journeyman in the trade in which he or she
27 is licensed in any other county or municipality of this state
28 without taking an additional examination or paying an
29 additional license fee, if he or she:

30 (a) Has scored at least 70 percent, or after October
31 1, 1997, at least 75 percent, on a proctored journeyman Block

1 and Associates examination or other proctored examination
2 approved by the board for the trade in which he or she is
3 licensed;

4 (b) Has completed an apprenticeship program registered
5 with the Department of Labor and Employment Security and
6 demonstrates 4 years' verifiable practical experience in the
7 trade for which he or she is licensed, or demonstrates 6
8 years' verifiable practical experience in the trade for which
9 he or she is licensed; and

10 (c) Has not had a license suspended or revoked within
11 the last 5 years.

12 (2) A local government may charge a registration fee
13 for reciprocity, not to exceed \$25.

14 Section 14. Effective upon this act becoming a law,
15 section 489.146, Florida Statutes, is created to read:

16 489.146 Privatization of services.--Notwithstanding
17 any other provision of this part relating to the review of
18 licensure applications, issuance of licenses and renewals,
19 collection of revenues, fees, and fines, service of documents,
20 publications, and printing, and other ministerial functions of
21 the department relating to the regulation of contractors, the
22 department shall make all reasonable efforts to contract with
23 one or more private entities for provision of such services,
24 when such services can be provided in a more efficient manner
25 by private entities. The department or the board shall retain
26 final authority for licensure decisions and rulemaking,
27 including all appeals or other legal action resulting from
28 such licensure decisions or rulemaking. The department and
29 the board shall adopt rules to implement the provisions of
30 this section. The department shall report all progress and
31

1 the status of privatization and privatization efforts to the
2 Legislature by March 1, 1998.

3 Section 15. Paragraph (b) of subsection (4) of section
4 466.007, Florida Statutes, 1996 Supplement, is amended to
5 read:

6 466.007 Examination of dental hygienists.--

7 (4) To be licensed as a dental hygienist in this
8 state, an applicant must successfully complete the following:

9 (b) A practical or clinical examination. The
10 practical or clinical examination shall test competency in
11 areas to be established by rule of the board which shall
12 include testing the ability to adequately perform a
13 prophylaxis. On or after October 1, 1986, every applicant who
14 is otherwise qualified shall be eligible to take the
15 examination a total of three times, notwithstanding the number
16 of times the applicant has previously failed. If an applicant
17 fails the examination three times, the applicant shall no
18 longer be eligible to take the examination unless he obtains
19 additional educational requirements established by the board.
20 The department shall require a mandatory standardization
21 exercise pursuant to s. 455.217(1)(c)(~~b~~) for all examiners
22 prior to each practical or clinical examination and shall
23 retain for employment only those dentists and dental
24 hygienists who have substantially adhered to the standard of
25 grading established at such exercise. It is the intent of the
26 Legislature that the examinations relate to those procedures
27 which are actually performed by a dental hygienist in general
28 practice.

29 Section 16. Except as otherwise provided herein, this
30 act shall take effect July 1, 1997.

31

521-151-97

HOUSE SUMMARY

With respect to the regulation of professions and occupations in general, provides for direct payment of organization-related or vendor-related fees associated with the examination to the organization or vendor, provides that passing a required examination does not entitle a person to licensure if the person is not otherwise qualified, authorizes the contracting for examinations and services related to examinations, provides requirements with respect to examinations developed by the department or a contracted vendor and to national examinations, and provides that complaints or actions against unlicensed persons or persons operating outside their scope of practice are not confidential.

With respect to the regulation of construction contracting, revises provisions relating to fees, to conform to changes authorizing contracted examinations. Authorizes a local construction regulation board to deny, suspend, or revoke the authority of a certified contractor to obtain a building permit or limit such authority to obtaining a permit or permits with specific conditions. Provides for notices of noncompliance for minor violations of regulatory law. Provides for licensure by endorsement reciprocity with other jurisdictions. Provides for rules covering requirements relating to the content of continuing education courses and standards for approval of continuing education providers. Requires submission of a credit report reflecting financial responsibility as a prerequisite to the initial issuance of a certificate. Requires business organizations other than sole proprietorships to secure a certificate of authority rather than registration or certification. Provides that a local occupational license issued under authority of chapter 205, F.S., is not a license for purposes of part I of chapter 489, F.S., relating to construction contracting. Prohibits issuance or renewal of licensure until restitution is paid in full, if restitution has been ordered, or until all terms and conditions of the final order have been satisfied. Provides applicability of the part to the authority of local authorities to issue and the requirement of specified contractors to obtain local occupational license tax certificates. Provides for payment of local bonds into the Construction Industry Recovery Fund. Provides requirements for local reciprocity of licensed journeymen, including a fee. Requires privatization of services of the Department of Business and Professional Regulation, and provides requirements and rulemaking authority for such purpose.

See bill for details.