

By the Committee on Business Regulation & Consumer Affairs
and Representatives Ogles, Brown, Crist, Dockery, Chestnut and
Lynn

1 A bill to be entitled
2 An act relating to regulation of professions;
3 amending s. 177.031, F.S.; revising and
4 providing definitions relating to platting;
5 amending s. 177.041, F.S.; requiring plats and
6 replats of subdivisions submitted for approval
7 to be accompanied by a boundary survey of the
8 platted lands; amending s. 177.051, F.S.;
9 revising provisions relating to naming and
10 replatting subdivisions; amending s. 177.061,
11 F.S.; providing requirements for the recording
12 of a plat; amending s. 177.071, F.S.; revising
13 provisions relating to approval of plats by
14 governing bodies; amending s. 177.081, F.S.;
15 requiring plats to be reviewed by a
16 professional surveyor and mapper prior to
17 approval by a governing body; amending s.
18 177.091, F.S.; providing requirements for
19 monuments and revising other requirements of
20 plats made for recording; amending s. 177.141,
21 F.S.; revising provisions relating to
22 affidavits confirming errors on recorded plats;
23 amending s. 177.151, F.S.; revising provisions
24 relating to state plane coordinates; amending
25 ss. 177.021, 177.121, 177.131, 177.132, 177.27,
26 177.38, and 287.055, F.S.; conforming
27 references; amending s. 455.213, F.S., relating
28 to general licensing provisions; providing for
29 direct payment of organization-related or
30 vendor-related fees associated with the
31 examination to the organization or vendor;

1 providing that passing a required examination
2 does not entitle a person to licensure if the
3 person is not otherwise qualified; amending s.
4 455.217, F.S., relating to examinations;
5 authorizing the contracting for examinations
6 and services related to examinations; providing
7 requirements with respect to examinations
8 developed by the department or a contracted
9 vendor and to national examinations; amending
10 s. 466.007, F.S.; correcting a cross reference;
11 amending s. 455.225, F.S.; authorizing the
12 Department of Business and Professional
13 Regulation to issue a notice of noncompliance
14 for an initial offense of a minor violation
15 when the board has failed to designate such
16 minor violation by rule; amending s. 468.385,
17 F.S.; revising provisions relating to the
18 written examination required to be licensed as
19 an auctioneer; amending s. 468.386, F.S.,
20 relating to fees applicable to regulation of
21 auctioneers; eliminating reference to the
22 examination fee; amending s. 468.388, F.S.;
23 eliminating exemptions from the requirement
24 that a written agreement be executed prior to
25 conducting an auction; amending s. 468.389,
26 F.S.; revising a ground for disciplinary action
27 to include reference to property belonging to
28 another; providing penalties; reenacting s.
29 468.391, F.S., relating to a criminal penalty,
30 to incorporate the amendment to s. 468.389,
31 F.S., in a reference thereto; amending s.

1 468.393, F.S.; reducing the level at which the
2 Auctioneer Recovery Fund must be maintained and
3 for which surcharges are levied; reenacting s.
4 468.392(5), F.S., relating to moneys in the
5 Auctioneer Recovery Fund, to incorporate the
6 amendment to s. 468.393, F.S., in a reference
7 thereto; amending s. 468.395, F.S.; revising
8 circumstances under which recovery from the
9 Auctioneer Recovery Fund may be obtained;
10 reducing the amount per claim or claims arising
11 out of the same transaction or auction and the
12 aggregate lifetime limit with respect to any
13 one licensee that may be paid from the fund;
14 amending s. 468.396, F.S., relating to claims
15 against a single licensee in excess of the
16 dollar limitation, to conform; amending s.
17 468.432, F.S.; authorizing the department to
18 adopt rules relating to licensure and
19 disciplinary requirements applicable to
20 community association management; amending s.
21 468.542, F.S.; providing definitions for
22 classes of water and wastewater operators;
23 amending s. 468.453, F.S.; requiring each
24 applicant for licensure as an athlete agent to
25 submit a full set of fingerprints for purposes
26 of the required criminal records check;
27 exempting members of The Florida Bar from
28 regulations imposed on athlete agents; amending
29 ss. 468.547 and 468.548, F.S., relating to fees
30 and requirements for licensure; eliminating or
31 revising references to examination and

1 reexamination; amending s. 468.607, F.S.;
2 providing that the Department of Business and
3 Professional Regulation shall be the issuing
4 body for a certificate to practice as a
5 building code administrator, plans examiner, or
6 building code inspector; amending s. 468.609,
7 F.S.; revising requirements for certification
8 as a building code administrator, plans
9 examiner, or building code inspector; amending
10 s. 468.617, F.S.; providing that local
11 governments may employ or authorize persons
12 certified or exempt from such regulation to
13 perform inspections on a contract basis;
14 creating s. 468.619, F.S.; providing
15 requirements for architects and engineers
16 performing building code inspection services;
17 amending s. 468.621, F.S.; revising
18 prohibitions; providing disciplinary actions;
19 amending s. 468.629, F.S.; revising
20 disciplinary grounds; providing penalties;
21 amending s. 469.001, F.S.; revising and
22 providing definitions relating to asbestos
23 abatement; amending s. 469.002, F.S.; revising
24 an exemption relating to asbestos-related
25 activities by governmental employees; amending
26 s. 469.004, F.S.; exempting asbestos
27 consultants from licensure under certain
28 circumstances relating to the moving, removal,
29 or disposal of asbestos-containing roofing
30 materials; amending s. 469.005, F.S.; revising
31 requirements for licensure as an asbestos

1 consultant or asbestos contractor; amending s.
2 469.006, F.S.; eliminating reference to
3 consultant or contractor seals, and requiring a
4 signature instead; amending s. 469.013, F.S.;
5 adding course requirements for management
6 planners; repealing s. 469.015, F.S., relating
7 to seals; amending s. 470.002, F.S.; revising
8 the definition of "legally authorized person";
9 amending s. 470.0085, F.S., relating to the
10 embalmer apprentice program; authorizing an
11 extension of apprenticeship for certain
12 students working in funeral establishments;
13 amending s. 470.009, F.S.; reorganizing
14 provisions relating to licensure as a funeral
15 director by examination, to clarify
16 applicability of the internship requirement;
17 amending ss. 470.015 and 470.018, F.S.;
18 revising continuing education requirements for
19 renewal of a funeral director or embalmer
20 license or registration of a direct disposer;
21 amending s. 470.024, F.S.; authorizing
22 operation of visitation chapels and
23 establishing criteria therefor; providing
24 licensing limitations with respect to colocated
25 facilities; requiring the relicensure of
26 funeral establishments whose ownership has
27 changed; amending s. 470.029, F.S.; providing a
28 filing date for monthly reports on final
29 dispositions; amending s. 470.0301, F.S.;
30 providing requirements for registration of
31 centralized embalming facilities; providing for

1 biennial renewal; providing fees; creating s.
2 470.0315, F.S.; providing for the storage,
3 preservation, and transportation of human
4 remains; creating s. 470.0355, F.S.; providing
5 for the identification of human remains;
6 amending s. 473.306, F.S.; providing conditions
7 under which the Board of Accountancy may adopt
8 an alternative licensure examination for
9 persons licensed to practice public accountancy
10 or its equivalent in a foreign country;
11 providing for appointment of an Educational
12 Advisory Council for purposes of maintaining
13 proper educational qualifications for licensure
14 of certified public accountants; creating s.
15 473.3065, F.S.; establishing the Certified
16 Public Accountant Education Minority Assistance
17 Program; providing for scholarships to eligible
18 students; providing for the funding of
19 scholarships; requiring Board of Accountancy
20 rules; providing a penalty for certain
21 violations; creating an advisory council to
22 assist in program administration; amending s.
23 473.308, F.S.; revising licensure requirements
24 relating to public accountancy experience
25 outside this state; amending s. 473.309, F.S.;
26 providing additional requirements for a
27 partnership to practice public accountancy in
28 this state; amending s. 473.312, F.S.;
29 providing for appointment of a Continuing
30 Professional Education Advisory Council for
31 purposes of maintaining proper continuing

1 education requirements for renewal of licensure
2 of certified public accountants; amending s.
3 474.203, F.S.; revising and providing
4 exemptions from regulation under chapter 474,
5 F.S., relating to veterinary medical practice;
6 amending s. 474.2065, F.S., relating to fees
7 applicable to regulation of veterinary medical
8 practice; eliminating reference to examination
9 and reexamination fees; amending s. 474.207,
10 F.S., relating to licensure by examination;
11 eliminating obsolete provisions; amending s.
12 474.211, F.S.; requiring criteria for providers
13 of continuing education to be approved by the
14 board; amending s. 474.2125, F.S.; exempting
15 veterinarians licensed in another state from
16 certain requirements for temporary licensure in
17 this state; correcting a cross reference;
18 amending s. 474.214, F.S.; increasing the
19 administrative fine; amending s. 474.215, F.S.;
20 requiring limited service permittees to
21 register each location and providing a
22 registration fee; providing requirements for
23 certain temporary rabies vaccination efforts;
24 providing permit and other requirements for
25 persons who are not licensed veterinarians but
26 who desire to own and operate a veterinary
27 medical establishment; providing disciplinary
28 actions applicable to holders of premises
29 permits; amending s. 474.217, F.S., relating to
30 licensure by endorsement; revising a reference
31 to an examination; amending s. 475.125, F.S.,

1 relating to fees applicable to regulation of
2 real estate brokers, salespersons, and schools;
3 eliminating reference to examination and
4 reexamination fees; amending s. 475.15, F.S.;
5 providing registration and licensing
6 requirements for additional business entities;
7 eliminating a provision that requires the
8 automatic cancellation of the registration of a
9 real estate broker partnership upon the lapse
10 in licensure or registration of any of its
11 partners; amending s. 475.17, F.S.; providing
12 additional requirements for licensure as a real
13 estate broker; amending s. 475.175, F.S.;
14 revising provisions relating to examinations;
15 amending s. 475.183, F.S.; revising the period
16 after which involuntarily inactive licenses
17 expire; revising the time for the required
18 notice to the licensee; amending s. 475.25,
19 F.S.; increasing the administrative fine;
20 revising a ground for disciplinary action to
21 exempt licensees from the reporting of certain
22 violators; providing that violations of certain
23 standards of the Appraisal Foundation are
24 grounds for the Florida Real Estate Commission
25 to deny, revoke, or suspend the license of, or
26 to fine, real estate brokers or salespersons;
27 reenacting ss. 475.180(2)(b), 475.181(2),
28 475.22(2), 475.422(2), and 475.482(1), F.S.,
29 relating to nonresident licenses, licensure,
30 refusal of a broker to comply with certain
31 requests or notices, furnishing of copies of

1 termite and roof inspection reports, and
2 recovery from the Real Estate Recovery Fund, to
3 incorporate the amendment to s. 475.25, F.S.,
4 in references thereto; amending s. 475.451,
5 F.S.; revising provisions relating to the
6 permitting of instructors for proprietary real
7 estate schools or state institutions; providing
8 permit renewal requirements; revising
9 references relating to examinations; amending
10 s. 475.452, F.S.; providing requirements
11 applicable to advance expenses, commissions, or
12 fees for brokers auctioning real property;
13 amending s. 475.484, F.S.; providing
14 applicability with respect to a conflict with
15 federal law in the disciplining of certain
16 licensees against whom a judgment has been paid
17 from the Real Estate Recovery Fund; creating s.
18 475.5016, F.S.; granting the department
19 authority to inspect and audit brokers and
20 brokerage offices; creating s. 475.6145, F.S.;
21 providing for a seal for the Florida Real
22 Estate Appraisal Board to authenticate its
23 proceedings, records, and acts; creating s.
24 475.6147, F.S.; providing a separate section
25 relating to establishment of fees applicable to
26 the regulation of real estate appraisers;
27 amending s. 475.615, F.S.; providing
28 registration requirements for appraisers;
29 amending s. 475.617, F.S.; clarifying
30 continuing education and experience
31 requirements for real estate appraisers;

1 amending s. 475.624, F.S.; revising a ground
2 for disciplinary action to exempt licensees
3 from the reporting of certain violators;
4 creating s. 475.6295, F.S.; granting the
5 department authority to inspect appraisers and
6 appraisal offices; amending ss. 476.114 and
7 476.124, F.S.; revising provisions relating to
8 examination for licensure as a barber;
9 repealing s. 476.134, F.S., relating to time,
10 place, and subjects of examination; amending s.
11 476.144, F.S.; revising requirements for a
12 restricted license to practice barbering;
13 amending s. 476.192, F.S.; eliminating
14 reference to examination and reexamination
15 fees; amending s. 477.013, F.S.; defining the
16 terms "hair wrapping" and "photography studio
17 salon"; amending s. 477.0132, F.S.; providing
18 registration requirements for hair wrappers;
19 providing requirements for hair braiding and
20 hair wrapping outside a cosmetology salon or
21 specialty shop; amending s. 477.0135, F.S.;
22 exempting photography studio salons from
23 licensure as a cosmetology salon or specialty
24 salon and providing requirements with respect
25 thereto; amending s. 477.019, F.S.; revising
26 provisions relating to applicants for licensure
27 by examination; providing continuing education
28 requirements for cosmetologists and cosmetology
29 specialists; providing for privatization of
30 such continuing education; exempting hair
31 braiders and hair wrappers from such continuing

1 education requirements; repealing s. 477.022,
2 F.S., relating to examinations; amending s.
3 477.026, F.S.; eliminating reference to
4 examination and reexamination fees; providing
5 registration fees for hair wrappers; amending
6 s. 477.0263, F.S.; authorizing the performance
7 of cosmetology services in a photography studio
8 salon; amending ss. 481.207, 481.209, and
9 481.213, F.S., relating to licensure as an
10 architect or interior designer; revising
11 provisions relating to fees and examinations;
12 amending s. 489.103, F.S.; limiting the
13 ordinances, rules, or regulations that a
14 municipality or county may adopt with respect
15 to the installation or maintenance of water
16 conditioning units; providing an exemption from
17 regulation for the sale, delivery, assembly, or
18 tie-down of prefabricated portable sheds under
19 specified circumstances; amending s. 489.105,
20 F.S.; revising and providing definitions
21 applicable to contractors; amending s. 489.107,
22 F.S.; eliminating reference to board
23 jurisdiction over examinations; requiring the
24 Construction Industry Licensing Board and the
25 Electrical Contractors' Licensing Board to each
26 appoint a committee to meet jointly at least
27 twice a year; amending s. 489.109, F.S.;
28 revising provisions relating to examination
29 fees; amending s. 489.111, F.S.; revising
30 provisions relating to licensure by
31 examination; amending s. 489.113, F.S.;

1 revising a provision relating to the
2 certification examination; revising provisions
3 that authorize persons who are not certified or
4 registered to perform construction work under
5 the supervision of a person who is certified or
6 registered; providing that expansion of the
7 scope of practice of any type of contractor
8 does not limit the scope of practice of any
9 existing type of contractor unless the
10 Legislature expressly provides such limitation;
11 creating s. 489.1136, F.S.; providing for
12 medical gas certification for plumbing
13 contractors who install, improve, repair, or
14 maintain conduits used to transport gaseous or
15 partly gaseous substances for medical purposes;
16 amending s. 553.06, F.S.; providing that
17 plumbing contractors who install, improve,
18 repair, or maintain such conduits shall be
19 governed by the National Fire Prevention
20 Standard 99C; amending s. 489.115, F.S.;
21 authorizing certificateholders and registrants
22 to apply continuing education courses earned
23 under other regulatory provisions under certain
24 circumstances; amending s. 489.119, F.S.;
25 detailing what constitutes an incomplete
26 contract for purposes of temporary
27 certification or registration of a business
28 organization; amending s. 489.127, F.S.;
29 revising and providing penalties applicable to
30 violations of construction contracting
31 provisions; amending s. 489.140, F.S.;

1 eliminating a provision that requires the
2 transfer of surplus moneys from fines into the
3 Construction Industries Recovery Fund; amending
4 s. 489.141, F.S.; clarifying provisions
5 relating to conditions for recovery from the
6 fund; eliminating a notice requirement;
7 revising a limitation on the making of a claim;
8 amending s. 489.142, F.S.; revising a provision
9 relating to powers of the Construction Industry
10 Licensing Board with respect to actions for
11 recovery from the fund, to conform; amending s.
12 489.143, F.S.; revising provisions relating to
13 payment from the fund; amending s. 489.503,
14 F.S., relating to exemptions from part II of
15 chapter 489, F.S., relating to electrical and
16 alarm system contracting; revising an exemption
17 relating to public utilities; revising an
18 exemption that applies to telecommunications,
19 community antenna television, and radio
20 distribution systems, to include cable
21 television systems; providing exemptions
22 relating to the monitoring of alarm systems by
23 law enforcement employees or officers or fire
24 department employees or officials, by employees
25 of state or federally chartered financial
26 institutions, or by employees of a business;
27 amending s. 489.505, F.S., and repealing
28 subsection (24), relating to the definition of
29 "limited burglar alarm system contractor";
30 redefining terms applicable to electrical and
31 alarm system contracting; defining the term

1 "monitoring"; amending s. 489.507, F.S.;

2 requiring the Electrical Contractors' Licensing

3 Board and the Construction Industry Licensing

4 Board to each appoint a committee to meet

5 jointly at least twice a year; amending s.

6 489.509, F.S.; eliminating reference to the

7 payment date of the biennial renewal fee for

8 certificateholders and registrants; providing

9 for transfer of a portion of certain fees

10 applicable to regulation of electrical and

11 alarm system contracting to fund certain

12 projects relating to the building construction

13 industry and continuing education programs

14 related thereto; amending s. 489.511, F.S.;

15 revising eligibility requirements for

16 certification as an electrical or alarm system

17 contractor; amending s. 489.513, F.S.; revising

18 registration requirements for electrical

19 contractors; amending s. 489.517, F.S.;

20 authorizing certificateholders and registrants

21 to apply continuing education courses earned

22 under other regulatory provisions under certain

23 circumstances; amending s. 489.519, F.S.;

24 authorizing certificateholders and registrants

25 to apply for voluntary inactive status at any

26 time during the period of certification or

27 registration; amending s. 489.521, F.S.;

28 providing conditions on qualifying agents

29 qualifying more than one business organization;

30 providing for revocation or suspension of such

31 qualification for improper supervision;

1 amending s. 489.525, F.S.; changing the date
2 for the Department of Business and Professional
3 Regulation to inform local boards and building
4 officials of the names of all
5 certificateholders and the status of the
6 certificates; amending s. 489.529, F.S.;
7 providing an exception to an alarm verification
8 requirement; amending s. 489.531, F.S.;
9 revising and providing penalties applicable to
10 violations of electrical and alarm system
11 contracting provisions; reenacting s.
12 489.533(1)(a) and (2), F.S., relating to
13 disciplinary proceedings, to incorporate the
14 amendment to s. 489.531, F.S., in a reference
15 thereto; amending s. 489.537, F.S.; revising
16 requirements relating to subcontracting alarm
17 system contracting; amending ss. 489.539 and
18 553.19, F.S.; adding a national code relating
19 to fire alarms to the minimum electrical and
20 alarm standards required in this state;
21 amending s. 489.553, F.S.; revising
22 qualifications for registration as a septic
23 tank contractor or master septic tank
24 contractor; creating s. 501.935, F.S.;
25 providing requirements relating to
26 home-inspection reports; providing legislative
27 intent; providing definitions; providing
28 exemptions; requiring, prior to inspection,
29 provision of inspector credentials, a caveat, a
30 disclosure of conflicts of interest and certain
31 relationships, and a statement or agreement of

1 scope, limitations, terms, and conditions;
2 requiring a report on the results of the
3 inspection; providing prohibited acts, for
4 which there are civil penalties; providing that
5 failure to comply is a deceptive and unfair
6 trade practice; creating s. 501.937, F.S.;
7 providing requirements for use of professional
8 titles by industrial hygienists and safety
9 professionals; providing that violation of such
10 requirements is a deceptive and unfair trade
11 practice; amending s. 553.06, F.S.; requiring
12 the Board of Building Codes and Standards to
13 adopt alternative standards for testing water
14 treatment units under certain circumstances;
15 amending s. 553.504, F.S.; revising the
16 required dimensions of water closet seats;
17 amending s. 553.63, F.S., relating to trench
18 excavations in excess of a specified depth;
19 deleting a provision requiring contract bids to
20 include certain items; repealing s. 553.64,
21 F.S., relating to certain requirements for
22 contract bids; amending s. 553.991, F.S.;
23 limiting the purpose of the "Florida Building
24 Energy-Efficiency Rating Act" to providing for
25 a statewide uniform system for rating the
26 energy efficiency of buildings; amending s.
27 553.994, F.S.; deleting the schedule for
28 phasing in the rating system; amending s.
29 553.996, F.S.; requiring provision of an
30 information brochure to prospective purchasers
31 of certain real property; deleting a provision

1 authorizing such prospective purchasers to
2 receive a rating on the property upon request;
3 providing effective dates.
4

5 Be It Enacted by the Legislature of the State of Florida:
6

7 Section 1. Section 177.021, Florida Statutes, is
8 amended to read:

9 177.021 Legal status of recorded plats.--The recording
10 of any plats made in compliance with the provisions of this
11 part ~~chapter~~ shall serve to establish the identity of all
12 lands shown on and being a part of such plats, and lands may
13 thenceforth be conveyed by reference to such plat.

14 Section 2. Section 177.031, Florida Statutes, is
15 amended to read:

16 177.031 Definitions.--As used in this part ~~chapter~~:

17 (1) "Alley" means a right-of-way providing a secondary
18 means of access and service to abutting property.

19 (2) "Block" includes "tier" or "group" and means a
20 group of lots existing within well-defined and fixed
21 boundaries, usually being an area surrounded by streets or
22 other physical barriers and having an assigned number, letter,
23 or other name through which it may be identified.

24 (3) "Board" means any board appointed by a
25 municipality, county commission, or state agency, such as the
26 planning and zoning board, area planning board, or the
27 governing board of a drainage district.

28 (4) "Governing body" means the board of county
29 commissioners or the legal governing body of a county,
30 municipality, town, or village of this state.
31

1 (5) "Cul-de-sac" means a street terminated at the end
2 by a vehicular turnaround.

3 (6) "Developer" means the owners of record executing
4 the dedication required by s. 177.081 and applying ~~person or~~
5 ~~legal entity that applies~~ for approval of a plat of a
6 subdivision pursuant to this part ~~chapter~~.

7 (7)(a) "Easement" means any strip of land created by a
8 subdivider for public or private utilities, drainage,
9 sanitation, or other specified uses having limitations, the
10 title to which shall remain in the name of the property owner,
11 subject to the right of use designated in the reservation of
12 the servitude.

13 (b) "Public utility" includes any public or private
14 utility, such as, but not limited to, storm drainage, sanitary
15 sewers, electric power, water service, gas service, or
16 telephone line, whether underground or overhead.

17 (8) "Survey data" means all information shown on the
18 face of a plat that would delineate the physical boundaries of
19 the subdivision and any parts thereof.

20 (9) "Improvements" may include, but are not limited
21 to, street pavements, curbs and gutters, sidewalks, alley
22 pavements, walkway pavements, water mains, sanitary sewers,
23 storm sewers or drains, street names, signs, landscaping,
24 permanent reference monuments (P.R.M.s), permanent control
25 points (P.C.P.s), monuments, or any other improvement required
26 by a governing body.

27 (10) "Professional surveyor and mapper" means a
28 surveyor and mapper registered under chapter 472 who is in
29 good standing with the Board of Professional Surveyors and
30 Mappers.

31

1 (11) "Lot" includes tract or parcel and means the
2 least fractional part of subdivided lands having limited fixed
3 boundaries, and an assigned number, letter, or other name
4 through which it may be identified.

5 (12) "Municipality" means any incorporated city, town,
6 or village.

7 (13) "P.C.P." means permanent control point and shall
8 be considered a reference monument, ~~which shall be a secondary~~
9 ~~horizontal control monument and shall be a metal marker with~~
10 ~~the point of reference marked thereon or a 4-inch by 4-inch~~
11 ~~concrete monument a minimum of 24 inches long with the point~~
12 ~~of reference marked thereon. A "P.C.P." must bear the~~
13 ~~registration number of the surveyor and mapper filing the plat~~
14 ~~of record; however, when the surveyor and mapper of record is~~
15 ~~no longer in practice or is not available due to relocation of~~
16 ~~his or her practice, or when the contractual relationship~~
17 ~~between the subdivider and surveyor and mapper has been~~
18 ~~terminated, any registered surveyor and mapper in good~~
19 ~~standing shall be allowed to place permanent control points~~
20 ~~(P.C.P.s) within the time allotted in s. 177.091(8).~~

21 (a) "P.C.P.s" set in impervious surfaces must:

22 1. Be composed of a metal marker with a point of
23 reference.

24 2. Have a metal cap or disk bearing either the Florida
25 registration number of the professional surveyor and mapper in
26 responsible charge or the certificate of authorization number
27 of the legal entity, which number shall be preceded by LS or
28 LB as applicable and the letters "P.C.P."

29 (b) "P.C.P.s" set in pervious surfaces must:

30 1. Consist of a metal rod having a minimum length of
31 18 inches and a minimum cross-section area of material of 0.2

1 square inches encased in concrete. The concrete shall have a
2 minimum cross-section area of 12.25 square inches and be a
3 minimum of 24 inches long.

4 2. Be identified with a durable marker or cap with the
5 point of reference marked thereon bearing either the Florida
6 registration number of the professional surveyor and mapper in
7 responsible charge or the certificate of authorization number
8 of the legal entity, which number shall be preceded by LS or
9 LB as applicable and the letter "P.C.P."

10 (c) "P.C.P.s" must be detectable with conventional
11 instruments for locating ferrous or magnetic objects.

12 (14) "Plat or replat" means a map or delineated
13 representation of the subdivision of lands, being a complete
14 exact representation of the subdivision and other information
15 in compliance with the requirement of all applicable sections
16 of this ~~part~~ ~~chapter~~ and of any local ordinances, ~~and may~~
17 ~~include the terms "replat," "amended plat," or "revised plat."~~

18 (15) "P.R.M." means a permanent reference monument
19 which must:

20 (a) Consist of a metal rod having a minimum length of
21 18 inches and a minimum cross-section area of material of 0.2
22 square inches encased in concrete. The concrete shall have a
23 minimum cross-section area of 12.25 square inches and be a
24 minimum of 24 inches long.

25 (b) Be identified with a durable marker or cap with
26 the point of reference marked thereon bearing either the
27 Florida registration number of the professional surveyor and
28 mapper in responsible charge or the certificate of
29 authorization number of the legal entity, which number shall
30 be preceded by LS or LB as applicable and the letters "P.R.M."

31

1 (c) Be detectable with conventional instruments for
2 locating ferrous or magnetic objects.

3
4 If the location of the "P.R.M." falls in a hard surface such
5 as asphalt or concrete, alternate monumentation may be used
6 that is durable and identifiable, which consists of a metal
7 rod a minimum of 24 inches long or a 1 1/2 -inch minimum
8 diameter metal pipe a minimum of 20 inches long, either of
9 which shall be encased in a solid block of concrete or set in
10 natural bedrock, a minimum of 6 inches in diameter, and
11 extending a minimum of 18 inches below the top of the
12 monument, or a concrete monument 4 by 4 inches, a minimum of
13 24 inches long, with the point of reference marked thereon. A
14 metal cap marker, with the point of reference marked thereon,
15 shall bear the registration number of the surveyor and mapper
16 certifying the plat of record, and the letters "PRM" shall be
17 placed in the top of the monument.

18 (16) "Right-of-way" means land dedicated, deeded,
19 used, or to be used for a street, alley, walkway, boulevard,
20 drainage facility, access for ingress and egress, or other
21 purpose by the public, certain designated individuals, or
22 governing bodies.

23 (17) "Street" includes any access way such as a
24 street, road, lane, highway, avenue, boulevard, alley,
25 parkway, viaduct, circle, court, terrace, place, or
26 cul-de-sac, and also includes all of the land lying between
27 the right-of-way lines as delineated on a plat showing such
28 streets, whether improved or unimproved, but shall not include
29 those access ways such as easements and rights-of-way intended
30 solely for limited utility purposes, such as for electric
31

1 power lines, gas lines, telephone lines, water lines, drainage
2 and sanitary sewers, and easements of ingress and egress.

3 (18) "Subdivision" means the division ~~plattting~~ of land
4 ~~real property~~ into three or more lots, parcels, tracts, tiers,
5 blocks, sites, units, or any other division of land; and
6 includes establishment of new streets and alleys, additions,
7 and resubdivisions; and, when appropriate to the context,
8 relates to the process of subdividing or to the lands or area
9 subdivided.

10 (19) "State plane coordinates" means the system of
11 plane coordinates which has been established by the National
12 Ocean Service Survey for defining and stating the positions or
13 locations of points on the surface of the earth within the
14 state and shall hereinafter be known and designated as the
15 "Florida State Plane Coordinate System." For the purpose of
16 the use of this system, the zones ~~divisions~~ established by the
17 National Ocean Service Survey in NOAA Manual NOS NGS 5, State
18 Plane Coordinate System of 1983, ~~Special Publication Number~~
19 ~~255~~ shall be used, and the appropriate projection and zone
20 designation shall be indicated and included in any description
21 using the Florida State Plane Coordinate System.

22 (20) Surveying data:

23 (a) "Point of curvature," written "P.C.," means the
24 point where a tangent circular curve begins.

25 (b) "Point of tangency," written "P.T.," means the
26 point where a tangent circular curve ends and becomes tangent.

27 (c) "Point of compound curvature," written "P.C.C.,"
28 means the point where two circular curves have a common point
29 of tangency, the curves lying on the same side of the common
30 tangent.

31

1 (d) "Point of reverse curvature," written "P.R.C.,"
2 means the point where two circular curves have a common point
3 of tangency, the curves lying on opposite sides of the common
4 tangent.

5 (21) "Legal entity" means an entity which holds a
6 certificate of authorization issued under chapter 472, whether
7 the entity is a corporation, partnership, association, or
8 person practicing under a fictitious name.

9 (22) "Monument" means a survey marker which must:

10 (a) Be composed of a durable material.

11 (b) Have a minimum length of 18 inches.

12 (c) Have minimum cross-section area of material of 0.2
13 square inches.

14 (d) Be identified with a durable marker or cap bearing
15 either the Florida registration number of the professional
16 surveyor and mapper in responsible charge or the certificate
17 of authorization number of the legal entity, which number
18 shall be preceded by LS or LB as applicable.

19 (e) Be detectable with conventional instruments for
20 locating ferrous or magnetic objects.

21
22 If the location of the monument falls in a hard surface such a
23 asphalt or concrete, alternate monumentation may be used that
24 is durable and identifiable.

25 Section 3. Section 177.041, Florida Statutes, is
26 amended to read:

27 177.041 Boundary survey and title certification
28 required.--Every plat or replat of a subdivision submitted to
29 the approving agency of the local governing body must be
30 accompanied by:

31

1 (1) A boundary survey of the platted lands. However, a
2 new boundary survey for a replat is required only when the
3 replat affects any boundary of the platted property. The
4 boundary survey must be performed and prepared under the
5 responsible direction and supervision of a professional
6 surveyor and mapper preceding the initial submittal of the
7 plat to the local governing body. This subsection does not
8 restrict a legal entity from employing one professional
9 surveyor and mapper to perform and prepare the boundary survey
10 and another professional surveyor and mapper to prepare the
11 plat, except that both the boundary survey and the plat must
12 be under the same professional surveyor and mapper or legal
13 entity, whichever applies.

14 (2) A title opinion of an attorney at law licensed in
15 Florida or a certification by an abstractor or a title company
16 showing that record title to the land as described and shown
17 on the plat is in the name of the person, persons,
18 corporation, or entity executing the dedication, ~~if any, as it~~
19 ~~is shown on the plat and, if the plat does not contain a~~
20 ~~dedication, that the developer has record title to the land.~~
21 The title opinion or certification shall also show all
22 mortgages not satisfied or released of record nor otherwise
23 terminated by law.

24 Section 4. Section 177.051, Florida Statutes, is
25 amended to read:

26 177.051 Name and replat of subdivision.--

27 (1) Every subdivision shall be given a name by which
28 it shall be legally known. For the purpose of this section,
29 that name is the "primary name." The primary ~~Such~~ name shall
30 not be the same or in any way so similar to any name appearing
31 on any recorded plat in the same county as to confuse the

1 records or to mislead the public as to the identity of the
2 subdivision, except when the subdivision is further divided
3 ~~subdivided~~ as an additional unit or section by the same
4 developer or the developer's successors in title. In that
5 case, the additional unit, section, or phase shall be given
6 the primary name followed by the unit, section, or phase
7 number. Words such as "the," "replat," or "a" may not be used
8 as the first word of the primary name. Every subdivision's
9 name shall have legible lettering of the same size and type,
10 including the words "section," "unit," and "phase." If the
11 word "replat" is not part of the primary name, then it may be
12 of a different style and type. ~~"replat," "amended," etc.~~ The
13 primary name of the subdivision shall be shown in the
14 dedication and shall coincide exactly with the subdivision
15 name.

16 (2) Any change in a plat shall be labeled a "replat,"
17 and a replat must conform with this part. After the effective
18 date of this act, the terms "amended plat," "revised plat,"
19 "corrected plat," and "resubdivision" may not be used to
20 describe the process by which a plat is changed.

21 Section 5. Section 177.061, Florida Statutes, is
22 amended to read:

23 177.061 Qualification and statement required of person
24 making survey and plat certification.--Every plat offered for
25 recording pursuant to the provisions of this part must be
26 prepared by a professional surveyor and mapper. The plat must
27 be signed and sealed by that professional surveyor and mapper,
28 who must state on the plat that the plat was prepared under
29 his or her direction and supervision and that the plat
30 complies with all of the survey requirements of this part.
31 Every plat must also contain the printed name and registration

1 number of the professional surveyor and mapper directly below
2 the statement required by this section, along with the printed
3 name, address, and certificate of authorization number of the
4 legal entity, if any. A professional surveyor and mapper
5 practicing independently of a legal entity must include his or
6 her address.~~Every subdivision of lands made within the~~
7 ~~provisions of this chapter shall be made under the responsible~~
8 ~~direction and supervision of a surveyor and mapper who shall~~
9 ~~certify on the plat that the plat is a true and correct~~
10 ~~representation of the lands surveyed, that the survey was made~~
11 ~~under his or her responsible direction and supervision, and~~
12 ~~that the survey data complies with all of the requirements of~~
13 ~~this chapter. The certification shall bear the signature, the~~
14 ~~registration number, and the official seal of the surveyor and~~
15 ~~mapper.~~

16 Section 6. Section 177.071, Florida Statutes, is
17 amended to read:

18 177.071 Approval of plat by governing bodies.--

19 (1) Before a plat is offered for recording, it must be
20 approved by the appropriate governing body, and evidence of
21 such approval must ~~shall~~ be placed on the plat. If not
22 approved, the governing body must return the plat to the
23 professional surveyor and mapper or the legal entity offering
24 the plat for recordation. ~~However, such examination and~~
25 ~~approval for conformity to this chapter by the appropriate~~
26 ~~governing body shall not include the verification of the~~
27 ~~survey data, except by a surveyor and mapper either employed~~
28 ~~by or under contract to the local governing body for the~~
29 ~~purpose of such examination.~~For the purposes of this part
30 chapter:

31

1 (a) When the plat to be submitted for approval is
2 located wholly within the boundaries of a municipality, the
3 governing body of the municipality has exclusive jurisdiction
4 to approve the plat.

5 (b) When a plat lies wholly within the unincorporated
6 areas of a county, the governing body of the county has
7 exclusive jurisdiction to approve the plat.

8 (c) When a plat lies within the boundaries of more
9 than one governing body, two plats must be prepared and each
10 governing body has exclusive jurisdiction to approve the plat
11 within its boundaries, unless the governing bodies having said
12 jurisdiction agree that one plat is mutually acceptable.

13 (2) Any provision in a county charter, or in an
14 ordinance of any ~~charter county or~~ consolidated government
15 chartered under s. 6(e), Art. VIII of the State Constitution,
16 which provision is inconsistent with anything contained in
17 this section shall prevail in such charter county or
18 consolidated government to the extent of any such
19 inconsistency.

20 Section 7. Section 177.081, Florida Statutes, is
21 amended to read:

22 177.081 Dedication and approval.--

23 (1) Prior to approval by the appropriate governing
24 body, the plat shall be reviewed for conformity to this
25 chapter by a professional surveyor and mapper either employed
26 by or under contract to the local governing body, the costs of
27 which shall be borne by the legal entity offering the plat for
28 recordation, and evidence of such review must be placed on
29 such plat.

30 (2) Every plat of a subdivision filed for record must
31 contain a dedication by the owners of record ~~developer~~. The

1 dedication must ~~shall~~ be executed by all persons,
2 corporations, or entities ~~developers~~ having a record interest
3 in the lands subdivided, in the same manner in which deeds are
4 required to be executed. All mortgagees having a record
5 interest in the lands subdivided shall execute, in the same
6 manner in which deeds are required to be executed, either the
7 dedication contained on the plat or a separate instrument
8 joining in and ratifying the plat and all dedications and
9 reservations thereon.

10 (3)~~(2)~~ When a tract or parcel of land has been
11 subdivided and a plat thereof bearing the dedication executed
12 by the owners of record ~~developers~~ and mortgagees having a
13 record interest in the lands subdivided, and when the approval
14 of the governing body has been secured and recorded in
15 compliance with this part ~~chapter~~, all streets, alleys,
16 easements, rights-of-way, and public areas shown on such plat,
17 unless otherwise stated, shall be deemed to have been
18 dedicated to the public for the uses and purposes thereon
19 stated. However, nothing herein shall be construed as
20 creating an obligation upon any governing body to perform any
21 act of construction or maintenance within such dedicated areas
22 except when the obligation is voluntarily assumed by the
23 governing body.

24 Section 8. Section 177.091, Florida Statutes, is
25 amended to read:

26 177.091 Plats made for recording.--Every plat of a
27 subdivision offered for recording shall conform to the
28 following:

29 (1) It shall be:

30 (a) An original drawing made with black permanent
31 drawing ink or varitype process on a good grade linen tracing

1 cloth or with a suitable permanent black drawing ink on a
2 stable base film, a minimum of 0.003 inches thick, coated upon
3 completion with a suitable plastic material to prevent flaking
4 and to assure permanent legibility; or

5 (b) A nonadhered scaled print on a stable base film
6 made by photographic processes from a film scribing tested for
7 residual hypo testing solution to assure permanency.

8
9 Marginal lines, standard certificates and approval forms shall
10 be printed on the plat with a permanent black drawing ink. A
11 print or photographic copy of the original drawing shall be
12 submitted with the original drawing.

13 (2) The size of each sheet shall be determined by the
14 local governing body and shall be drawn with a marginal line,
15 or printed when permitted by local ordinance, completely
16 around each sheet and placed so as to leave at least a 1/2
17 -inch margin on each of three sides and a 3-inch margin on the
18 left side of the plat for binding purposes.

19 (3) When more than one sheet must be used to
20 accurately portray the lands subdivided, an index or key map
21 must be included and each sheet must show the particular
22 number of that sheet and the total number of sheets included,
23 as well as clearly labeled matchlines to show where other
24 sheets match or adjoin.

25 (4) In all cases, the letter size and scale used shall
26 be of sufficient size to show all detail. The scale ~~and~~ shall
27 be both stated and graphically illustrated by a graphic scale
28 drawn on every sheet showing any portion of the lands
29 subdivided.

30 (5) The name of the plat shall be shown in bold
31 legible letters, as stated in s. 177.051. The name of the

1 subdivision shall be shown on each sheet included. The name of
2 the professional surveyor and mapper or legal entity, along
3 with the street and mailing address, must be shown on each
4 sheet included.

5 (6) A prominent "north arrow" shall be drawn on every
6 sheet included showing any portion of the lands subdivided.
7 The bearing or azimuth reference shall be clearly stated on
8 the face of the plat in the notes or legend and, in all cases,
9 the bearings used shall be referenced to some well-established
10 and monumented line.

11 (7) Permanent reference monuments must be placed at
12 each corner or change in direction on the boundary of the
13 lands being platted ~~and; however, "P.R.M.s" need not be set~~
14 ~~closer than 310 feet, but may not be more than 1,400 ~~±400~~ feet~~
15 ~~apart. In all cases there must be a minimum of four "P.R.M.s"~~
16 ~~placed on the boundary of the lands being platted.~~Where such
17 corners are in an inaccessible place, "P.R.M.s" shall be set
18 on a nearby offset within the boundary of the plat and such
19 offset shall be so noted on the plat. Where corners are found
20 to coincide with a previously set "P.R.M.," the Florida
21 registration number of the professional surveyor and mapper in
22 responsible charge or the certificate of authorization number
23 of the legal entity on the previously set "P.R.M." shall be
24 shown on the new plat or, if unnumbered, shall so state.
25 Permanent reference monuments shall be set before the
26 recording of the plat, ~~and this will be so stated in the~~
27 ~~surveyor and mapper's certificate on the plat.~~ The "P.R.M.s"
28 ~~"P.R.M."~~ shall be shown on the plat by an appropriate symbol
29 or designation.

30 (8) Permanent control points ~~"P.C.P.s"~~ shall be set on
31 ~~at the intersection of~~ the centerline of the right-of-way at

1 the intersection and terminus of all streets, at each change
2 of direction, "P.C.s," "P.T.s," "P.R.C.s," and "P.C.C.s," and
3 no more than 1,000 feet apart, ~~on tangent, between changes of~~
4 ~~direction, or along the street right-of-way or block lines at~~
5 ~~each change in direction and no more than 1,000 feet apart.~~
6 Such "P.C.P.s" shall be shown on the plat by an appropriate
7 symbol or designation. In those counties or municipalities
8 that do not require subdivision improvements and do not accept
9 bonds or escrow accounts to construct improvements, "P.C.P.s"
10 may be set prior to the recording of the plat and must be set
11 within 1 year of the date the plat was recorded ~~and shall be~~
12 ~~referred to in the surveyor and mapper's certificate.~~ In the
13 counties or municipalities that require subdivision
14 improvements and have the means of insuring the construction
15 of said improvements, such as bonding requirements, "P.C.P.s"
16 must be set prior to the expiration of the bond or other
17 surety. If the professional surveyor and mapper or legal
18 entity of record is no longer in practice or is not available
19 due to relocation, or when the contractual relationship
20 between the subdivider and professional surveyor and mapper or
21 legal entity has been terminated, the subdivider shall
22 contract with a professional surveyor and mapper or legal
23 entity in good standing to place the "P.C.P.s" within the time
24 allotted. ~~It is the surveyor and mapper's responsibility to~~
25 ~~furnish the clerk or recording officer of the county or~~
26 ~~municipality his or her certificate that the "P.C.P.s" have~~
27 ~~been set and the dates the "P.C.P.s" were set.~~

28 (9) Monuments shall be set at all lot corners, points
29 of intersection, and changes of direction of lines within the
30 subdivision which do not require a "P.R.M." or a "P.C.P.";
31 however, a monument need not be set if a monument already

1 exists at such corner, point, or change of direction or when a
2 monument cannot be set due to a physical obstruction. In those
3 counties or municipalities that do not require subdivision
4 improvements and do not accept bonds or escrow accounts to
5 construct improvements, monuments may be set prior to the
6 recording of the plat and shall be set before the transfer of
7 any lot. In those counties or municipalities that require
8 subdivision improvements and have the means of ensuring the
9 construction of those improvements, such as bonding
10 requirements, monuments shall be set prior to the expiration
11 of the bond or other surety. If the professional surveyor and
12 mapper or legal entity of record is no longer in practice or
13 is not available due to relocation, or when the contractual
14 relationship between the subdivider and professional surveyor
15 and mapper or legal entity has been terminated, the subdivider
16 shall contract with a professional surveyor and mapper or
17 legal entity in good standing who shall be allowed to place
18 the monuments within the time allotted.

19 ~~(10)(9) Each plat shall show~~ The section, township,
20 and range shall appear immediately under the name of the plat
21 on each sheet included, along with as applicable, or, if in a
22 ~~land grant, the plat will so state.~~

23 ~~(10)~~ the name of the city, town, village, county, and
24 state in which the land being platted is situated ~~shall appear~~
25 ~~under the name of the plat as applicable.~~

26 (11) Each plat shall show a description of the lands
27 subdivided, and the description shall be the same in the title
28 certification. The description must be so complete that from
29 it, without reference to the plat, the starting point and
30 boundary can be determined.

31

1 (12) The dedications and approvals required by ss.
2 177.071 and 177.081 shall be shown.

3 (13) The circuit court clerk's certificate and the
4 professional surveyor and mapper's seal and statement required
5 by s. 177.061 shall be shown ~~certificate and seal.~~

6 (14) All section lines and quarter section lines
7 occurring within the subdivision ~~in the map or plat~~ shall be
8 indicated by lines drawn upon the map or plat, with
9 appropriate words and figures. If the description is by metes
10 and bounds, all information called for, such as the point of
11 commencement, course bearings and distances, and the point of
12 beginning, ~~shall be indicated, together with all bearings and~~
13 ~~distances of the boundary lines.~~ If the platted lands are in
14 a land grant or are not included in the subdivision of
15 government surveys, then the boundaries are to be defined by
16 metes and bounds and courses. ~~The initial point in the~~
17 ~~description shall be tied to the nearest government corner or~~
18 ~~other recorded and well established corner.~~

19 (15) Location, width, and names of all streets,
20 waterways, or other rights-of-way shall be shown, as
21 applicable.

22 (16) Location and width of proposed easements and
23 existing easements identified in the title opinion or
24 certification required by s. 177.041(2) shall be shown on the
25 plat or in the notes or legend, and their intended use shall
26 be clearly stated. Where easements are not coincident with
27 property lines, they must be labeled with bearings and
28 distances and tied to the principal lot, tract, or
29 right-of-way.

30 (17) All contiguous properties shall be identified by
31 subdivision title, plat book, and page, or, if unplatted, land

1 shall be so designated. If the subdivision platted is a
2 ~~resubdivision~~ of a part or the whole of a previously recorded
3 subdivision, sufficient ties shall be shown to controlling
4 lines appearing on the earlier plat to permit an overlay to be
5 made; the fact of its being a replat ~~resubdivision~~ shall be
6 stated as a subtitle under the name of the plat on each sheet
7 included. The subtitle must state the name of the subdivision
8 being replatted and the appropriate recording reference
9 ~~following the name of the subdivision wherever it appears on~~
10 ~~the plat.~~

11 (18) All lots shall be numbered either by progressive
12 numbers or, if in blocks, progressively numbered in each
13 block, and the blocks progressively numbered or lettered,
14 except that blocks in numbered additions bearing the same name
15 may be numbered consecutively throughout the several
16 additions.

17 ~~(19) Block corner radii dimensions shall be shown.~~

18 (19)~~(20)~~ Sufficient survey data shall be shown to
19 positively describe the bounds of every lot, block, street
20 easement, and all other areas shown on the plat. When any lot
21 or portion of the subdivision is bounded by an irregular line,
22 the major portion of that lot or subdivision shall be enclosed
23 by a witness line showing complete data, with distances along
24 all lines extended beyond the enclosure to the irregular
25 boundary shown with as much certainty as can be determined or
26 as "more or less," if variable. Lot, block, street, and all
27 other dimensions except to irregular boundaries, shall be
28 shown to a minimum of hundredths of feet. All measurements
29 shall refer to horizontal plane and in accordance with the
30 definition of the U.S. Survey foot or meter adopted by the
31 National Institute of Standards and Technology. All

1 measurements shall use the $39.37/12=3.28083333333$ equation for
2 conversion from a U.S. foot to meters ~~a metric foot~~.

3 ~~(20)(21)~~ Curvilinear lot lines ~~lots~~ shall show the
4 radii, arc distances, and central angles ~~or radii, chord, and~~
5 ~~chord bearing, or both~~. Radial lines will be so designated.
6 Direction of nonradial lines shall be indicated.

7 ~~(21)(22)~~ Sufficient angles, bearings, or azimuth to
8 show direction of all lines shall be shown, and all bearings,
9 angles, or azimuth shall be shown to the nearest second of
10 arc.

11 ~~(22)(23)~~ The centerlines of all streets shall be shown
12 as follows: noncurved lines:with distances together with
13 either,angles, bearings,or azimuths;azimuth, "P.C.s,"
14 ~~"P.T.s," "P.R.C.s," "P.C.C.s,"~~ curved lines:arc distances
15 distance, central angles, and tangents,radii, together with
16 chord,and chord bearing or azimuths ~~azimuth, or both~~.

17 ~~(23)(24)~~ Park and recreation parcels as applicable
18 shall be so designated.

19 ~~(24)(25)~~ All interior excepted parcels as described in
20 the description of the lands being subdivided shall be clearly
21 indicated and labeled "Not a part of this plat."

22 ~~(25)(26)~~ The purpose of all areas dedicated must be
23 clearly indicated or stated on the plat.

24 ~~(26)(27)~~ When it is not possible to show line or curve
25 data detail information on the map, a tabular form may be
26 used. The tabular data must appear on the sheet to which it
27 applies.

28 ~~(27)(28)~~ The plat shall include in a prominent place
29 the following statements ~~statement~~: "NOTICE: This plat, as
30 recorded in its graphic form, is the official depiction of the
31 subdivided lands described herein and will in no circumstances

1 be supplanted in authority by any other graphic or digital
2 form of the plat, whether graphic or digital. There may be
3 additional restrictions that are not recorded on this plat
4 that may be found in the public records of this county."

5 (28)~~(29)~~ All platted utility easements shall provide
6 that such easements shall also be easements for the
7 construction, installation, maintenance, and operation of
8 cable television services; provided, however, no such
9 construction, installation, maintenance, and operation of
10 cable television services shall interfere with the facilities
11 and services of an electric, telephone, gas, or other public
12 utility. In the event a cable television company damages the
13 facilities of a public utility, it shall be solely responsible
14 for the damages. This section shall not apply to those private
15 easements granted to or obtained by a particular electric,
16 telephone, gas, or other public utility. Such construction,
17 installation, maintenance, and operation shall comply with the
18 National Electrical Safety Code as adopted by the Florida
19 Public Service Commission.

20 (29) A legend of all symbols and abbreviations shall
21 be shown.

22 Section 9. Section 177.121, Florida Statutes, is
23 amended to read:

24 177.121 Misdemeanor to molest monument or deface or
25 destroy map or plat.--It is a misdemeanor of the second
26 degree, punishable as provided in s. 775.082 or s. 775.083,
27 for any person to molest any monuments established according
28 to this part ~~chapter~~ or to deface or destroy any map or plat
29 placed on public record.

30 Section 10. Subsection (2) of section 177.131, Florida
31 Statutes, is amended to read:

1 177.131 Recordation of the Department of
2 Transportation official right-of-way maps and other
3 governmental right-of-way maps.--

4 (2) Sections 177.011-177.121 of this part ~~chapter~~ are
5 not applicable to this section. Upon request of the clerk,
6 the Department of Transportation shall furnish without charge
7 a reproducible copy of its right-of-way maps.

8 Section 11. Section 177.132, Florida Statutes, is
9 amended to read:

10 177.132 Preservation of unrecorded maps.--

11 (1) The clerk of the circuit court of a county may
12 receive and copy, as unrecorded maps, otherwise unrecorded
13 plats and maps, including sales maps, which describe or
14 illustrate the boundaries and subdivision of parcels of land,
15 but which do not necessarily indicate proper metes and bounds
16 or otherwise comply with the recording requirements of this
17 part ~~chapter~~. The receipt and copying of such documents shall
18 not affect or impair the title to the property in any manner,
19 nor shall it be construed as actual or constructive notice,
20 but shall be for informational purposes only and shall not be
21 referred to for the purpose of conveying property or for
22 circumventing the lawful regulation and control of subdividing
23 lands by local governing bodies. The clerk may maintain a
24 separate book or other filing process provided by the county
25 for this purpose. The clerk shall make reproductions of these
26 copies available to the public at a reasonable fee.

27 (2) Sections 177.021-177.121 of this part ~~chapter~~
28 shall not apply to this section.

29 Section 12. Section 177.141, Florida Statutes, is
30 amended to read:

31

1 177.141 Affidavit confirming error on a recorded
2 plat.--In the event an ~~appreciable~~ error or omission in the
3 data shown on any plat duly recorded under the provisions of
4 this ~~part~~ ~~chapter~~ is detected by subsequent examination or
5 revealed by a retracement of the ~~lines run during the~~ original
6 survey of the lands shown on such recorded plat, the
7 professional surveyor and mapper or legal entity ~~who was~~
8 responsible for the survey and the preparation of the plat as
9 recorded may file an affidavit confirming that such error or
10 omission was made. If applicable ~~However~~, the affidavit must
11 state that the professional surveyor and mapper or legal
12 entity has made a resurvey of the subject property in the
13 recorded subdivision within the last 10 days and that no
14 evidence existed on the ground that would conflict with the
15 corrections as stated in the affidavit. The affidavit shall
16 describe the nature and extent of such error or omission and
17 the appropriate correction that in the affiant's professional
18 ~~surveyor and mapper's~~ opinion should be substituted for the
19 erroneous data shown on the plat or added to the data on the
20 plat. When such an affidavit is filed, it is the duty of the
21 circuit court clerk to record the affidavit, and he or she
22 must ~~shall~~ place in the margin of the recorded plat a notation
23 that the affidavit has been filed, the date of filing, and the
24 official book and page where it is recorded. The notation must
25 also be placed on all copies of the plat used for reproduction
26 purposes.The affidavit shall have no effect upon the validity
27 of the plat ~~or on the information shown thereon.~~

28 Section 13. Section 177.151, Florida Statutes, is
29 amended to read:

30 177.151 State plane coordinate.--

31

1 (1) Coordinates may be used to define or designate the
2 position of points on the surface of the earth within the
3 state for land descriptions and subdivision purposes, provided
4 the initial point in the description shall be tied to the
5 nearest government corner or other recorded and well
6 established corner. The state plane coordinates of a point on
7 the earth's surface, to be used in expressing the position or
8 location of such point in the appropriate projection and zone
9 system, shall consist of two distances, expressed in meters or
10 feet and decimals of the same ~~a foot~~. One position distance,
11 to be known as the "Northing," shall give the position in a
12 north and south direction; the other, to be known as the
13 "Easting x-coordinate," shall give the position in an east and
14 west direction; ~~the other, to be known as the "y-coordinate,"~~
15 ~~shall give the position in a north and south direction.~~ These
16 coordinates shall be made to depend upon and conform to the
17 origins and projections on the Florida State Plane Coordinate
18 System and the geodetic control triangulation and traverse
19 stations of the National Ocean Service Survey within the
20 state, as those origins and projections have been determined
21 by such service ~~the said survey~~. When any tract of land to be
22 defined by a single description extends from one into the
23 other of the above projections or zones, the positions of all
24 points on its boundary may be referred to either of the zones
25 or projections, with the zone and projection being used
26 specifically named in the description.

27 (2) The position of points on the Florida State Plane
28 Coordinate System shall be as marked on the ground by geodetic
29 control triangulation or traverse stations established in
30 conformity with standards adopted by the National Ocean
31 Service Survey for first-order and second-order work, the

1 geodetic positions of which have been rigidly adjusted on the
2 North American Datum of 1983, as readjusted in 1990, and the
3 coordinates of which have been computed on the Florida State
4 Plane Coordinate System ~~herein defined~~. Any such station may
5 be used for establishing a survey connection with the Florida
6 State Plane Coordinate System.

7 ~~(3) No coordinates based on the Florida Coordinate~~
8 ~~System purporting to define the position of a point on a land~~
9 ~~boundary may be presented to be recorded in any public land~~
10 ~~records or deed records unless the point is within one-half~~
11 ~~mile of a triangulation or traverse station established in~~
12 ~~conformity with the standards described in s. 177.031(19).~~
13 ~~However, the said one-half mile limitation may be waived when~~
14 ~~coordinates shown are certified as having been established in~~
15 ~~accordance with National Ocean Survey requirements and~~
16 ~~procedures for first-order or second-order work by a surveyor~~
17 ~~and mapper licensed in the state. This certification of~~
18 ~~order of accuracy must be included in the description of the~~
19 ~~land involved.~~

20 ~~(4) The use of the term "Florida Coordinate System" on~~
21 ~~any map, report of survey, or other document shall be limited~~
22 ~~to coordinates based on the Florida Coordinate System as~~
23 ~~defined in this chapter.~~

24 ~~(5) Whenever coordinates based on the Florida~~
25 ~~Coordinate System are used to describe a tract of land which~~
26 ~~in the same document is also described by reference to any~~
27 ~~subdivision, line, or corner of the United States Public Land~~
28 ~~Survey, the description by coordinates shall be construed as~~
29 ~~supplemental to the basic description of such subdivision,~~
30 ~~line, or corner contained in the official plats and field~~
31 ~~notes of record, and, in the event of any conflict, the~~

1 ~~description by reference to the subdivision, line, or corner~~
2 ~~of the United States Public Land Survey shall prevail over the~~
3 ~~description by coordinates.~~

4 ~~(6) Nothing contained in this chapter shall require~~
5 ~~any purchaser or mortgagee to rely on a description any part~~
6 ~~of which depends exclusively upon the Florida Coordinate~~
7 ~~System.~~

8 Section 14. Subsection (3) of section 177.27, Florida
9 Statutes, is amended to read:

10 177.27 Definitions.--The following words, phrases, or
11 terms used herein, unless the context otherwise indicates,
12 shall have the following meanings:

13 (3) "Control tide station" means a place so designated
14 by the department or the National Ocean Service Survey at
15 which continuous tidal observations have been taken or are to
16 be taken over a minimum of 19 years to obtain basic tidal data
17 for the locality.

18 Section 15. Subsection (1) of section 177.38, Florida
19 Statutes, is amended to read:

20 177.38 Standards for establishment of local tidal
21 datums.--

22 (1) Unless otherwise allowed by this part or
23 regulations promulgated hereunder, a local tidal datum shall
24 be established from a series of tide observations taken at a
25 tide station established in accordance with procedures
26 approved by the department. In establishing such procedures,
27 full consideration will be given to the national standards and
28 procedures established by the National Ocean Service Survey.

29 Section 16. Paragraph (b) of subsection (6) of section
30 287.055, Florida Statutes, 1996 Supplement, is amended to
31 read:

1 287.055 Acquisition of professional architectural,
2 engineering, landscape architectural, or surveying and mapping
3 services; definitions; procedures; contingent fees prohibited;
4 penalties.--

5 (6) PROHIBITION AGAINST CONTINGENT FEES.--

6 (b) Any individual, corporation, partnership, firm, or
7 company, other than a bona fide employee working solely for an
8 architect, professional engineer, or professional registered
9 ~~land~~ surveyor and mapper, who offers, agrees, or contracts to
10 solicit or secure agency contracts for professional services
11 for any other individual, company, corporation, partnership,
12 or firm and to be paid, or is paid, any fee, commission,
13 percentage, gift, or other consideration contingent upon, or
14 resulting from, the award or the making of a contract for
15 professional services shall, upon conviction in a competent
16 court of this state, be found guilty of a first degree
17 misdemeanor, punishable as provided in s. 775.082 or s.
18 775.083.

19 Section 17. Subsections (1) and (2) of section
20 455.213, Florida Statutes, 1996 Supplement, are amended to
21 read:

22 455.213 General licensing provisions.--

23 (1) Any person desiring to be licensed shall apply to
24 the department in writing ~~to take the appropriate examination.~~
25 The application for licensure shall be made on a form prepared
26 and furnished by the department and shall be supplemented as
27 needed to reflect any material change in any circumstance or
28 condition stated in the application which takes place between
29 the initial filing of the application and the final grant or
30 denial of the license and which might affect the decision of
31 the agency. In cases where a person applies or schedules

1 directly with a national examination organization or
2 examination vendor to take an examination required for
3 licensure, any organization-related or vendor-related fees
4 associated with the examination may be paid directly to the
5 organization or vendor.

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

17 Section 18. Section 455.217, Florida Statutes, 1996
18 Supplement, is amended to read:

19 455.217 Examinations.--This section shall be read in
20 conjunction with the appropriate practice act associated with
21 each regulated profession under this chapter.

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

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 ensure that ~~the~~

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

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

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

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

5 (d)(e) A board, or the department when there is no
6 board, may approve by rule the use of any national examination
7 which the department has certified as meeting requirements of
8 national examinations and generally accepted testing standards
9 pursuant to department rules. Providers of examinations, which
10 may be either profit or nonprofit entities, seeking
11 certification by the department shall pay the actual costs
12 incurred by the department in making a determination regarding
13 the certification.The department shall use any national
14 examination which is available, certified by the department
15 and ~~which is~~ approved by the board. The name and number of a
16 candidate may be provided to a national contractor for the
17 limited purpose of preparing the grade tape and information to
18 be returned to the board or department or, to the extent
19 otherwise specified by rule, the candidate may apply directly
20 to the vendor of the national examination. The department may
21 delegate to the board the duty to provide and administer the
22 examination. Any national examination approved by a board, or
23 the department when there is no board, prior to October 1,
24 1997, is deemed certified under this paragraph. Any licensing
25 or certification examination that is not developed or
26 administered by the department in house or provided as a
27 national examination shall be competitively bid to the private
28 sector and the State University System.

29 (e)(d) The department shall adopt rules regarding the
30 security and monitoring of examinations. In order to maintain
31 the security of examinations, the department may employ the

1 procedures set forth in s. 455.228 to seek fines and
2 injunctive relief against an examinee who violates the
3 provisions of s. 455.2175 or the rules adopted pursuant to
4 this paragraph. The department, or any agent thereof, may, for
5 the purposes of investigation, confiscate any written,
6 photographic, or recording material or device in the
7 possession of the examinee at the examination site which the
8 department deems necessary to enforce such provisions or
9 rules.

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

27 (2) For each examination developed by the department
28 or a contracted vendor, the board, or the department, when
29 there is no board, ~~the department~~ shall make rules providing
30 for reexamination of any applicants who fail an ~~have failed~~
31 ~~the~~ examination developed by the department or a contracted

1 vendor. If both a written and a practical examination are
2 given, an applicant shall be required to retake only the
3 portion of the examination for ~~on~~ which he failed to achieve a
4 passing grade, if he successfully passes that portion within a
5 reasonable time, as determined by rule of the board, or the
6 department when there is no board, of his passing the other
7 portion.

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

26 (4)~~(3)~~ For each examination developed or administered
27 by the department or a contracted vendor, ~~The department shall~~
28 ~~make~~ an accurate record of each applicant's examination
29 questions, answers, papers, grades, and grading key. ~~The~~
30 ~~department shall be kept~~ keep such record for a period of not
31 less than 2 years immediately following the examination, and

1 such record shall thereafter be maintained or destroyed as
2 provided in chapters 119 and 257. This subsection does not
3 apply to national examinations approved and administered
4 pursuant to paragraph (1)(d).

5 (5)(4) Meetings and records of meetings of any member
6 of the department or of any board or commission within the
7 department held for the exclusive purpose of creating or
8 reviewing licensure examination questions or proposed
9 examination questions are confidential and exempt from ss.
10 119.07(1) and 286.011. However, this exemption shall not
11 affect the right of any person to review an examination as
12 provided in subsection (3)(2).

13 (6)(5) For examinations developed by the department or
14 a contracted vendor, each board, or the department when there
15 is no board, may provide licensure examinations in an
16 applicant's native language. Applicants for examination or
17 reexamination pursuant to this subsection shall bear the full
18 cost for the department's development, preparation,
19 administration, grading, and evaluation of any examination in
20 a language other than English. Requests for translated
21 examinations must be on file in the board office, or with the
22 department when there is no board, at least 6 months prior to
23 the scheduled examination. When determining whether it is in
24 the public interest to allow the examination to be translated
25 into a language other than English, the board, or the
26 department when there is no board, shall consider the
27 percentage of the population who speak the applicant's native
28 language.

29 (7)(6) In addition to meeting any other requirements
30 for licensure by examination or by endorsement, an applicant
31 may be required by a board, or by the department when ~~if~~ there

1 is no board, to pass an examination pertaining to state laws
2 and rules applicable to the practice of the profession
3 regulated by that board or by the department.

4 Section 19. Paragraph (b) of subsection (4) of section
5 466.007, Florida Statutes, 1996 Supplement, is amended to
6 read:

7 466.007 Examination of dental hygienists.--

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

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

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

31

1 455.225 Disciplinary proceedings.--Disciplinary
2 proceedings for each board shall be within the jurisdiction of
3 the department or the Agency for Health Care Administration,
4 as appropriate.

5 (3)(a) As an alternative to the provisions of
6 subsections (1) and (2), when a complaint is received, the
7 department or the agency may provide a licensee with a notice
8 of noncompliance for an initial offense of a minor violation.
9 Each board, or the department or the agency if there is no
10 board, shall establish by rule those minor violations under
11 this provision which do not endanger the public health,
12 safety, and welfare and which do not demonstrate a serious
13 inability to practice the profession. Failure of a licensee to
14 take action in correcting the violation within 15 days after
15 notice may result in the institution of regular disciplinary
16 proceedings.

17 **(b) The department may issue a notice of noncompliance**
18 **for an initial offense of a minor violation, notwithstanding a**
19 **board's failure to designate a particular minor violation by**
20 **rule as provided in paragraph (a).**

21 Section 21. Subsection (4) and paragraph (b) of
22 subsection (6) of section 468.385, Florida Statutes, are
23 amended to read:

24 468.385 Licenses required; qualifications;
25 examination; bond.--

26 (4) Any person seeking a license as an auctioneer
27 shall pass a written examination approved by the board and
28 certified ~~prepared and administered~~ by the department which
29 tests his general knowledge of the laws of this state relating
30 to the Uniform Commercial Code ~~bulk sales~~, auctions, laws of
31 agency brokerage, and the provisions of this act.

1 (6) No person shall be licensed as an auctioneer
2 unless he:
3 (b) Has passed the required ~~an~~ examination ~~conducted~~
4 ~~by the department~~; and
5 Section 22. Subsection (1) of section 468.386, Florida
6 Statutes, is amended to read:
7 468.386 Fees; local licensing requirements.--
8 (1) The board by rule may establish application,
9 ~~examination~~, licensure, renewal, and other reasonable and
10 necessary fees, based upon the department's estimate of the
11 costs to the board in administering this act.
12 Section 23. Section 468.388, Florida Statutes, is
13 amended to read:
14 468.388 Conduct of an auction.--
15 (1) Prior to conducting an auction in this state, an
16 auctioneer or auction business shall execute a written
17 agreement with the owner, or the agent of the owner, of any
18 property to be offered for sale, stating:
19 (a) The name and address of the owner of the property;
20 (b) The name and address of the person employing the
21 auctioneer or auction business, if different from the owner;
22 and
23 (c) The terms or conditions upon which the auctioneer
24 or auction business will receive the property for sale and
25 remit the sales proceeds to the owner.
26 (2) The auctioneer or auction business shall give the
27 owner one copy of the agreement and shall keep one copy for 2
28 years after the date of the auction.
29 ~~(3) A written agreement shall not be required if:~~
30
31

1 ~~(a) The auction is to be conducted at an auction house~~
2 ~~or similar place where the public regularly offers property~~
3 ~~for sale;~~

4 ~~(b) There has been no prior negotiation between the~~
5 ~~owner or his agent and the auctioneer or auction business~~
6 ~~involving terms or conditions pertaining to the property being~~
7 ~~offered for sale; and~~

8 ~~(c) The total estimated value of the property is \$500~~
9 ~~or less. If the actual sale price of the property exceeds~~
10 ~~\$550, the written agreement required by subsection (1) shall~~
11 ~~be executed after the sale.~~

12 (3)~~(4)~~ Each auctioneer or auction business shall
13 maintain a record book of all sales ~~for which a written~~
14 ~~agreement is required.~~ The record book shall be open to
15 inspection by the board at reasonable times.

16 (4)~~(5)~~ Each auctioneer or auction business shall
17 prominently display his license, or make it otherwise
18 available for inspection, at each auction in which he
19 participates.

20 (5)~~(6)~~ All advertising by an auctioneer or auction
21 business shall include the name and Florida license number of
22 such auctioneer and auction business. The term "advertising"
23 shall not include articles of clothing, directional signs, or
24 other promotional novelty items.

25 Section 24. Paragraph (c) of subsection (1) of section
26 468.389, Florida Statutes, is amended to read:

27 468.389 Prohibited acts; penalties.--

28 (1) The following acts shall be grounds for the
29 disciplinary activities provided in subsections (2) and (3):

30 (c) Failure to account for or to pay, within a
31 reasonable time not to exceed 30 days, money or property

1 belonging to another which has come into the control of an
2 auctioneer or auction business through an auction.

3 Section 25. For the purpose of incorporating the
4 amendment to section 468.389, Florida Statutes, in a reference
5 thereto, section 468.391, Florida Statutes, is reenacted to
6 read:

7 468.391 Penalty.--Any auctioneer, apprentice, or
8 auction business or any owner or manager thereof, or, in the
9 case of corporate ownership, any substantial stockholder of
10 the corporation owning the auction business, who operates
11 without an active license or violates any provision of the
12 prohibited acts listed under s. 468.389 commits a felony of
13 the third degree, punishable as provided in s. 775.082 or s.
14 775.083.

15 Section 26. Subsections (2) and (3) of section
16 468.393, Florida Statutes, are amended to read:

17 468.393 Surcharge to license fee; assessments.--

18 (2) If the total amount in the Auctioneer Recovery
19 Fund, including principal and interest, exceeds \$250,000
20 ~~\$500,000~~ at the end of the state fiscal year after the payment
21 of all claims and expenses, the amount in excess of \$250,000
22 ~~\$500,000~~ shall remain in the fund for benefit of the licensees
23 in tolling the surcharge until such time as the surcharge
24 shall need replenishing.

25 (3) After October 1, 1995, if the total amount in the
26 Auctioneer Recovery Fund, including principal and interest, is
27 less than \$200,000 at the end of the fiscal year after the
28 payment of all claims and expenses, the board shall assess, in
29 addition to any other fees under s. 468.3852, a surcharge
30 against a licensee at the time of initial licensure or at the
31

1 time of license renewal, according to the following formula in
2 order to maintain the fund at \$250,000~~\$500,000~~:

3 (a) Determine the amount remaining in the fund at the
4 end of the state fiscal year after all expenses and claims
5 have been paid.

6 (b) Subtract the amount determined under paragraph (a)
7 from \$250,000~~\$500,000~~.

8 (c) Determine the number of initial licenses and
9 license renewals in the fiscal year that precedes the current
10 fiscal year.

11 (d) Divide the amount determined under paragraph (b)
12 by the number determined under paragraph (c).

13 Section 27. For the purpose of incorporating the
14 amendment to section 468.393, Florida Statutes, in a reference
15 thereto, subsection (5) of section 468.392, Florida Statutes,
16 is reenacted to read:

17 468.392 Auctioneer Recovery Fund.--There is created
18 the Auctioneer Recovery Fund as a separate account in the
19 Professional Regulation Trust Fund. The fund shall be
20 administered by the Florida Board of Auctioneers.

21 (5) Moneys in the fund at the end of a fiscal year
22 shall be retained in the fund and shall accrue for the benefit
23 of auctioneers and auction businesses. When the fund exceeds
24 the amount as set forth in s. 468.393(2), all surcharges shall
25 be suspended until such time as the fund is reduced below the
26 amount as set forth in s. 468.393(3).

27 Section 28. Section 468.395, Florida Statutes, is
28 amended to read:

29 468.395 Conditions of recovery; eligibility.--

30 (1) Recovery from the Auctioneer Recovery Fund may be
31 obtained under either of the following circumstances:

1 (a) Any aggrieved person is eligible to receive
2 recovery from the Auctioneer Recovery Fund if the Florida
3 Board of Auctioneers has issued a final order directing an
4 offending licensee to pay restitution to the claimant as the
5 result of the licensee violating, within the State of Florida,
6 any provision of s. 468.389 or any rule adopted by the board
7 and the board determines that the order of restitution cannot
8 be enforced; or

9 (b) Any aggrieved person who obtains a final judgment
10 in any court against any licensee to recover damages for an
11 actual cash loss resulting from the violation, within the
12 State of Florida, by failure to meet the obligations of a
13 licensee, of any provision of s. 468.389 or any rule under
14 this part and the rules adopted by the board, with or without
15 findings by the board, that results in an actual cash loss to
16 the aggrieved person may, upon termination of all proceedings,
17 including appeals and proceedings supplemental to judgment for
18 collection purposes, file a verified application to the board
19 in the court in which the judgment was entered for an order
20 directing payment out of the Auctioneer Recovery Fund of the
21 amount of actual and direct loss in the transaction that
22 remains unpaid upon the judgment. Notwithstanding subsection
23 (3), any application received by the court in which the
24 judgment was entered within 6 months of termination of all
25 proceedings, including appeals and proceedings supplemental to
26 judgment for collection purposes, shall be considered timely
27 filed. The amount of actual and direct loss may include court
28 costs, but shall not include attorney's fees or punitive
29 damages awarded.

30 (2) The amount paid from the Auctioneer Recovery Fund
31 may not exceed \$25,000~~\$50,000~~ per claim judgment or claims

1 ~~judgments~~ arising out of the same transaction or auction nor
2 ~~and~~ an aggregate lifetime limit of \$50,000~~\$100,000~~ with
3 respect to any one licensee.

4 ~~(2) At the time the action is commenced, such person~~
5 ~~shall give notice thereof to the board by certified mail,~~
6 ~~except that, if no notice is given to the board, the claim may~~
7 ~~still be honored if, in the opinion of the board, the claim is~~
8 ~~otherwise valid.~~

9 (3) A claim for recovery from the Auctioneer Recovery
10 Fund shall be made within 2 years from the time of the act
11 giving rise to the claim or within 2 years from the time the
12 act is discovered or should have been discovered with the
13 exercise of due diligence; however, in no event may a claim
14 for recovery be made more than 4 years after the date of the
15 act giving rise to the claim.

16 (4) The board ~~court~~ shall not issue an order for
17 payment of a claim from the Auctioneer Recovery Fund unless
18 the claimant has reasonably established for the board ~~court~~
19 that he has taken proper and reasonable action to collect the
20 amount of his claim from the licensee ~~licensed auctioneer~~
21 responsible for the loss and that any recovery made has been
22 applied to reduce the amount of the claim on the Auctioneer
23 Recovery Fund.

24 (5) Notwithstanding any other provision of this part,
25 no claim based on any act or omission occurring outside the
26 State of Florida or occurring prior to October 1, 1995, shall
27 be payable ~~submitted for payment to or payment~~ from the
28 Auctioneer Recovery Fund ~~until after October 1, 1995.~~

29 (6) In case of payment of loss from the Auctioneer
30 Recovery Fund, the fund shall be subrogated, to the extent of
31

1 the amount of the payment, to all the rights of the claimant
2 against any licensee with respect to the loss.

3 Section 29. Subsections (1) and (3) of section
4 468.396, Florida Statutes, are amended to read:

5 468.396 Claims against a single licensee in excess of
6 dollar limitation; joinder of claims, payment; insufficient
7 funds.--

8 (1) If the payment in full of two or more pending
9 valid claims that have been filed by aggrieved persons against
10 a single licensee would exceed the \$25,000~~\$50,000~~ limit as
11 set forth in s. 468.395, the \$25,000~~\$50,000~~ shall be
12 distributed among the aggrieved persons in the ratio that
13 their respective claims bear to the aggregate of all valid
14 claims or in any other manner that a court of record may
15 determine to be equitable. Such money shall be distributed
16 among the persons entitled to share in it without regard to
17 the order of priority in which their respective judgments have
18 been obtained or their claims have been filed.

19 (3) On June 30 and December 31 of each year, the board
20 shall identify each claim that the court orders to be paid
21 during the 6-month period that ended on that day. The board
22 shall pay the part of each claim that is so identified within
23 15 days after the end of the 6-month period in which the claim
24 is ordered paid. However, if the balance in the fund is
25 insufficient to pay the full payable amount of each claim that
26 is ordered to be paid during a 6-month period, the board shall
27 pay a prorated portion of each claim that is ordered to be
28 paid during the period. Any part of the payable amount of a
29 claim left unpaid due to the prorating of payments under this
30 subsection shall be paid, subject to the \$25,000~~\$50,000~~ limit
31

1 described in s. 468.395, before the payment of claims ordered
2 to be paid during the following 6 months.

3 Section 30. Subsection (3) is added to section
4 468.432, Florida Statutes, 1996 Supplement, to read:

5 468.432 Licensure of community association managers;
6 exceptions; rules.--

7 (3) The department is authorized to adopt rules
8 pursuant to chapter 120 to implement the licensure and
9 disciplinary requirements of this part and chapter 455.

10 Section 31. Subsection (4) of section 468.542, Florida
11 Statutes, is amended to read:

12 468.542 Definitions.--As used in ss. 468.540-468.552,
13 the term:

14 (4) "Operator" means any person, including the owner,
15 who is in onsite charge of the actual operation, supervision,
16 and maintenance of a water treatment plant or domestic
17 wastewater treatment plant and includes the person in onsite
18 charge of a shift or period of operation during any part of
19 the day.

20 (a) "Class A operator" means a person who is
21 authorized by certification, training, and experience to
22 operate any water or wastewater treatment facility, as defined
23 by department rule.

24 (b) "Class B operator" means a person who is
25 authorized by certification, training, and experience to
26 operate a Class B or lesser water or wastewater treatment
27 facility, as defined by department rule, and who also may be
28 authorized as a shift operator on Class A facilities, as
29 permitted by department rule.

30 (c) "Class C operator" means a person who is
31 authorized by certification, training, and experience to

1 operate a Class C or lesser water or wastewater treatment
2 facility, as defined by department rule, and who also may be
3 authorized as a shift operator on Class A or Class B
4 facilities, as permitted by department rule.

5 (d) "Class D operator" means a person who is
6 authorized by certification, training, and experience to
7 operate a Class D water or wastewater treatment facility, as
8 defined by department rule.

9 Section 32. Paragraph (e) of subsection (2) and
10 subsection (3) of section 468.453, Florida Statutes, are
11 amended to read:

12 468.453 Licensure required; qualifications;
13 examination; bond.--

14 (2) A person shall be licensed as an athlete agent if
15 the applicant:

16 (e) Has provided sufficient information, and a full
17 set of the applicant's fingerprints which has been taken by an
18 authorized law enforcement officer, which must be submitted by
19 the department for a criminal records check through the
20 Federal Bureau of Investigation.

21 (3) Members of The Florida Bar are exempt from the
22 requirements of this part ~~state laws and rules component, and~~
23 ~~the fee for such, of the examination required by this section.~~

24 Section 33. Section 468.547, Florida Statutes, is
25 amended to read:

26 468.547 Fees.--The department shall, by rule,
27 establish fees to be paid for applications ~~and examination,~~
28 ~~reevaluation,~~ licensing and renewal, renewal of inactive
29 license, reactivation of inactive license, recordmaking, and
30 recordkeeping. The department shall establish fees adequate to
31 administer and implement ss. 468.540-468.552.

1 (1) The application fee may not exceed \$100 and is not
2 refundable.

3 (2) The renewal fee may not exceed \$100 and is not
4 refundable.

5 (3) All fees collected pursuant to ss. 468.540-468.552
6 must be deposited into the Professional Regulation Trust Fund.

7 Section 34. Subsections (1), (2), and (3) of section
8 468.548, Florida Statutes, are amended to read:

9 468.548 Requirements for licensure.--

10 (1) Any person desiring to be licensed as a water
11 treatment plant operator or a domestic wastewater treatment
12 plant operator must apply to the department ~~to take the~~
13 ~~licensure examination.~~

14 (2) The department shall license ~~examine~~ any applicant
15 who meets the criteria established by the department for
16 licensure, submits a completed application, and remits the
17 required fee.

18 (3) The department shall license as an operator any
19 applicant who has passed the examination approved and
20 certified by the department ~~under this section.~~

21 Section 35. Section 468.607, Florida Statutes, is
22 amended to read:

23 468.607 Certification of building code administration
24 and inspection personnel.--The department ~~board~~ shall issue a
25 certificate to any individual ~~whom~~ the board certifies
26 ~~determines~~ to be qualified, within such class and level as
27 provided in this part and with such limitations as the board
28 may place upon it. No person may be employed by a state
29 agency or local governmental authority to perform the duties
30 of a building code administrator, plans examiner, or inspector
31 after October 1, 1993, without possessing the proper valid

1 certificate issued in accordance with the provisions of this
2 part.

3 Section 36. Section 468.609, Florida Statutes, is
4 amended to read:

5 468.609 Administration of this part; standards for
6 certification; additional categories of certification.--

7 (1) Except as provided in this part, any person who
8 desires to be certified shall apply to the board, in writing
9 upon forms approved and furnished by the board, to take the
10 certification examination.

11 (2) A person shall be entitled to take the examination
12 for certification as an inspector or plans examiner pursuant
13 to this part if the person:

14 (a) Is at least 18 years of age;

15 (b) Is of good moral character; and

16 (c) Meets eligibility requirements according to one of
17 the following criteria:

18 1. Demonstrates 5 years' combined experience in the
19 field of construction, ~~or~~ inspection, or plans review
20 corresponding to the certification category sought; or

21 2. Demonstrates a combination of postsecondary
22 education in a related field and experience which totals 4
23 years, with at least 1 year of such total being experience in
24 construction, ~~or~~ building inspection, or plans review. ~~or~~

25 (3) A person shall be entitled to take the examination
26 for certification as a building code administrator pursuant to
27 this part if the person:

28 (a) Is at least 18 years of age;

29 (b) Is of good moral character; and

30 (c) Meets eligibility requirements according to one of
31 the following criteria:

1 ~~1.3. For certification as a building code~~
2 ~~administrator or building official,~~Demonstrates 10 years'
3 combined experience as an architect, engineer, building
4 inspector, registered or certified contractor, or construction
5 superintendent, with at least 5 years of such experience in
6 supervisory positions; ~~or-~~

7 2. Demonstrates a combination of postsecondary
8 education in a related field, no more than 5 years of which
9 may be applied, and experience as an architect, engineer,
10 building inspector, registered or certified contractor, or
11 construction superintendent which totals 10 years, with at
12 least 5 years of such total being experience in supervisory
13 positions.

14 ~~(4)(3)~~ No person may engage in the duties of a
15 building code administrator, plans examiner, or inspector
16 pursuant to this part after October 1, 1993, unless such
17 person possesses one of the following types of certificates,
18 currently valid, issued by the department ~~board~~ attesting to
19 the person's qualifications to hold such position:

- 20 (a) A standard certificate.
- 21 (b) A limited certificate.
- 22 (c) A provisional certificate.

23 ~~(5)(4)~~(a) To obtain a standard certificate, an
24 individual must pass an examination approved by the board
25 which demonstrates that the applicant has fundamental
26 knowledge of the state laws and codes relating to the
27 construction of buildings for which the applicant has code
28 administration or inspection responsibilities. It is the
29 intent of the Legislature that the examination approved for
30 certification pursuant to this part be substantially
31 equivalent to the examinations administered by the Southern

1 Building Code Congress International, the Building Officials
2 Association of Florida, the South Florida Building Code (Dade
3 and Broward), and the Council of American Building Officials.

4 (b) A standard certificate shall be issued to each
5 applicant who successfully completes the examination, which
6 certificate authorizes the individual named thereon to
7 practice throughout the state as a building code
8 administrator, plans examiner, or inspector within such class
9 and level as is specified by the board.

10 (c) The board may accept proof that the applicant has
11 passed an examination which is substantially equivalent to the
12 board-approved examination set forth in this section.

13 (6)~~(5)~~(a) A building code administrator, plans
14 examiner, or inspector holding office on July 1, 1993, shall
15 not be required to possess a standard certificate as a
16 condition of tenure or continued employment, but shall be
17 required to obtain a limited certificate as described in this
18 subsection.

19 (b) By October 1, 1993, individuals who were employed
20 on July 1, 1993, as building code administrators, plans
21 examiners, or inspectors, who are not eligible for a standard
22 certificate, but who wish to continue in such employment,
23 shall submit to the board the appropriate application and
24 certification fees and shall receive a limited certificate
25 qualifying them to engage in building code administration,
26 plans examination, or inspection in the class, at the
27 performance level, and within the governmental jurisdiction in
28 which such person is employed.

29 (c) The limited certificate shall be valid only as an
30 authorization for the building code administrator, plans
31 examiner, or inspector to continue in the position held, and

1 to continue performing all functions assigned to that
2 position, on July 1, 1993.

3 (d) A building code administrator, plans examiner, or
4 inspector holding a limited certificate can be promoted to a
5 position requiring a higher level certificate only upon
6 issuance of a standard certificate or provisional certificate
7 appropriate for such new position.

8 (7)~~(6)~~(a) The board may provide for the issuance of
9 provisional or temporary certificates valid for such period,
10 not less than 1 year nor more than 3 years, as specified by
11 board rule, to any building code administrator, plans
12 examiner, or inspector newly employed or newly promoted who
13 lacks the qualifications prescribed by the board or by statute
14 as prerequisite to issuance of a standard certificate.

15 (b) No building code administrator, plans examiner, or
16 inspector may have a provisional or temporary certificate
17 extended beyond the specified period by renewal or otherwise.

18 (c) The board may provide for appropriate levels of
19 provisional or temporary certificates and may issue these
20 certificates with such special conditions or requirements
21 relating to the place of employment of the person holding the
22 certificate, the supervision of such person on a consulting or
23 advisory basis, or other matters as the board may deem
24 necessary to protect the public safety and health.

25 (8)~~(7)~~(a) Any individual who holds a valid certificate
26 under the provisions of s. 553.795, or who has successfully
27 completed all requirements for certification pursuant to such
28 section, shall be deemed to have satisfied the requirements
29 for receiving a standard certificate prescribed by this part.

30 (b) Any individual who holds a valid certificate
31 issued by the Southern Building Code Congress International,

1 the Building Officials Association of Florida, the South
2 Florida Building Code (Dade and Broward), or the Council of
3 American Building Officials certification programs, or who has
4 been approved for certification under one of those programs
5 not later than October 1, 1995, shall be deemed to have
6 satisfied the requirements for receiving a standard
7 certificate in the corresponding category prescribed by this
8 part. Employees of counties with a population of less than
9 50,000, or employees of municipalities with a population of
10 less than 3,500, shall be deemed to have satisfied the
11 requirements for standard certification where such employee is
12 approved for certification under one of the programs set forth
13 in this paragraph not later than October 1, 1998.

14 (9)~~(8)~~ Any individual applying to the board may be
15 issued a certificate valid for multiple inspection classes, as
16 deemed appropriate by the board.

17 (10)~~(9)~~ Certification and training classes may be
18 developed in coordination with degree career education
19 centers, community colleges, the State University System, or
20 other entities offering certification and training classes.

21 (11)~~(10)~~ The board may by rule create categories of
22 certification in addition to those defined in s. 468.603(6)
23 and (7). Such certification categories shall not be mandatory
24 and shall not act to diminish the scope of any certificate
25 created by statute.

26 Section 37. Effective upon this act becoming a law,
27 subsection (2) of section 468.617, Florida Statutes, 1996
28 Supplement, is amended to read:

29 468.617 Joint inspection department; other
30 arrangements.--

31

1 (2) Nothing in this part shall prohibit local
2 governments from employing or authorizing persons certified
3 pursuant to or exempt from this part to perform inspections on
4 a contract basis.

5 Section 38. Section 468.619, Florida Statutes, is
6 created to read:

7 468.619 Architects and engineers performing building
8 code inspection services.--Notwithstanding any other provision
9 of this part, a person currently licensed to practice as an
10 architect pursuant to chapter 481 or as an engineer pursuant
11 to chapter 471 may provide building inspection services
12 described in s. 468.603(6) and (7) to a local government or
13 state agency, upon its request, without being certified by the
14 board. When performing these building inspection services, the
15 architect or engineer shall be subject to the disciplinary
16 guidelines of the professional's applicable practice act, as
17 well as the provisions of s. 468.621(1)(c)-(g). However, the
18 complaint processing, investigation, and discipline shall be
19 conducted by the Board of Architecture and Interior Design or
20 Board of Professional Engineers, as appropriate, rather than
21 by the Florida Building Code Administrators and Inspectors
22 Board. No architect or engineer shall perform plans review as
23 an employee of a local government upon any job that the
24 architect or engineer or the architect's or engineer's company
25 designed.

26 Section 39. Subsection (1) of section 468.621, Florida
27 Statutes, is amended to read:

28 468.621 Prohibited acts;disciplinary proceedings.--

29 (1) The following acts are prohibited by this part and
30 constitute grounds for which the disciplinary actions in
31 subsection (2) may be taken:

1 (a) Violating or failing to comply with any provision
2 of this part, or a valid rule or lawful order of the board or
3 department pursuant thereto.

4 (b) Obtaining certification through fraud, deceit, or
5 perjury.

6 (c) Knowingly assisting any person practicing contrary
7 to the provisions of:

8 1. This part; ~~or~~

9 2. The building code adopted by any ~~the~~ enforcement
10 authority ~~of that person~~ within the state; or

11 3. Chapter 455 or chapter 489.

12 (d) Having been convicted of a felony against this
13 state or the United States, or of a felony in another state
14 that would have been a felony had it been committed in this
15 state.

16 (e) Having been convicted of a crime in any
17 jurisdiction which directly relates to the practice of
18 building code administration or inspection.

19 (f) Making or filing a report or record which the
20 certificateholder knows to be false, or knowingly inducing
21 another to file a false report or record, or knowingly failing
22 to file a report or record required by state or local law, or
23 knowingly impeding or obstructing such filing, or knowingly
24 inducing another person to impede or obstruct such filing.

25 (g) Committing willful misconduct, gross negligence,
26 gross misconduct, repeated negligence, or negligence resulting
27 in a significant danger to life or property by failure to
28 properly enforce applicable building codes.

29 Section 40. Subsection (1) of section 468.629, Florida
30 Statutes, is amended to read:

31 468.629 Prohibitions; penalties.--

- 1 (1) No person may:
- 2 (a) Falsely hold himself or herself out as a
3 certificateholder.
- 4 (b) Falsely impersonate a certificateholder.
- 5 (c) Present as his or her own the certificate of
6 another.
- 7 (d) Give false or forged evidence to the board or the
8 department, or a member, an employee, or an officer thereof,
9 for the purpose of obtaining a certificate.
- 10 (e) Use or attempt to use a certificate which has been
11 suspended or revoked.
- 12 (f) Threaten, coerce, trick, persuade, or otherwise
13 influence, or attempt to threaten, coerce, trick, persuade, or
14 otherwise influence, any certificateholder, through the
15 certificateholder's action or inaction, to commit, allow, or
16 assist in the commission of the violation of ~~to violate~~ any
17 provision of this part, chapter 455, or chapter 489, a local
18 building code or ordinance, or any other law of this state.
- 19 (g) Offer any compensation to a certificateholder in
20 order to induce a violation of this part, a local building
21 code or ordinance, or another law of this state.
- 22 (h) Engage in the duties or act in the capacity of a
23 building code administrator, plans examiner, or inspector
24 without possessing valid, active certificate issued under this
25 part.

26 Section 41. Subsection (1) of section 469.001, Florida
27 Statutes, is amended, present subsections (20) and (22) are
28 renumbered as subsections (21) and (23), respectively, present
29 subsection (21) is renumbered as subsection (22) and amended,
30 and a new subsection (20) is added to said section, to read:
31 469.001 Definitions.--As used in this chapter:

1 (1) "Abatement" means the removal, encapsulation,
2 enclosure, repair, maintenance, or disposal of asbestos.

3 (20) "Project designer" means a person who works under
4 the direction of a licensed asbestos consultant and engages in
5 the design of project specifications for asbestos abatement
6 projects.

7 ~~(22)~~~~(21)~~ "Survey" means the process of inspecting a
8 facility for the presence of asbestos-containing materials and
9 to determine the location and condition of asbestos-containing
10 materials prior to transfer of property, renovation,
11 demolition, or maintenance projects which may disturb
12 asbestos-containing materials.

13 Section 42. Paragraph (e) of subsection (1) of section
14 469.002, Florida Statutes, is amended to read:

15 469.002 Exemptions.--

16 (1) This chapter does not apply to:

17 (e) An authorized employee of the United States, this
18 state, or any municipality, county, or other political
19 subdivision who has completed all training required by NESHAP
20 and OSHA or by AHERA for the activities described in this
21 paragraph, while engaged in asbestos-related activities set
22 forth in s. 255.5535 and asbestos-related activities involving
23 the demolition of a ~~residential~~ building owned by that
24 governmental unit, where such activities are within the scope
25 of that employment and the employee does not hold out for hire
26 or otherwise engage in asbestos abatement, contracting, or
27 consulting.

28 Section 43. Subsection (3) of section 469.004, Florida
29 Statutes, is amended to read:

30 469.004 License; asbestos consultant; asbestos
31 contractor; exceptions.--

1 (3) Licensure as an asbestos contractor or asbestos
2 consultant is not required for the moving, removal, or
3 disposal of asbestos-containing roofing material by a roofing
4 contractor certified or registered under part I of chapter
5 489, if all such activities are performed under the direction
6 of an onsite roofing supervisor trained as provided in s.
7 469.012.

8 Section 44. Section 469.005, Florida Statutes, is
9 amended to read:

10 469.005 License requirements.--All applicants for
11 licensure as either asbestos consultants or asbestos
12 contractors shall:

13 (1) Pay the initial licensing fee.

14 (2) When applying for licensure as an asbestos
15 consultant, successfully complete the following
16 department-approved courses, ~~as approved by the department:~~

17 (a) An asbestos contractor/supervisor ~~abatement~~
18 ~~project management and supervision~~ course. Such course shall
19 consist of not less than 5 ~~4~~ days of instruction ~~and shall~~
20 ~~cover the nature of the health risks, the medical effects of~~
21 ~~exposure, federal and state asbestos laws and regulations,~~
22 ~~legal and insurance considerations, contract specifications,~~
23 ~~sampling and analytical methodology, worker protection, and~~
24 ~~work area protection.~~

25 (b) A ~~course in~~ building asbestos surveys and
26 mechanical systems course. Such course shall consist of not
27 less than 3 days of instruction.

28 (c) An ~~A course in~~ asbestos management planning
29 course. Such course shall consist of not less than 2 days of
30 instruction.

31

1 (d) A ~~course in~~ respiratory protection course. Such
2 course shall consist of not less than 3 days of instruction.

3 (e) A project designer course. Such course shall
4 consist of not less than 3 days of instruction.

5 (3) When applying for licensure as an asbestos
6 contractor, successfully complete the following
7 department-approved courses:

8 (a) An asbestos contractor/supervisor course. Such
9 course shall consist of not less than 5 days of instruction.

10 (b) A respiratory protection course. Such course
11 shall consist of not less than 3 days of instruction.

12 (4)~~(3)~~ Provide evidence of satisfactory work on 10
13 asbestos projects within the last 5 years.

14 (5)~~(4)~~ Provide evidence of financial stability.

15 (6)~~(5)~~ Pass a department-approved examination of
16 qualifications and knowledge relating to asbestos.

17 Section 45. Paragraph (a) of subsection (5) of section
18 469.006, Florida Statutes, is amended to read:

19 469.006 Licensure of business organizations;
20 qualifying agents.--

21 (5)(a) Each asbestos consultant or contractor shall
22 affix the consultant's or contractor's signature ~~seal, if any,~~
23 and license number to each construction document, plan, or any
24 other document prepared or approved for use by the licensee
25 which is related to any asbestos abatement project and filed
26 for public record with any governmental agency, and to any
27 offer, bid, or contract submitted to a client.

28 Section 46. Subsection (1) of section 469.013, Florida
29 Statutes, is amended to read:

30 469.013 Course requirements for asbestos surveyors,
31 management planners, and project monitors.--

1 (1) All asbestos surveyors, management planners, and
2 project monitors must comply with the requirements set forth
3 in this section prior to commencing such activities and must
4 also complete a 1-day course of continuing education each year
5 thereafter.

6 (a) Management planners must complete all requirements
7 of s. 469.005(2)(c) and (e).

8 (b) Asbestos surveyors must complete all requirements
9 of s. 469.005(2)(b).

10 (c) Project monitors must complete all requirements of
11 s. 469.005(2)(a) and must also complete an asbestos sampling
12 course which is equivalent to NIOSH Course 582.

13 Section 47. Section 469.015, Florida Statutes, is
14 repealed.

15 Section 48. Subsection (18) of section 470.002,
16 Florida Statutes, 1996 Supplement, is amended to read:

17 470.002 Definitions.--As used in this chapter:

18 (18) "Legally authorized person" means, in the
19 priority listed, the decedent, when written inter vivos
20 authorizations and directions are provided by the decedent,
21 the surviving spouse, son or daughter who is 18 years of age
22 or older, parent, brother or sister 18 years of age or over,
23 grandchild who is 18 years of age or older, or grandparent; or
24 any person in the next degree of kinship. In addition, the
25 term may include, if no family exists or is available, the
26 following: the guardian of the dead person at the time of
27 death; the personal representative of the deceased; the
28 attorney-in-fact of the dead person at the time of death; the
29 health surrogate of the dead person at the time of death;
30 public health officer; the medical examiner, county commission
31 or administrator acting under chapter 245, or other public

1 administrator; a representative of a nursing home or other
2 health care institution in charge of final disposition; or a
3 friend or other person not listed in this subsection who is
4 willing to assume the responsibility as authorized person.

5 Section 49. Section 470.0085, Florida Statutes, is
6 amended to read:

7 470.0085 Establishment of embalmer apprentice
8 program.--The board may adopt rules establishing an embalmer
9 apprentice program. An embalmer apprentice may perform only
10 those tasks, functions, and duties relating to embalming which
11 are performed under the direct supervision of a licensed
12 embalmer. An embalmer apprentice shall be eligible to serve in
13 an apprentice capacity for a period not to exceed 1 year as
14 may be determined by board rule or for a period not to exceed
15 3 years if the apprentice is attending and enrolled in a
16 course in mortuary science or funeral service education at any
17 mortuary college or funeral service education college or
18 school. An embalmer apprentice shall be registered with the
19 board upon payment of a registration fee not to exceed \$50.

20 Section 50. Section 470.009, Florida Statutes, is
21 amended to read:

22 470.009 Licensure as a funeral director by
23 examination; provisional license.--

24 (1) Any person desiring to be licensed as a funeral
25 director shall apply to the department to take the licensure
26 examination. The department shall examine each applicant who
27 has remitted an examination fee set by the board not to exceed
28 \$200 plus the actual per applicant cost to the department for
29 portions of the examination and who the board certifies has:

30
31

1 (a) Completed the application form and remitted a
2 nonrefundable application fee set by the board not to exceed
3 \$50.

4 (b) Submitted proof satisfactory to the board that the
5 applicant is at least 18 years of age and is a recipient of a
6 high school degree or equivalent.

7 (c) Had no conviction or finding of guilt, regardless
8 of adjudication, for a crime which directly relates to the
9 ability to practice funeral directing or the practice of
10 funeral directing.

11 (d)1. Received an associate in arts degree, associate
12 in science degree, or an associate in applied science degree
13 in mortuary science approved by the board; or

14 2. Holds an associate degree or higher from a college
15 or university accredited by a regional association of colleges
16 and schools recognized by the United States Department of
17 Education and is a graduate of at least a 1-year course in
18 mortuary science approved by the board.

19 (e) Submitted proof of completion of a board-approved
20 course on communicable diseases.

21 ~~(f) Has completed a 1-year internship under a licensed~~
22 ~~funeral director.~~

23 (2) The department shall license the applicant as a
24 funeral director if ~~he~~ the applicant:

25 (a) Passes an examination on the subjects of the
26 theory and practice of funeral directing, public health and
27 sanitation, and local, state, and federal laws and rules
28 relating to the disposition of dead human bodies; however, the
29 board by rule may adopt the use of a national examination,
30 such as the funeral service arts examination prepared by the
31

1 Conference of Funeral Service Examining Boards, in lieu of
2 part of this examination requirement.

3 (b) Completes a 1-year internship under a licensed
4 funeral director.

5 (3) Any applicant who has completed the required
6 1-year internship and has been approved for examination as a
7 funeral director may qualify for a provisional license to work
8 in a licensed funeral establishment, under the direct
9 supervision of a licensed funeral director for a limited
10 period of 6 months as provided by rule of the board. The fee
11 for provisional licensure shall be set by the board but may
12 not exceed \$125. The fee required in this subsection shall be
13 nonrefundable and in addition to the fee required by
14 subsection (1). This provisional license may be renewed no
15 more than one time. ~~An applicant may not be granted a license~~
16 ~~until that applicant has completed a 1-year internship as~~
17 ~~prescribed by rule of the board.~~

18 Section 51. Subsection (1) of section 470.015, Florida
19 Statutes, 1996 Supplement, is amended to read:

20 470.015 Renewal of funeral director and embalmer
21 licenses.--

22 (1) The department shall renew a funeral director or
23 embalmer license upon receipt of the renewal application and
24 fee set by the board not to exceed \$250. The board may
25 prescribe by rule continuing education requirements of up to
26 12 classroom hours, in addition to a board-approved course on
27 communicable diseases that includes the course on human
28 immunodeficiency virus and acquired immune deficiency syndrome
29 required by s. 455.2226, for the renewal of a funeral director
30 or embalmer license. The board may provide for the waiver of
31 continuing education requirements in circumstances that would

1 justify the waiver, such as hardship, disability, or illness.
2 The continuing education requirement is not required after
3 July 1, 1996, for a licensee who is over the age of 75 years
4 if the licensee does not qualify as the sole person in charge
5 of an establishment or facility.

6 Section 52. Subsection (2) of section 470.018, Florida
7 Statutes, is amended to read:

8 470.018 Renewal of registration of direct disposer.--

9 (2) The department shall adopt rules establishing a
10 procedure for the biennial renewal of registrations. The
11 board shall prescribe by rule continuing education
12 requirements of up to 3 classroom hours, in addition to a
13 board-approved course on communicable diseases that includes
14 the course on human immunodeficiency virus and acquired immune
15 deficiency syndrome required by s. 455.2226, for the renewal
16 of a registration.

17 Section 53. Section 470.024, Florida Statutes, 1996
18 Supplement, is amended to read:

19 470.024 Funeral establishment; licensure.--

20 (1) A funeral establishment shall be a place at a
21 specific street address or location consisting of at least
22 1,250 contiguous interior square feet and must maintain or
23 make arrangements for either suitable capacity for the
24 refrigeration and storage of dead human bodies handled and
25 stored by the establishment or a preparation room equipped
26 with necessary ventilation and drainage and containing
27 necessary instruments for embalming dead human bodies.

28 (2) Each licensed funeral establishment may operate a
29 visitation chapel at a location within the county in which the
30 funeral establishment is located. A visitation chapel must be
31 a facility of not less than 500 square feet and not more than

1 700 square feet, which may be operated only when a licensed
2 funeral director is present at the facility. A visitation
3 chapel may be used only for visitation of a deceased human
4 body and may not be used for any other activity permitted by
5 this chapter.

6 ~~(3)(2)~~ No person may conduct, maintain, manage, or
7 operate a funeral establishment unless an establishment
8 operating license has been issued by the department for that
9 funeral establishment.

10 ~~(4)(3)~~ Application for a funeral establishment license
11 shall be made on forms furnished by the department, shall be
12 accompanied by a nonrefundable fee not to exceed \$300 as set
13 by board rule, and shall include the name of the licensed
14 funeral director who is in charge of that establishment.

15 ~~(5)(4)~~ A funeral establishment license shall be
16 renewable biennially pursuant to procedures, and upon payment
17 of a nonrefundable fee not to exceed \$300, as set by board
18 rule. The board may also establish by rule a delinquency fee
19 not to exceed \$50.

20 ~~(6)(5)~~ The practice of embalming done at a funeral
21 establishment shall only be practiced by an embalmer licensed
22 under this chapter.

23 ~~(7)(6)~~ Each licensed funeral establishment shall have
24 one full-time funeral director in charge and shall have a
25 licensed funeral director reasonably available to the public
26 during normal business hours for that establishment. The
27 full-time funeral director in charge must have an active
28 license and may not be the full-time funeral director in
29 charge of any other funeral establishment or of any other
30 direct disposal establishment.

31

1 ~~(8)(7)~~ The issuance of a license to operate a funeral
2 establishment to a person or entity who is not individually
3 licensed as a funeral director does not entitle the person to
4 practice funeral directing.

5 ~~(9)(8)~~ Each funeral establishment located at a
6 specific address shall be deemed to be a separate entity and
7 shall require separate licensing and compliance with the
8 requirements of this chapter. A ~~No~~ funeral establishment ~~may~~
9 ~~not shall~~ be operated at the same location as any other
10 funeral establishment or direct disposal establishment unless
11 such establishments were licensed as colocated establishments
12 on July 1, 1997 ~~colocated on January 1, 1993~~. Each
13 establishment that was licensed as a colocated establishment
14 on July 1, 1997, may continue to renew its license in the same
15 manner as other licenses are renewed, but such license renewal
16 is restricted to the facilities of the establishment as they
17 existed on July 1, 1997. No other licensing of colocated
18 establishments is permitted.

19 ~~(10)(9)~~ Every funeral establishment licensed under
20 this chapter shall at all times be subject to the inspection
21 of all its buildings, grounds, and vehicles used in the
22 conduct of its business, by the department or any of its
23 designated representatives or agents, or local or Department
24 of Health and ~~Rehabilitative Services~~ inspectors. The board
25 shall by rule establish requirements for inspection of funeral
26 establishments.

27 ~~(11)(10)~~ The board shall set by rule an annual
28 inspection fee not to exceed \$100, payable upon application
29 for licensure and upon each renewal of such license.

30 ~~(12)(11)~~ A change in ownership of a funeral
31 establishment shall be promptly reported to the department and

1 <U>shall ~~may~~ require the relicensure of the funeral
2 establishment, including reinspection and payment of
3 applicable fees.

4 (13)~~(12)~~ Each application for a funeral establishment
5 license shall identify every person with the ability to direct
6 the management or policies of the establishment and must
7 identify every person having more than a 10-percent ownership
8 interest in the establishment or the business or corporation
9 which owns the establishment. The board may deny, suspend, or
10 revoke the license if any person identified in the application
11 has ever been disciplined by a regulatory agency in any
12 jurisdiction for any offense that would constitute a violation
13 of this chapter. The board may deny, suspend, or revoke the
14 license if any person identified in the application has ever
15 been convicted or found guilty of, or entered a plea of nolo
16 contendere to, regardless of adjudication, a crime in any
17 jurisdiction that directly relates to the ability to operate a
18 funeral establishment.

19 (14)~~(13)~~ Each funeral establishment must display at
20 the public entrance the name of the establishment and the name
21 of the full-time funeral director in charge. A funeral
22 establishment must transact its business under the name by
23 which it is licensed.

24 Section 54. Subsection (1) of section 470.029, Florida
25 Statutes, is amended to read:

26 470.029 Reports of cases embalmed and bodies
27 handled.--

28 (1) Each funeral establishment, direct disposal
29 establishment, cinerator facility, and centralized embalming
30 facility shall report on a form prescribed and furnished by
31 the department the name of the deceased and such other

1 information as may be required with respect to each dead human
2 body embalmed or otherwise handled by the establishment or
3 facility. Such forms shall be signed by the embalmer who
4 performs the embalming, if the body is embalmed, and the
5 funeral director in charge of the establishment or facility or
6 by the direct disposer who disposes of the body. The board
7 shall prescribe by rule the procedures in submitting such
8 documentation. Reports required by this subsection shall be
9 filed by the 10th day of each month for final dispositions
10 handled the preceding month.

11 Section 55. Paragraphs (f) and (g) are added to
12 subsection (2) of section 470.0301, Florida Statutes, 1996
13 Supplement, to read:

14 470.0301 Removal services; refrigeration facilities;
15 centralized embalming facilities.--In order to ensure that the
16 removal, refrigeration, and embalming of all dead human bodies
17 is conducted in a manner that properly protects the public's
18 health and safety, the board shall adopt rules to provide for
19 the registration of removal services, refrigeration
20 facilities, and centralized embalming facilities operated
21 independently of funeral establishments, direct disposal
22 establishments, and cinerator facilities.

23 (2) CENTRALIZED EMBALMING FACILITIES.--In order to
24 ensure that all funeral establishments have access to
25 embalming facilities that comply with all applicable health
26 and safety requirements, the board shall adopt rules to
27 provide for the registration of centralized embalming
28 facilities and shall require, at a minimum, the following:

29 (f) Application for registration of a centralized
30 embalming facility shall be made on forms furnished by the
31 department and shall be accompanied by a nonrefundable fee not

1 to exceed \$300 as set by board rule, and registration shall be
2 renewed biennially pursuant to procedures and upon payment of
3 a nonrefundable fee not to exceed \$300 as set by board rule.
4 The board may also establish by rule a late fee not to exceed
5 \$50. Any registration not renewed within 30 days after the
6 renewal date shall expire without further action by the
7 department.

8 (g) The board shall set by rule an annual inspection
9 fee not to exceed \$100, payable upon application for
10 registration and upon renewal of such registration.

11 Section 56. Section 470.0315, Florida Statutes, is
12 created to read:

13 470.0315 Storage, preservation, and transportation of
14 human remains.--

15 (1) No person may store or maintain human remains at
16 any establishment or facility, except an establishment or
17 facility licensed or registered under this chapter or a health
18 care facility, medical examiner's facility, morgue, or
19 cemetery holding facility.

20 (2) No dead human body may be held in any place or in
21 transit over 24 hours after death or pending final disposition
22 unless the body is maintained under refrigeration at a
23 temperature of 40 degrees Fahrenheit or below or is embalmed
24 or otherwise preserved in a manner approved by the board in
25 accordance with the provisions of this chapter.

26 (3) A dead human body transported by common carrier or
27 any agency or individual authorized to carry human bodies must
28 be placed in a carrying container adequate to prevent the
29 seepage of fluids and escape of offensive odors. A dead human
30 body shall be transported only when accompanied by a properly
31

1 completed burial-transit permit issued in accordance with the
2 provisions of chapter 382.

3 (4) The board shall establish by rule the minimal
4 standards of acceptable and prevailing practices for the
5 handling of dead human bodies, provided that all human remains
6 transported or stored must be completely covered and at all
7 times treated with dignity and respect.

8 (5) A person who violates any provision of this
9 section commits a misdemeanor of the first degree, punishable
10 as provided in s. 775.082 or s. 775.083.

11 Section 57. Section 470.0355, Florida Statutes, is
12 created to read:

13 470.0355 Identification of human remains.--

14 (1) The licensee or registrant in charge of the final
15 disposition of dead human remains shall, prior to final
16 disposition of such dead human remains, affix on the ankle or
17 wrist of the deceased, or in the casket or alternative
18 container or cremation container, proper identification of the
19 dead human remains. The identification or tag shall be
20 encased in or consist of durable and long-lasting material
21 containing the name, date of birth, date of death, and social
22 security number of the deceased, if available. If the dead
23 human remains are cremated, proper identification shall be
24 placed in the container or urn containing the remains.

25 (2) Any licensee or registrant responsible for removal
26 of dead human remains to any establishment, facility, or
27 location shall ensure that the remains are identified by a tag
28 or other means of identification that is affixed to the ankle
29 or wrist of the deceased at the time the remains are removed
30 from the place of death or other location.

31

1 (3) Any licensee or registrant may rely on the
2 representation of a legally authorized person to establish the
3 identity of dead human remains.

4 Section 58. Subsection (5) of section 473.306, Florida
5 Statutes, is amended, and subsection (6) is added to said
6 section, to read:

7 473.306 Examinations.--

8 (5) The board may adopt an alternative licensure
9 examination for persons who have been licensed to practice
10 public accountancy or its equivalent in a foreign country so
11 long as the International Qualifications Appraisal Board of
12 the National Association of State Boards of Accountancy has
13 ratified an agreement with that country for reciprocal
14 licensure ~~Canadian chartered accountants who have completed~~
15 ~~the Canadian chartered accountant licensure examination and~~
16 ~~hold a chartered accountant license from a Canadian province.~~

17 (6) For the purposes of maintaining the proper
18 educational qualifications for licensure under this chapter,
19 the board may appoint an Educational Advisory Council, which
20 shall be composed of one member of the board, two persons in
21 public practice who are licensed under this chapter, and four
22 academicians on faculties of universities in this state.

23 Section 59. Section 473.3065, Florida Statutes, is
24 created to read:

25 473.3065 Certified Public Accountant Education
26 Minority Assistance Program; advisory council.--

27 (1) The Certified Public Accountant Education Minority
28 Assistance Program for Florida residents is hereby established
29 in the division for the purpose of providing scholarships to
30 minority persons, as defined in s. 288.703(3), who are
31 students enrolled in their fifth year of an accounting

1 education program at institutions in this state approved by
2 the board by rule. A Certified Public Accountant Education
3 Minority Assistance Advisory Council shall assist the board in
4 administering the program.

5 (2) All moneys used to provide scholarships under the
6 program shall be funded by a portion of existing license fees,
7 as set by the board, not to exceed \$10 per license. Such
8 moneys shall be deposited into the Professional Regulation
9 Trust Fund in a separate account maintained for that purpose.
10 The department is authorized to spend up to \$100,000 per year
11 for the program from this program account, but may not
12 allocate overhead charges to it. Moneys for scholarships
13 shall be disbursed annually upon recommendation of the
14 advisory council and approval by the board, based on the
15 adopted eligibility criteria and comparative evaluation of all
16 applicants. Funds in the program account may be invested by
17 the Treasurer under the same limitations as apply to
18 investment of other state funds, and all interest earned
19 thereon shall be credited to the program account.

20 (3) The board shall adopt rules as necessary for
21 administration of the program, including rules relating to the
22 following:

23 (a) Eligibility criteria for receipt of a scholarship,
24 which, at a minimum, shall include the following factors:

25 1. Financial need.
26 2. Ethnic, gender, or racial minority status pursuant
27 to s. 288.703(3).

28 3. Scholastic ability and performance.

29 (b) Scholarship application procedures.

30 (c) Amounts in which scholarships may be provided, the
31 total amount that may be provided, the timeframe for payments

1 or partial payments, and criteria for how scholarship funds
2 may be expended.

3 (d) The total amount of scholarships that can be made
4 each year.

5 (e) The minimum balance that must be maintained in the
6 program account.

7 (4) Determinations made by the board regarding
8 recipients of scholarship moneys shall not be considered
9 agency action for purposes of chapter 120.

10 (5) It is unlawful for any person or agent of such
11 person to knowingly file with the board any notice, statement,
12 or other document which is false or which contains any
13 material misstatement of fact. A person who violates any
14 provision of this subsection commits a misdemeanor of the
15 second degree, punishable as provided in s. 775.082 or s.
16 775.083.

17 (6) There is hereby created the Certified Public
18 Accountant Education Minority Assistance Advisory Council to
19 assist the board in administering the program. The council
20 shall be diverse and representative of the gender, ethnic, and
21 racial categories set forth in s. 288.703(3).

22 (a) The council shall consist of five licensed
23 Florida-certified public accountants selected by the board, of
24 whom one shall be a board member who serves as chair of the
25 council, one shall be a representative of the National
26 Association of Black Accountants, one shall be a
27 representative of the Cuban American CPA Association, and two
28 shall be selected at large. At least one member of the
29 council must be a woman.

30 (b) The board shall determine the terms for initial
31 appointments and appointments thereafter.

1 (c) Any vacancy on the council shall be filled in the
2 manner provided for the selection of the initial member. Any
3 member appointed to fill a vacancy of an unexpired term shall
4 be appointed for the remainder of that term.

5 (d) Three consecutive absences or absences
6 constituting 50 percent or more of the council's meetings
7 within any 12-month period shall cause the council membership
8 of the member in question to become void, and the position
9 shall be considered vacant.

10 (e) The members of the council shall serve without
11 compensation, and any necessary and actual expenses incurred
12 by a member while engaged in the business of the council shall
13 be borne by such member or by the organization or agency such
14 member represents. However, the council member who is a
15 member of the board shall be compensated in accordance with
16 the provisions of ss. 455.207(4) and 112.061.

17 Section 60. Subsection (4) of section 473.308, Florida
18 Statutes, is amended to read:

19 473.308 Licensure.--

20 (4) If application for licensure is made prior to
21 August 1, 2000, and the applicant has 5 years of experience in
22 the practice of public accountancy, ~~either~~ in the United
23 States or in the practice of public accountancy or its
24 equivalent in a foreign country that the International
25 Qualifications Appraisal Board of the National Association of
26 State Boards of Accountancy has determined has licensure
27 standards that are substantially equivalent to those in the
28 United States ~~as a licensed chartered accountant in Canada,~~
29 the board shall waive the requirements of s. 473.306(2)(b)2.
30 that are in excess of a baccalaureate degree. All experience
31 that is used as a basis for waiving said requirements of s.

1 473.306(2)(b)2. must be experience outside this state.
2 Furthermore, said experience must be after licensure as a
3 certified public accountant by another state or territory of
4 the United States or after licensure in the practice of public
5 accountancy or its equivalent in a foreign country that the
6 International Qualifications Appraisal Board of the National
7 Association of State Boards of Accountancy has determined has
8 licensure standards that are substantially equivalent to those
9 in the United States. The board shall have the authority to
10 establish the standards for experience that meet this
11 requirement.

12 Section 61. Subsection (1) of section 473.309, Florida
13 Statutes, is amended to read:

14 473.309 Practice requirements for partnerships,
15 professional service corporations, and limited liability
16 companies.--

17 (1) A partnership shall not engage in the practice of
18 public accounting in this state unless:

19 (a) At least one general partner and each partner
20 domiciled in this state is a certified public accountant of
21 this state and holds an active license;

22 (b) Each partner is a certified public accountant in
23 some state; and

24 (c) The partnership is currently licensed as required
25 by s. 473.3101.

26 (d) It is a form of partnership recognized by Florida
27 law.

28 (e) It is in compliance with rules adopted by the
29 board pertaining to minimum capitalization and adequate public
30 liability insurance.

31

1 Section 62. Subsection (4) is added to section
2 473.312, Florida Statutes, to read:

3 473.312 Continuing education.--As part of the license
4 renewal procedure, the board shall by rule require licensees
5 to submit proof satisfactory to the board that during the 2
6 years prior to application for renewal, they have successfully
7 completed not less than 48 or more than 80 classroom hours of
8 continuing professional education programs in public
9 accounting subjects approved by the board. The board may
10 prescribe by rule additional continuing professional education
11 hours, not to exceed 25 percent of the total hours required,
12 for failure to complete the hours required for renewal by the
13 end of the reestablishment period.

14 (4) For the purposes of maintaining proper continuing
15 education requirements for renewal of licensure under this
16 chapter, the board may appoint a Continuing Professional
17 Education Advisory Council, which shall be composed of one
18 member of the board, one academician on the faculty of a
19 university in this state, and six certified public
20 accountants.

21 Section 63. Section 474.203, Florida Statutes, is
22 amended to read:

23 474.203 Exemptions.--This chapter shall not apply to:

24 (1) Any faculty member practicing only in conjunction
25 with teaching duties at a school or college of veterinary
26 medicine. ~~Such school or college shall be~~ located in this
27 state and ~~be~~ accredited by the American Veterinary Medical
28 Association Council on Education. However, this exemption
29 shall only apply to such a faculty member who does not hold a
30 valid license issued under this chapter but who is a graduate
31 of a school or college of veterinary medicine accredited by

1 the American Veterinary Medical Association Council on
2 Education or a school or college recognized by the American
3 Veterinary Medical Association Commission for Foreign
4 Veterinary Graduates.The faculty member exemption shall
5 automatically expire when such school or college terminates
6 the faculty member from such teaching duties. On December 31
7 of each year, such school or college shall provide the board
8 with a written list of all faculty who are exempt from this
9 chapter. Such school or college shall also notify the board in
10 writing of any additions or deletions to such list.

11 (2) A person practicing as an intern or resident
12 veterinarian and who does not hold a valid license issued
13 under this chapter but who is a graduate in training at a
14 school or college of veterinary medicine located in this state
15 and accredited by the American Veterinary Medical Association
16 Council on Education or a school or college recognized by the
17 American Veterinary Medical Association Commission for Foreign
18 Veterinary Graduates. Such intern or resident must be a
19 graduate of a school or college of veterinary medicine
20 accredited by the American Veterinary Medical Association
21 Council on Education. This exemption shall expire when such
22 intern or resident completes or is terminated from such
23 training. Each school or college at which such intern or
24 resident is in training shall, on July 1 of each year, provide
25 the board with a written list of all such interns or residents
26 designated for this exemption, and the school or college shall
27 also notify the board of any additions to or deletions from
28 the list.

29 (3)~~(2)~~ A student in a school or college of veterinary
30 medicine while in the performance of duties assigned by his
31 instructor or when working as a preceptor under the immediate

1 supervision of a licensee, provided that such preceptorship is
2 required for graduation from an accredited school or college
3 of veterinary medicine. The licensed veterinarian shall be
4 responsible for all acts performed by a preceptor under his
5 supervision.

6 (4)~~(3)~~ Any doctor of veterinary medicine in the employ
7 of a state agency or the United States Government while
8 actually engaged in the performance of his official duties;
9 however, this exemption shall not apply to such person when he
10 is not engaged in carrying out his official duties or is not
11 working at the installations for which his services were
12 engaged.

13 (5)~~(4)~~ Any person, or his regular employee,
14 administering to the ills or injuries of his own animals,
15 including, but not limited to, castration, spaying, and
16 dehorning of herd animals, unless title has been transferred
17 or employment provided for the purpose of circumventing this
18 law. This exemption shall not apply to out-of-state
19 veterinarians practicing temporarily in the state. However,
20 only a veterinarian may immunize or treat an animal for
21 diseases which are communicable to humans and which are of
22 public health significance.

23 (6)~~(5)~~ State agencies, accredited schools,
24 institutions, foundations, business corporations or
25 associations, physicians licensed to practice medicine and
26 surgery in all its branches, graduate doctors of veterinary
27 medicine, or persons under the direct supervision thereof,
28 which or who conduct experiments and scientific research on
29 animals in the development of pharmaceuticals, biologicals,
30 serums, or methods of treatment, or techniques for the
31 diagnosis or treatment of human ailments, or when engaged in

1 the study and development of methods and techniques directly
2 or indirectly applicable to the problems of the practice of
3 veterinary medicine.

4 (7)~~(6)~~ Any veterinary aide, nurse, laboratory
5 technician, preceptor, or other employee of a licensed
6 veterinarian who administers medication or who renders
7 auxiliary or supporting assistance under the responsible
8 supervision of a such licensed veterinarian practitioner,
9 including those tasks identified by rule of the board
10 requiring immediate supervision. However, the licensed
11 veterinarian shall be responsible for all such acts performed
12 under this subsection by persons under his supervision.

13 (8) A veterinarian, licensed by and actively
14 practicing veterinary medicine in another state, who is board
15 certified in a specialty recognized by the board and who
16 responds to a request of a veterinarian licensed in this state
17 to assist with the treatment on a specific case of a specific
18 animal or with the treatment on a specific case of the animals
19 of a single owner, as long as the veterinarian licensed in
20 this state requests the other veterinarian's presence. A
21 veterinarian who practices under this subsection is not
22 eligible to apply for a premises permit under s. 474.215.

23 (9) For the purposes of chapters 465 and 893, persons
24 exempt under subsection (1), subsection (2), or subsection (4)
25 shall be deemed to be duly licensed practitioners authorized
26 by the laws of this state to prescribe drugs or medicinal
27 supplies.

28 Section 64. Section 474.2065, Florida Statutes, is
29 amended to read:

30 474.2065 Fees.--The board, by rule, shall establish
31 fees for application ~~and examination, reexamination,~~ license

1 renewal, inactive status, renewal of inactive status, license
2 reactivation, periodic inspection of veterinary
3 establishments, and duplicate copies of licenses,
4 certificates, and permits. The fee for the initial application
5 ~~and examination~~ may not exceed \$650 plus the actual per
6 applicant cost to the department for purchase of portions of
7 the examination from the Professional Examination Service for
8 the American Veterinary Medical Association or a similar
9 national organization, if the examination is purchased by the
10 department. The fee for licensure by endorsement may not
11 exceed \$500. The fee for temporary licensure may not exceed
12 \$200. The board shall establish fees that are adequate to
13 ensure its continued operation and to fund the proportionate
14 expenses incurred by the department which are allocated to the
15 regulation of veterinarians. Fees shall be based on
16 departmental estimates of the revenue required to administer
17 this chapter and the provisions relating to the regulation of
18 veterinarians.

19 Section 65. Section 474.207, Florida Statutes, is
20 amended to read:

21 474.207 Licensure by examination.--

22 (1) Any person desiring to be licensed as a
23 veterinarian shall apply to the department ~~to take a licensure~~
24 ~~examination~~. The board may by rule adopt use of a national
25 examination in lieu of part or all of the examination required
26 by this section, with a reasonable passing score to be set by
27 rule of the board.

28 (2) The department shall license each applicant who
29 the board certifies has:

30 (a) Completed the application form and remitted an
31 application ~~examination~~ fee set by the board.

1 (b)1. Graduated from a college of veterinary medicine
2 accredited by the American Veterinary Medical Association
3 Council on Education; or

4 2. Graduated from a college of veterinary medicine
5 listed in the American Veterinary Medical Association Roster
6 of Veterinary Colleges of the World and obtained a certificate
7 from the Education Commission for Foreign Veterinary
8 Graduates.

9 (c) Successfully completed the examination approved by
10 the board and certified ~~provided~~ by the department ~~for this~~
11 ~~purpose, or an examination determined by the board to be~~
12 ~~equivalent.~~

13 (d) Demonstrated knowledge of the laws and rules
14 governing the practice of veterinary medicine in Florida in a
15 manner designated by rules of the board.

16
17 The department shall not issue a license to any applicant who
18 is under investigation in any state or territory of the United
19 States or in the District of Columbia for an act which would
20 constitute a violation of this chapter until the investigation
21 is complete and disciplinary proceedings have been terminated,
22 at which time the provisions of s. 474.214 shall apply.

23 (3) Notwithstanding the provisions of paragraph
24 (2)(b), an applicant shall be deemed to have met the education
25 requirements for licensure upon submission of evidence that
26 the applicant ~~meets one of the following:~~

27 ~~(a) The applicant was certified for examination by the~~
28 ~~board prior to October 1, 1989; or~~

29 ~~(b) The applicant~~ immigrated to the United States
30 after leaving his home country because of political reasons,
31

1 provided such country is located in the Western Hemisphere and
2 lacks diplomatic relations with the United States, and:

3 (a)1. Was a Florida resident immediately preceding his
4 application for licensure;

5 (b)2. Demonstrates to the board, through submission of
6 documentation verified by his respective professional
7 association in exile, that he received a professional degree
8 in veterinary medicine from a college or university located in
9 the country from which he emigrated. However, the board may
10 not require receipt transcripts from the Republic of Cuba as a
11 condition of eligibility under this section; and

12 (c)3. Lawfully practiced his profession for at least 3
13 years.

14 (4) Applicants certified for examination or
15 reexamination under subsection (3) who fail or have failed the
16 examination three times ~~subsequent to October 1, 1989~~, shall
17 be required to demonstrate to the board that they meet the
18 requirements of paragraph (2)(b) prior to any further
19 reexamination or certification for licensure.

20 (5) An unlicensed doctor of veterinary medicine who
21 has graduated from an approved college or school of veterinary
22 medicine and has completed all parts of the examination for
23 licensure is permitted, while awaiting the results of such
24 examination for licensure or while awaiting issuance of the
25 license, to practice under the immediate supervision of a
26 licensed veterinarian. A person who fails any part of the
27 examination may not continue to practice, except in the same
28 capacity as other nonlicensed veterinary employees, until he
29 passes the examination and is eligible for licensure.

30 Section 66. Subsection (3) of section 474.211, Florida
31 Statutes, is amended to read:

1 474.211 Renewal of license.--

2 (3) The board may by rule prescribe continuing
3 education, not to exceed 30 hours biennially, as a condition
4 for renewal of a license or certificate. The criteria for such
5 programs, providers, or courses shall be approved by the
6 board.

7 Section 67. Subsection (1) of section 474.2125,
8 Florida Statutes, is amended to read:

9 474.2125 Temporary license.--

10 (1) The board shall adopt rules providing for the
11 issuance of a temporary license to a licensed veterinarian of
12 another state for the purpose of enabling him to provide
13 veterinary medical services in this state for the animals of a
14 specific owner or, as may be needed in an emergency as defined
15 in s. 252.34~~(3)(2)~~, for the animals of multiple owners,
16 provided the applicant would qualify for licensure by
17 endorsement under s. 474.217, except that the applicant is not
18 required to have demonstrated compliance with the requirements
19 of s. 474.217(1)(a) prior to issuance of the license. No
20 temporary license shall be valid for more than 30 days after
21 its issuance, and no license shall cover more than the
22 treatment of the animals of one owner except in an emergency
23 as defined in s. 252.34~~(3)(2)~~. After the expiration of 30
24 days, a new license is required.

25 Section 68. Paragraph (c) of subsection (2) of section
26 474.214, Florida Statutes, is amended to read:

27 474.214 Disciplinary proceedings.--

28 (2) When the board finds any applicant or veterinarian
29 guilty of any of the grounds set forth in subsection (1),
30 regardless of whether the violation occurred prior to
31

1 licensure, it may enter an order imposing one or more of the
2 following penalties:

3 (c) Imposition of an administrative fine not to exceed
4 ~~<U>\$5,000\$1,000~~ for each count or separate offense.

5
6 In determining appropriate action, the board must first
7 consider those sanctions necessary to protect the public. Only
8 after those sanctions have been imposed may the disciplining
9 authority consider and include in its order requirements
10 designed to rehabilitate the veterinarian. All costs
11 associated with compliance with any order issued under this
12 subsection are the obligation of the veterinarian.

13 Section 69. Subsection (7) of section 474.215, Florida
14 Statutes, is amended, and subsections (8) and (9) are added to
15 said section, to read:

16 474.215 Premises permits; disciplinary actions.--

17 (7) The board by rule shall establish minimum
18 standards for the operation of limited service veterinary
19 medical practices. Such rules shall not restrict limited
20 service veterinary medical practices and shall be consistent
21 with the type of limited veterinary medical service provided.

22 (a) Any person that offers or provides limited service
23 veterinary medical practice shall obtain a biennial permit
24 from the board the cost of which shall not exceed \$250. The
25 limited service permittee shall register each location where
26 limited service clinics are held and shall pay a fee set by
27 rule not to exceed \$25 to register each such location.

28 (b) All permits issued under this subsection are
29 subject to the provisions of ss. 474.213 and 474.214.

30 (c) Notwithstanding any provision of this subsection
31 to the contrary, any temporary rabies vaccination effort

1 operated by a county health department in response to a public
2 health threat, as declared by the State Health Officer in
3 consultation with the State Veterinarian, shall not be subject
4 to any preregistration, time limitation, or fee requirements,
5 but shall adhere to all other requirements for limited service
6 veterinary medical practice as prescribed by rule. The fee
7 charged to the public for a rabies vaccination administered
8 during such temporary rabies vaccination effort shall not
9 exceed the actual cost of administering the rabies vaccine.
10 Such rabies vaccination efforts may not be used for any
11 purpose other than to address the public health consequences
12 of the rabies outbreak. The board shall be immediately
13 notified in writing of any temporary rabies vaccination effort
14 operated under this paragraph.

15 (8) Any person who is not a veterinarian licensed
16 under this chapter but who desires to own and operate a
17 veterinary medical establishment shall apply to the board for
18 a premises permit. If the board certifies that the applicant
19 complies with the applicable laws and rules of the board, the
20 department shall issue a premises permit. No permit shall be
21 issued unless a licensed veterinarian is designated to
22 undertake the professional supervision of the veterinary
23 medical practice and the minimum standards set by rule of the
24 board for premises where veterinary medicine is practiced.
25 Upon application, the department shall submit for a statewide
26 criminal records correspondence check through the Department
27 of Law Enforcement. The permittee shall notify the board
28 within 10 days after any change of the licensed veterinarian
29 responsible for such duties. Any permittee under this
30 subsection is subject to the provisions of subsection (9) and
31 s. 474.214.

1 (9)(a) The department or the board may deny, revoke,
2 or suspend the permit of any permittee under this section and
3 may fine, place on probation, or otherwise discipline any
4 permittee under this section who has:

5 1. Obtained a permit by misrepresentation or fraud or
6 through an error of the department or board;

7 2. Attempted to procure, or has procured, a permit for
8 any other person by making, or causing to be made, any false
9 representation;

10 3. Violated any of the requirements of this chapter or
11 any rule of the board; or

12 4. Been convicted or found guilty of, or entered a
13 plea of nolo contendere to, a felony in any court of this
14 state, of any other state, or of the United States.

15 (b) If the permit is revoked or suspended, the owner,
16 manager, or proprietor shall cease to operate the premises as
17 a veterinary medical practice as of the effective date of the
18 suspension or revocation. In the event of such revocation or
19 suspension, the owner, manager, or proprietor shall remove
20 from the premises all signs and symbols identifying the
21 premises as a veterinary medical practice. The period of any
22 such suspension shall be prescribed by rule of the board, but
23 in no case shall it exceed 1 year. If the permit is revoked,
24 the person owning or operating the establishment shall not be
25 entitled to make application for a permit to operate a
26 premises for a period of 1 year from the date of such
27 revocation. Upon the effective date of such revocation, the
28 permittee shall advise the board of the disposition of any and
29 all medicinal drugs and shall make the provision for ensuring
30 the security, confidentiality, and availability to clients of
31 all patient medical records.

1 Section 70. Section 474.217, Florida Statutes, is
2 amended to read:

3 474.217 Licensure by endorsement.--

4 (1) The department shall issue a license by
5 endorsement to any applicant who, upon applying to the
6 department and remitting a fee set by the board, demonstrates
7 to the board that he:

8 (a) Has demonstrated, in a manner designated by rule
9 of the board, knowledge of the laws and rules governing the
10 practice of veterinary medicine in this state; and

11 (b)1. Either holds, and has held for the 3 years
12 immediately preceding the application for licensure, a valid,
13 active license to practice veterinary medicine in another
14 state of the United States, the District of Columbia, or a
15 territory of the United States, provided that the requirements
16 for licensure in the issuing state, district, or territory are
17 equivalent to or more stringent than the requirements of this
18 chapter; or

19 2. Meets the qualifications of s. 474.207(2)(b) and
20 has successfully completed a state, regional, national, or
21 other examination which is equivalent to or more stringent
22 than the examination approved by the board and certified given
23 by the department and has passed the board's clinical
24 competency examination or another clinical competency
25 examination specified by rule of the board.

26 (2) The department shall not issue a license by
27 endorsement to any applicant who is under investigation in any
28 state, territory, or the District of Columbia for an act which
29 would constitute a violation of this chapter until the
30 investigation is complete and disciplinary proceedings have
31

1 been terminated, at which time the provisions of s. 474.214
2 shall apply.

3 Section 71. Subsection (1) of section 475.125, Florida
4 Statutes, is amended to read:

5 475.125 Fees.--

6 (1) The commission by rule may establish fees to be
7 paid for application, ~~examination, reexamination,~~licensing
8 and renewal, certification and recertification, reinstatement,
9 and recordmaking and recordkeeping. The fee for initial
10 application ~~and examination~~ may not exceed \$100. The initial
11 license fee and the license renewal fee may not exceed \$50 for
12 each year of the duration of the license. The commission may
13 also establish by rule a late renewal penalty. The commission
14 shall establish fees which are adequate to ensure its
15 continued operation. Fees shall be based on estimates made by
16 the department of the revenue required to implement this
17 chapter and other provisions of law relating to the regulation
18 of real estate practitioners.

19 Section 72. Section 475.15, Florida Statutes, is
20 amended to read:

21 475.15 Registration and licensing of general partners,
22 members, officers, and directors of a firm.--Each partnership,
23 limited liability partnership, limited liability company, or
24 corporation which acts as a broker shall register with the
25 commission and shall renew the licenses or registrations of
26 its members, officers, and directors for each license period.
27 ~~The registration of a partnership is canceled automatically~~
28 ~~during any period of time that the license or registration of~~
29 ~~any one or more of its partners is not in force.~~ However, if
30 the partnership is a limited partnership, only the general
31 partners must be licensed brokers or brokerage corporations

1 registered pursuant to this part. If the license or
2 registration of any ~~at least one~~ active broker member is not
3 in force, the registration of a corporation, limited liability
4 company, limited liability partnership, or partnership is
5 canceled automatically during that period of time.

6 Section 73. Paragraphs (c) and (d) are added to
7 subsection (2) of section 475.17, Florida Statutes, to read:

8 475.17 Qualifications for practice.--

9 (2)

10 (c) A person who has been licensed as a real estate
11 salesperson in Florida during the preceding 5 years may not be
12 licensed as a real estate broker unless, in addition to the
13 other requirements of law, he or she has completed the
14 salesperson postlicensure educational requirements, if these
15 requirements have been prescribed by the commission pursuant
16 to paragraph (3)(a).

17 (d) The provisions of subsection (2)(b) do not apply
18 to a person employed as a real estate investigator by the
19 Division of Real Estate provided the person has been employed
20 as a real estate investigator for at least 24 months. The
21 person must be currently employed as a real estate
22 investigator to sit for the real estate broker's examination
23 and have held a valid and current salesperson's license for at
24 least 12 months.

25 Section 74. Subsection (1) of section 475.175, Florida
26 Statutes, is amended to read:

27 475.175 Examinations.--

28 (1) A person applying to the department for licensure
29 by examination will receive an examination admissions card
30 issued by the commission upon the submission of ~~shall be~~
31

1 ~~entitled to take the license examination to practice in this~~
2 ~~state if he:~~

3 (a) ~~Submits to the department~~ The appropriate
4 notarized application and fee, two photographs of himself
5 taken within the preceding year, and fingerprints for
6 processing through appropriate law enforcement agencies; and

7 (b) ~~Submits at the time of examination~~ The certificate
8 specified in subsection (2), ~~the examination admissions card~~
9 ~~issued by the commission, and proof of identification.~~

10 Section 75. Subsection (2) of section 475.183, Florida
11 Statutes, is amended to read:

12 475.183 Inactive status.--

13 (2) Any license which has been involuntarily inactive
14 for more than 18 months ~~4 years~~ shall automatically expire.
15 Once a license expires, it becomes null and void without any
16 further action by the commission or department. One year ~~Two~~
17 ~~years~~ prior to expiration of the license, the department shall
18 give notice to the licensee. The commission shall prescribe
19 by rule a fee not to exceed \$100 for the late renewal of an
20 involuntarily inactive license. The department shall collect
21 the current renewal fee for each renewal period in which the
22 license was involuntarily inactive in addition to any
23 applicable late renewal fee.

24 Section 76. Subsection (1) of section 475.25, Florida
25 Statutes, is amended to read:

26 475.25 Discipline.--

27 (1) The commission may deny an application for
28 licensure, registration, or permit, or renewal thereof; may
29 place a licensee, registrant, or permittee on probation; may
30 suspend a license, registration, or permit for a period not
31 exceeding 10 years; may revoke a license, registration, or

1 permit; may impose an administrative fine not to exceed \$5,000
2 ~~\$1,000~~ for each count or separate offense; and may issue a
3 reprimand, and any or all of the foregoing, if it finds that
4 the licensee, registrant, permittee, or applicant:

5 (a) Has violated any provision of s. 455.227(1) or ~~of~~
6 s. 475.42. However, licensees under this part are exempt from
7 the provisions of s. 455.227(1)(i).

8 (b) Has been guilty of fraud, misrepresentation,
9 concealment, false promises, false pretenses, dishonest
10 dealing by trick, scheme, or device, culpable negligence, or
11 breach of trust in any business transaction in this state or
12 any other state, nation, or territory; has violated a duty
13 imposed upon him by law or by the terms of a listing contract,
14 written, oral, express, or implied, in a real estate
15 transaction; has aided, assisted, or conspired with any other
16 person engaged in any such misconduct and in furtherance
17 thereof; or has formed an intent, design, or scheme to engage
18 in any such misconduct and committed an overt act in
19 furtherance of such intent, design, or scheme. It is
20 immaterial to the guilt of the licensee that the victim or
21 intended victim of the misconduct has sustained no damage or
22 loss; that the damage or loss has been settled and paid after
23 discovery of the misconduct; or that such victim or intended
24 victim was a customer or a person in confidential relation
25 with the licensee or was an identified member of the general
26 public.

27 (c) Has advertised property or services in a manner
28 which is fraudulent, false, deceptive, or misleading in form
29 or content.

30 (d)1. Has failed to account or deliver to any person,
31 including a licensee under this chapter, at the time which has

1 | been agreed upon or is required by law or, in the absence of a
2 | fixed time, upon demand of the person entitled to such
3 | accounting and delivery, any personal property such as money,
4 | fund, deposit, check, draft, abstract of title, mortgage,
5 | conveyance, lease, or other document or thing of value,
6 | including a share of a real estate commission if a civil
7 | judgment relating to the practice of the licensee's profession
8 | has been obtained against the licensee and said judgment has
9 | not been satisfied in accordance with the terms of the
10 | judgment within a reasonable time, or any secret or illegal
11 | profit, or any divisible share or portion thereof, which has
12 | come into his hands and which is not his property or which he
13 | is not in law or equity entitled to retain under the
14 | circumstances. However, if the licensee, in good faith,
15 | entertains doubt as to what person is entitled to the
16 | accounting and delivery of the escrowed property, or if
17 | conflicting demands have been made upon him for the escrowed
18 | property, which property he still maintains in his escrow or
19 | trust account, the licensee shall promptly notify the
20 | commission of such doubts or conflicting demands and shall
21 | promptly:

22 | a. Request that the commission issue an escrow
23 | disbursement order determining who is entitled to the escrowed
24 | property;

25 | b. With the consent of all parties, submit the matter
26 | to arbitration;

27 | c. By interpleader or otherwise, seek adjudication of
28 | the matter by a court; or

29 | d. With the written consent of all parties, submit the
30 | matter to mediation. The department may conduct mediation or
31 | may contract with public or private entities for mediation

1 services. However, the mediation process must be successfully
2 completed within 90 days following the last demand or the
3 licensee shall promptly employ one of the other escape
4 procedures contained in this section. Payment for mediation
5 will be as agreed to in writing by the parties. The
6 department may adopt rules to implement this section.

7
8 If the licensee promptly employs one of the escape procedures
9 contained herein, and if he abides by the order or judgment
10 resulting therefrom, no administrative complaint may be filed
11 against the licensee for failure to account for, deliver, or
12 maintain the escrowed property.

13 2. Has failed to deposit money in an escrow account
14 when the licensee is the purchaser of real estate under a
15 contract where the contract requires the purchaser to place
16 deposit money in an escrow account to be applied to the
17 purchase price if the sale is consummated.

18 (e) Has violated any of the provisions of this chapter
19 or any lawful order or rule made or issued under the
20 provisions of this chapter or chapter 455.

21 (f) Has been convicted or found guilty of, or entered
22 a plea of nolo contendere to, regardless of adjudication, a
23 crime in any jurisdiction which directly relates to the
24 activities of a licensed broker or salesperson, or involves
25 moral turpitude or fraudulent or dishonest dealing. The record
26 of a conviction certified or authenticated in such form as to
27 be admissible in evidence under the laws of the state shall be
28 admissible as prima facie evidence of such guilt.

29 (g) Has had a broker's or salesperson's license
30 revoked, suspended, or otherwise acted against, or has had an
31

1 application for such licensure denied, by the real estate
2 licensing agency of another state, territory, or country.

3 (h) Has shared a commission with, or paid a fee or
4 other compensation to, a person not properly licensed as a
5 broker, broker-salesperson, or salesperson under the laws of
6 this state, for the referral of real estate business, clients,
7 prospects, or customers, or for any one or more of the
8 services set forth in s. 475.01(1)(c). For the purposes of
9 this section, it is immaterial that the person to whom such
10 payment or compensation is given made the referral or
11 performed the service from within this state or elsewhere;
12 however, a licensed broker of this state may pay a referral
13 fee or share a real estate brokerage commission with a broker
14 licensed or registered under the laws of a foreign state so
15 long as the foreign broker does not violate any law of this
16 state.

17 (i) Has become temporarily incapacitated from acting
18 as a broker or salesperson with safety to investors or those
19 in a fiduciary relation with him because of drunkenness, use
20 of drugs, or temporary mental derangement; but suspension of a
21 license in such a case shall be only for the period of such
22 incapacity.

23 (j) Has rendered an opinion that the title to any
24 property sold is good or merchantable, except when correctly
25 based upon a current opinion of a licensed attorney at law, or
26 has failed to advise a prospective purchaser to consult his
27 attorney on the merchantability of the title or to obtain
28 title insurance.

29 (k) Has failed, if a broker, to immediately place,
30 upon receipt, any money, fund, deposit, check, or draft
31 entrusted to him by any person dealing with him as a broker in

1 escrow with a title company, banking institution, credit
2 union, or savings and loan association located and doing
3 business in this state, or to deposit such funds in a trust or
4 escrow account maintained by him with some bank, credit union,
5 or savings and loan association located and doing business in
6 this state, wherein the funds shall be kept until disbursement
7 thereof is properly authorized; or has failed, if a
8 salesperson, to immediately place with his registered employer
9 any money, fund, deposit, check, or draft entrusted to him by
10 any person dealing with him as agent of his registered
11 employer. The commission shall establish rules to provide for
12 records to be maintained by the broker and the manner in which
13 such deposits shall be made.

14 (l) Has made or filed a report or record which the
15 licensee knows to be false, has willfully failed to file a
16 report or record required by state or federal law, has
17 willfully impeded or obstructed such filing, or has induced
18 another person to impede or obstruct such filing; but such
19 reports or records shall include only those which are signed
20 in the capacity of a licensed broker or salesperson.

21 (m) Has obtained a license by means of fraud,
22 misrepresentation, or concealment.

23 (n) Is confined in any county jail, postadjudication;
24 is confined in any state or federal prison or mental
25 institution; is under home confinement ordered in lieu of
26 institutional confinement; or, through mental disease or
27 deterioration, can no longer safely be entrusted to
28 competently deal with the public.

29 (o) Has been found guilty, for a second time, of any
30 misconduct that warrants his suspension or has been found
31 guilty of a course of conduct or practices which show that he

1 is so incompetent, negligent, dishonest, or untruthful that
2 the money, property, transactions, and rights of investors, or
3 those with whom he may sustain a confidential relation, may
4 not safely be entrusted to him.

5 (p) Has failed to inform the commission in writing
6 within 30 days after pleading guilty or nolo contendere to, or
7 being convicted or found guilty of, any felony.

8 (q)1. Has failed in a single agency to give written
9 notice to all parties to a sale, exchange, purchase, or lease
10 of real property or any interest in real property, revealing
11 the party or parties for whom the licensee is an agent.
12 Disclosure to the party for whom the licensee is an agent must
13 be made at or before the time an agreement for representation
14 is entered into. Disclosure to the party for whom the licensee
15 is not an agent must be made at the time of the first
16 substantive contact.

17 2. Has failed in a dual agency to obtain the informed
18 written consent of all parties to a sale, exchange, purchase,
19 or lease of real property or any interest in real property
20 that the licensee intends to operate as a disclosed dual
21 agent. Unless all parties to the transaction grant their
22 written informed consent prior to or at the time of
23 formalization of the dual agency by the licensee, the licensee
24 shall be deemed to be an undisclosed dual agent. The licensee
25 must inform all parties that the licensee is acting as agent
26 for all parties and of the effect of dual agency, including,
27 but not limited to, the fact that, by consenting to the dual
28 agency relationship, the parties are giving up their rights to
29 the undivided loyalty of the licensee, as required by the
30 rules of the commission. When single agency exists, the
31 licensee may change to a disclosed dual agent by making full

1 written disclosure to and obtaining the informed written
2 consent of all the parties. A disclosed dual agent may not
3 disclose among other items:

4 a. To the buyer that the seller will accept a price
5 less than the asking or listed price, unless otherwise
6 instructed in writing by the seller;

7 b. To the seller that the buyer will pay a price
8 greater than the price submitted in a written offer to the
9 seller, unless otherwise instructed in writing by the buyer;

10 c. The motivation of any party for selling, buying, or
11 leasing a property, unless otherwise instructed in writing by
12 the respective party; or

13 d. That a seller or buyer will agree to financing
14 terms other than those offered.

15 3. Has failed in a transaction brokerage capacity to
16 give written notice to all parties to a sale, exchange,
17 purchase, or lease of real property or an interest in real
18 property prior to or at the time of the licensee becoming a
19 transaction broker or first substantive contact, whichever
20 occurs first, of the licensee's role as a transaction broker.
21 Unless the buyer and seller are given written notice prior to
22 the licensee's acting in a transaction brokerage capacity, the
23 licensee is deemed to be an agent of either the buyer or
24 seller, or both. The licensee shall treat the buyer and seller
25 honestly and fairly and shall disclose all known facts
26 materially affecting the value of the property in residential
27 transactions to both the buyer and seller.

28

29 For the purposes of this paragraph, the payment or promise of
30 payment of compensation to a licensee does not determine
31 whether an agency or transactional brokerage relationship has

1 | been created between any licensee and a seller, landlord,
2 | buyer, or tenant. The commission shall implement this
3 | paragraph by rule. For purposes of this paragraph, the
4 | commission shall also define by rule forms for agency
5 | disclosure. The forms provided for in this rule shall be
6 | written in plain language and shall provide to the buyer or
7 | seller or both, as appropriate, an explanation of the agency
8 | relationships and shall offer the buyer or seller or both the
9 | explicit right to choose or refuse among these agency
10 | relationships.

11 | (r) Has failed in any written listing agreement to
12 | include a definite expiration date, description of the
13 | property, price and terms, fee or commission, and a proper
14 | signature of the principal(s); and has failed to give the
15 | principal(s) a legible, signed, true and correct copy of the
16 | listing agreement within 24 hours of obtaining the written
17 | listing agreement. The written listing agreement shall
18 | contain no provision requiring the person signing the listing
19 | to notify the broker of the intention to cancel the listing
20 | after such definite expiration date.

21 | (s) Has had a registration suspended, revoked, or
22 | otherwise acted against in any jurisdiction. The record of the
23 | disciplinary action certified or authenticated in such form as
24 | to be admissible in evidence under the laws of the state shall
25 | be admissible as prima facie evidence of such disciplinary
26 | action.

27 | (t) Has violated any standard for the development or
28 | communication of a real estate appraisal or other provision of
29 | the Uniform Standards of Professional Appraisal Practice, as
30 | defined in s. 475.611, as approved and adopted by the
31 | Appraisal Standards Board of the Appraisal Foundation, as

1 defined in s. 475.611. This paragraph does not apply to a real
2 estate broker or salesperson who, in the ordinary course of
3 business, performs a comparative market analysis.

4 Section 77. For the purpose of incorporating the
5 amendment to section 475.25, Florida Statutes, in references
6 thereto, the sections or subdivisions of Florida Statutes set
7 forth below are reenacted to read:

8 475.180 Nonresident licenses.--

9 (2)

10 (b) Any resident licensee who becomes a nonresident
11 shall, within 60 days, notify the commission of the change in
12 residency and comply with nonresident requirements. Failure to
13 notify and comply is a violation of the license law, subject
14 to the penalties in s. 475.25.

15 475.181 Licensure.--

16 (2) The commission shall certify for licensure any
17 applicant who satisfies the requirements of ss. 475.17,
18 475.175, and 475.180. The commission may refuse to certify any
19 applicant who has violated any of the provisions of s. 475.42
20 or who is subject to discipline under s. 475.25. The
21 application shall expire 1 year from the date received if the
22 applicant fails to take the appropriate examination.

23 475.22 Broker to maintain office and sign at entrance
24 of office; registered office outside state; broker required to
25 cooperate in investigation.--

26 (2) If a broker's registered office is located outside
27 the State of Florida, prior to registering such office or
28 branch office, the broker shall agree in writing to cooperate
29 and shall cooperate with any investigation initiated in
30 accordance with this chapter or commission rules including,
31 but not limited to, the broker promptly supplying any

1 documents requested by any authorized representative of the
2 department and by personally appearing at any designated
3 office of the department or other location in the state or
4 elsewhere as reasonably requested by the department. If the
5 department sends, by certified mail to the broker at his last
6 known business address as registered with the department, a
7 notice or request to produce any documents or to appear for an
8 interview with an authorized representative of the department
9 and the broker fails to substantially comply with that request
10 or notice, then such failure by the broker is a violation of
11 the license law, subject to the penalties of s. 475.25.

12 475.422 Disclosure.--

13 (2) Failure to comply with this section may subject
14 the licensee to disciplinary action pursuant to s. 475.25.

15 475.482 Real Estate Recovery Fund.--There is created
16 the Florida Real Estate Recovery Fund as a separate account in
17 the Professional Regulation Trust Fund.

18 (1) The Florida Real Estate Recovery Fund shall be
19 disbursed as provided in s. 475.484, on order of the
20 commission, as reimbursement to any person, partnership, or
21 corporation adjudged by a court of competent civil
22 jurisdiction in this state to have suffered monetary damages
23 by reason of any act committed, as a part of any real estate
24 brokerage transaction involving real property in this state,
25 by any broker or salesperson who:

26 (a) Was, at the time the alleged act was committed,
27 the holder of a current, valid, active real estate license
28 issued under this part;

29 (b) Was neither the seller, buyer, landlord, or tenant
30 in the transaction nor an officer or a director of a
31

1 corporation or a member of a partnership which was the seller,
2 buyer, landlord, or tenant in the transaction; and

3 (c) Was acting solely in the capacity of a real estate
4 licensee in the transaction;

5

6 provided the act was a violation proscribed in s. 475.25 or s.
7 475.42.

8 Section 78. Subsections (1), (2), (3), (6), and (7) of
9 section 475.451, Florida Statutes, are amended to read:

10 475.451 Schools teaching real estate practice.--

11 (1) Each person, school, or institution, except
12 approved and accredited colleges, universities, community
13 colleges, and area technical centers in this state, which
14 offers or conducts any course of study in real estate
15 practice, teaches any course prescribed by the commission as a
16 condition precedent to licensure or renewal of licensure as a
17 broker or salesperson, or teaches any course designed or
18 represented to enable or assist applicants for licensure as
19 brokers or salespersons to pass examinations for such
20 licensure ~~conducted by the department~~ shall, before commencing
21 or continuing further to offer or conduct such course or
22 courses, obtain a permit from the department and abide by the
23 regulations imposed upon such person, school, or institution
24 by this chapter and rules of the commission adopted pursuant
25 to this chapter. The exemption for colleges, universities,
26 community colleges, and area technical centers is limited to
27 transferable college credit courses offered by such
28 institutions.

29 (2) An applicant for a permit to operate a proprietary
30 real estate school, to be a chief administrator of a
31 proprietary real estate school or a state institution, or to

1 be an instructor for a proprietary real estate school or a
2 state institution must meet the qualifications for practice
3 set forth in s. 475.17(1) and the following minimal
4 requirements:

5 (a) "School permitholder" means the ~~is defined as that~~
6 individual who is responsible for directing the overall
7 operation of a proprietary real estate school. A school
8 permitholder ~~He~~ must be the holder of a license as a broker,
9 either active or voluntarily inactive, or must have passed an
10 instructor's examination approved by the commission
11 ~~administered by the department~~. A school permitholder must
12 also meet the requirements of a school instructor if ~~he is~~
13 actively engaged in teaching.

14 (b) "Chief administrative person" means the ~~is defined~~
15 ~~as that~~ individual who is responsible for the administration
16 of the overall policies and practices of the institution or
17 proprietary real estate school. A chief administrative person
18 ~~He~~ must also meet the requirements of a school instructor if
19 ~~he is~~ actively engaged in teaching.

20 (c) "School instructor" means an ~~is defined as that~~
21 individual who ~~actively~~ instructs persons in the classroom in
22 noncredit college courses in a college, university, or
23 community college or courses in an area technical center or
24 proprietary real estate school.

25 1. Before commencing to provide such instruction, the
26 applicant ~~instruct noncredit college courses in a college,~~
27 ~~university, or community college, or courses in an area~~
28 ~~technical center or proprietary real estate school, he~~ must
29 certify the applicant's ~~his~~ competency and obtain an
30 instructor permit by meeting one of the following
31 requirements:

1 a. Hold a bachelor's degree in a business-related
2 subject, such as real estate, finance, accounting, business
3 administration, or its equivalent and hold a valid broker's
4 license in this state.

5 b. Hold a bachelor's degree, have extensive real
6 estate experience, as defined by rule, and hold a valid
7 broker's license in this state.

8 c. Pass an instructor's examination approved by the
9 commission administered by the Division of Real Estate.

10 2. Any requirement by the commission for a teaching
11 demonstration or practical examination must apply to all
12 school instructor applicants.

13 3. The department shall renew an instructor permit
14 upon receipt of a renewal application and fee. The renewal
15 application shall include proof that the permit holder has,
16 since the issuance or renewal of the current permit, Every
17 second year, each instructor must recertify his competency by
18 presenting to the commission evidence of his having
19 successfully completed a minimum of 15 classroom hours of
20 instruction in real estate subjects or instructional
21 techniques, as prescribed by the commission. The commission
22 shall adopt rules providing for the renewal of instructor
23 permits at least every 2 years. Any permit which is not
24 renewed at the end of the permit period established by the
25 department shall automatically revert to involuntarily
26 inactive status.

27
28 The department may require an applicant to submit names of
29 persons having knowledge concerning the applicant and the
30 enterprise; may propound interrogatories to such persons and
31 to the applicant concerning the character of the applicant,

1 including the taking of fingerprints for processing through
2 the Federal Bureau of Investigation; and shall make such
3 investigation of the applicant ~~him~~ or the school or
4 institution as it may deem necessary to the granting of the
5 permit. If an objection is filed, it shall be considered in
6 the same manner as objections or administrative complaints
7 against other applicants for licensure by the department.

8 (3) It is unlawful for any person, school, or
9 institution to offer the courses described in subsection (1)
10 or to conduct classes in such courses, regardless of the
11 number of pupils, whether by correspondence or otherwise,
12 without first procuring a permit, or to guarantee that its
13 pupils will pass any examinations required for licensure ~~given~~
14 ~~by the department~~, or to represent that the issuance of a
15 permit is any recommendation or endorsement of the person,
16 school, or institution to which it is issued or of any course
17 of instruction given thereunder.

18 (6) Any course prescribed by the commission as a
19 condition precedent to any person's becoming initially
20 licensed as a salesperson may be taught in any real estate
21 school through the use of a video tape of instruction by a
22 currently permitted ~~licensed~~ instructor from any such school.
23 The commission may require that any such video tape course
24 have a single session of live instruction by a currently
25 permitted ~~licensed~~ instructor from any such school; however,
26 this requirement shall not exceed 3 classroom hours. All
27 other prescribed courses, except the continuing education
28 course required by s. 475.182, shall be taught by a currently
29 permitted ~~licensed~~ school instructor personally in attendance
30 at such course. The continuing education course required by
31 s. 475.182 may be taught by an equivalent correspondence

1 course; however, any such course of correspondence shall be
2 required to have a final examination, prepared and
3 administered by the school issuing the correspondence course.
4 The continuing education requirements provided in this section
5 or provided in any other section in this chapter do not apply
6 with respect to any attorney who is otherwise qualified under
7 the provisions of this chapter.

8 (7) Any person holding a school instructor permit on
9 October 1, 1983, is exempt from the instructor examination
10 requirements of paragraph (2)(c) as long as the person ~~he~~
11 continuously holds such a permit and complies with all other
12 requirements of this chapter.

13 Section 79. Subsection (6) is added to section
14 475.452, Florida Statutes, to read:

15 475.452 Advance fees; deposit; accounting; penalty;
16 damages.--

17 (6) This section does not apply to a real estate
18 broker auctioning real property if in advance of the auction
19 the broker and seller have entered into a written agreement
20 specifically providing for anticipated expenses to be incurred
21 and paid. However, any trust funds received by the broker in
22 advance of the auction may not be disbursed or otherwise used
23 as an advance commission or fee for services without first
24 having complied with the provisions of this subsection.

25 Section 80. Subsection (7) of section 475.484, Florida
26 Statutes, is amended to read:

27 475.484 Payment from the fund.--

28 (7) Upon the payment of any amount from the Real
29 Estate Recovery Fund in settlement of a claim in satisfaction
30 of a judgment against a broker or salesperson as described in
31 s. 475.482(1), the license of such broker or salesperson shall

1 be automatically suspended upon the date of payment from the
2 fund. The license of such broker or salesperson may not be
3 reinstated until the licensee has repaid in full, plus
4 interest, the amount paid from the fund. No further
5 administrative action is necessary. A discharge of bankruptcy
6 does not relieve a licensee from the penalties and
7 disabilities provided in this section, except to the extent
8 that this subsection conflicts with 11 U.S.C. s. 525, in which
9 case the commission may order the license not to be suspended
10 or otherwise discriminated against.

11 Section 81. Section 475.5016, Florida Statutes, is
12 created to read:

13 475.5016 Authority to inspect and audit.--Duly
14 authorized agents and employees of the department shall have
15 the power to inspect and audit in a lawful manner at all
16 reasonable hours any broker or brokerage office licensed
17 pursuant to this chapter, for the purpose of determining if
18 any of the provisions of this chapter, chapter 455, or any
19 rule promulgated under authority of either chapter is being
20 violated.

21 Section 82. Section 475.6145, Florida Statutes, is
22 created to read:

23 475.6145 Seal.--The board shall adopt a seal by which
24 it shall authenticate its proceedings, records, and acts.
25 Copies of the proceedings, records, and acts of the board, and
26 certificates purporting to relate the facts concerning such
27 proceedings, records, and acts, which are signed by the board
28 chair, the custodian of such records, or any other person
29 authorized to make such certification and which are
30 authenticated by such seal, shall be prima facie evidence of
31

1 such proceedings, records, and acts in all courts of this
2 state.

3 Section 83. Section 475.6147, Florida Statutes, is
4 created to read:

5 475.6147 Fees.--

6 (1) The board by rule may establish fees to be paid
7 for application, examination, reexamination, licensing and
8 renewal, certification and recertification, reinstatement, and
9 recordmaking and recordkeeping. The fee for initial
10 application and examination may not exceed \$300. The initial
11 license fee and the license renewal fee may not exceed \$150
12 for each year of the duration of the license. The board may
13 also establish by rule a late renewal penalty. The board shall
14 establish fees which are adequate to ensure its continued
15 operation. Fees shall be based on estimates made by the
16 department of the revenue required to implement this part and
17 other provisions of law relating to the regulation of real
18 estate appraisers.

19 (2) Application and license fees shall be refunded
20 upon a determination by the board that the state is not
21 entitled to the fees or that only a portion of the resources
22 have been expended in the processing of the application or
23 shall be refunded if for any other reason the application is
24 not completely processed. The board shall implement this
25 subsection by rule.

26 Section 84. Section 475.615, Florida Statutes, is
27 amended to read:

28 475.615 Qualifications for registration, licensure, or
29 certification.--

30 (1) Any person desiring to act as a registered,
31 licensed, or certified appraiser must make application in

1 writing to the department in such form and detail as the board
2 shall prescribe. Each applicant must be at least 18 years of
3 age and hold a high school diploma or its equivalent. At the
4 time of application, a person must furnish evidence of
5 successful completion of required education and evidence of
6 required experience, if any.

7 (2) The board is authorized to waive or modify any
8 education, experience, or examination requirements established
9 in this section in order to conform with any such requirements
10 established by the Appraisal Qualifications Board of the
11 Appraisal Foundation and recognized by the Appraisal
12 Subcommittee or any successor body recognized by federal law.

13 (3) Appropriate fees, as set forth in the rules of the
14 board pursuant to s. 475.6147, must accompany all applications
15 for registration, licensure, and certification.

16 (4) In the event that the applicant is currently a
17 registered, licensed, or certified appraiser and is making
18 application to obtain a different status of appraisal
19 licensure, should such application be received by the
20 department within 180 days prior to through 180 days after the
21 applicant's scheduled renewal, the charge for the application
22 shall be established by the rules of the board pursuant to s.
23 475.6147.

24 (5)~~(4)~~ At the time of filing a notarized application
25 for registration, licensure, or certification, the applicant
26 must sign a pledge to comply with the Uniform Standards of
27 Professional Appraisal Practice upon registration, licensure,
28 or certification, and must indicate in writing that he
29 understands the types of misconduct for which disciplinary
30 proceedings may be initiated. The application shall expire 1
31 year from the date received, if the applicant for

1 registration, licensure, or certification fails to take the
2 appropriate examination.

3 (6)~~(5)~~ All applicants must be competent and qualified
4 to make real estate appraisals with safety to those with whom
5 they may undertake a relationship of trust and confidence and
6 the general public. If any applicant has been denied
7 registration, licensure, or certification, or has been
8 disbarred, or his registration, license, or certificate 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 section, or if the applicant has been guilty of
15 conduct or practices in this state or elsewhere which would
16 have been grounds for disciplining his registration, license,
17 or certification under this section had the applicant then
18 been registered, licensed, or certified, the applicant shall
19 be deemed not to be qualified unless, because of lapse of time
20 and subsequent good conduct and reputation, or other reason
21 deemed sufficient, it appears to the board that the interest
22 of the public is not likely to be endangered by the granting
23 of registration, licensure, or certification.

24 (7)~~(6)~~ No applicant seeking to become registered,
25 licensed, or certified under this section may be rejected
26 solely by virtue of membership or lack of membership in any
27 particular appraisal organization.

28 Section 85. Section 475.617, Florida Statutes, is
29 amended to read:

30 475.617 Education and experience requirements.--

31

1 (1) To be registered as an appraiser, an applicant
2 must present evidence satisfactory to the board that he has
3 successfully completed at least ~~up to~~ 75 hours of approved
4 academic courses in subjects related to real estate appraisal,
5 which shall include coverage of the Uniform Standards of
6 Professional Appraisal Practice from a nationally recognized
7 or state-recognized appraisal organization, area technical
8 center, accredited community college, college, or university,
9 state or federal agency or commission, or proprietary real
10 estate school that holds a permit pursuant to s. 475.451. A
11 classroom hour is defined as 50 minutes out of each 60-minute
12 segment. Past courses may be approved on an hour-for-hour
13 basis.

14 (2) To be licensed as an appraiser, an applicant must
15 present evidence satisfactory to the board that he:

16 (a) Has at least 2 years of experience in real
17 property appraisal as defined by rule.

18 (b) Has successfully completed at least 75 classroom
19 hours, inclusive of examination, of approved academic courses
20 in subjects related to real estate appraisal, which shall
21 include coverage of the Uniform Standards of Professional
22 Appraisal Practice from a nationally recognized or
23 state-recognized appraisal organization, area technical
24 center, accredited community college, college, or university,
25 state or federal agency or commission, or proprietary real
26 estate school that holds a permit pursuant to s. 475.451. A
27 classroom hour is defined as 50 minutes out of each 60-minute
28 segment. Past courses may be approved by the board and
29 substituted on an hour-for-hour basis.

30
31

1 (3) To be certified as a residential appraiser, an
2 applicant must present satisfactory evidence to the board that
3 he:

4 (a) Has at least 2 years of experience in real
5 property appraisal as defined by rule.

6 (b) Has successfully completed at least 120 ~~up to 165~~
7 classroom hours, inclusive of examination, of approved
8 academic courses in subjects related to real estate appraisal,
9 which shall include coverage of the Uniform Standards of
10 Professional Appraisal Practice from a nationally recognized
11 or state-recognized appraisal organization, area technical
12 center, accredited community college, college, or university,
13 state or federal agency or commission, or proprietary real
14 estate school that holds a permit pursuant to s. 475.451. A
15 classroom hour is defined as 50 minutes out of each 60-minute
16 segment. Past courses may be approved by the board and
17 substituted on an hour-for-hour basis.

18 (4) To be certified as a general appraiser, an
19 applicant must present evidence satisfactory to the board that
20 he:

21 (a) Has at least 2 years of experience in real
22 property appraisal as defined by rule.

23 (b) Has successfully completed at least 165 classroom
24 hours, inclusive of examination, of approved academic courses
25 in subjects related to real estate appraisal, which shall
26 include coverage of the Uniform Standards of Professional
27 Appraisal Practice from a nationally recognized or
28 state-recognized appraisal organization, area technical
29 center, accredited community college, college, or university,
30 state or federal agency or commission, or proprietary real
31 estate school that holds a permit pursuant to s. 475.451. A

1 classroom hour is defined as 50 minutes out of each 60-minute
2 segment. Past courses may be approved by the board and
3 substituted on an hour-for-hour basis.

4 (5) Each applicant must furnish, under oath, a
5 detailed statement of the experience for each year of
6 experience he claims. Upon request, the applicant shall
7 furnish to the board, for its examination, copies of appraisal
8 reports or file memoranda to support the claim for experience.

9 Section 86. Subsection (1) of section 475.624, Florida
10 Statutes, is amended to read:

11 475.624 Discipline.--The board may deny an application
12 for registration, licensure, or certification; investigate the
13 actions of any appraiser registered, licensed, or certified
14 under this section; and may reprimand, fine, revoke, or
15 suspend, for a period not to exceed 10 years, the
16 registration, license, or certification of any such appraiser,
17 or place any such appraiser on probation if it finds that the
18 registrant, licensee, or certificateholder:

19 (1) Has violated any provisions of this part or of s.
20 455.227(1); however, licensees under this part are exempt from
21 the provisions of s. 455.227(1)(i).

22 Section 87. Section 475.6295, Florida Statutes, is
23 created to read:

24 475.6295 Authority to inspect.--Duly authorized agents
25 and employees of the department shall have the power to
26 inspect in a lawful manner at all reasonable hours any
27 appraiser or appraisal office licensed pursuant to this
28 chapter, for the purpose of determining if any of the
29 provisions of this chapter, chapter 455, or any rule
30 promulgated under authority of either chapter is being
31 violated.

1 Section 88. Section 476.114, Florida Statutes, is
2 amended to read:
3 476.114 Examination; prerequisites.--
4 (1) A person desiring to be licensed as a barber shall
5 apply to the department for licensure.
6 (2) An applicant shall be eligible for ~~entitled to~~
7 ~~take the~~ licensure by examination to practice barbering if the
8 applicant:
9 (a) Is at least 16 years of age;
10 (b) Pays the required application fee; and
11 (c)1. Holds an active valid license to practice
12 barbering in another state, has held the license for at least
13 1 year, and does not qualify for licensure by endorsement as
14 provided for in s. 476.144(5); or
15 2. Has received a minimum of 1,200 hours of training
16 as established by the board, which shall include, but shall
17 not be limited to, the equivalent of completion of services
18 directly related to the practice of barbering at one of the
19 following:
20 a. A school of barbering licensed pursuant to chapter
21 246;
22 b. A barbering program within the public school
23 system; or
24 c. A government-operated barbering program in this
25 state.
26
27 The board shall establish by rule procedures whereby the
28 school or program may certify that a person is qualified to
29 take the required examination after the completion of a
30 minimum of 1,000 actual school hours. If the person passes the
31 examination, he shall have satisfied this requirement; but if

1 he fails the examination, he shall not be qualified to take
2 the examination again until the completion of the full
3 requirements provided by this section.

4 (3) An applicant who meets the requirements set forth
5 in subparagraphs (2)(c)1. and 2. who fails to pass the
6 examination may take subsequent examinations as many times as
7 necessary to pass, except that the board may ~~shall~~ specify by
8 rule reasonable timeframes for rescheduling the examination
9 and ~~shall adopt rules specifying~~ additional training
10 requirements for applicants who, after the third attempt, fail
11 to pass the examination. Prior to reexamination, the applicant
12 must file any ~~the appropriate~~ form and ~~pay the reexamination~~
13 fee ~~as~~ required by rule.

14 Section 89. Section 476.124, Florida Statutes, is
15 amended to read:

16 476.124 Application for licensure by
17 examination.--Each applicant for licensure by ~~an~~ examination
18 shall:

19 (1) Make application to the department ~~at least 30~~
20 ~~days prior to the examination date~~ on forms prepared and
21 furnished by the department;

22 (2) Furnish to the department two signed photographs
23 of the applicant, of sufficient size to identify the
24 applicant, one photograph to accompany the application and one
25 photograph to be provided to the Bureau of Testing ~~returned to~~
26 ~~the applicant for presentation to the examiners when the~~
27 ~~applicant appears for examination;~~ and

28 (3) Pay any ~~the~~ required fee to the department.

29 Section 90. Section 476.134, Florida Statutes, is
30 repealed.

31

1 Section 91. Subsections (2) and (6) of section
2 476.144, Florida Statutes, are amended to read:

3 476.144 Licensure.--

4 (2) The board shall certify for licensure any
5 applicant who satisfies the requirements of s. 476.114, and
6 who passes the examination approved by the board and certified
7 ~~administered~~ by the department, achieving a passing grade as
8 established by board rule.

9 (6) A person may apply for a restricted license to
10 practice barbering. The board shall adopt rules specifying
11 procedures for an applicant to obtain a restricted license if
12 the applicant:

13 (a)1. Has successfully completed a restricted barber
14 course, as established by rule of the board, at a school of
15 barbering licensed pursuant to chapter 246, a barbering
16 program within the public school system, or a
17 government-operated barbering program in this state; or

18 2.a. Holds or has within the previous 5 years held
19 an active valid license to practice barbering in another state
20 or country or has held a Florida barbering license which has
21 been declared null and void for failure to renew the license
22 and the applicant fulfilled the requirements of s.

23 476.114(2)(c)2. for initial licensure; and

24 ~~b.(b)~~ Has not been disciplined relating to the
25 practice of barbering in the previous 5 ~~15~~ years; and

26 ~~(b)(c)~~ Passes a written examination on the laws and
27 rules governing the practice of barbering in Florida, as
28 established by the board, and a practical examination approved
29 by the board and certified ~~administered~~ by the department.

30
31

1 The restricted license shall limit the licensee's practice to
2 those specific areas in which the applicant has demonstrated
3 competence pursuant to rules adopted by the board.

4 Section 92. Paragraph (b) of subsection (1) of section
5 476.192, Florida Statutes, is amended to read:

6 476.192 Fees; disposition.--

7 (1) The board shall set by rule fees according to the
8 following schedule:

9 (b) For barbers, fees for endorsement application,
10 ~~examination, and reexamination~~ shall not exceed \$150.

11 Section 93. Subsections (10) and (11) are added to
12 section 477.013, Florida Statutes, to read:

13 477.013 Definitions.--As used in this chapter:

14 (10) "Hair wrapping" means the wrapping of
15 manufactured materials around a strand of human hair, for
16 compensation, without cutting, coloring, permanent waving,
17 relaxing, removing, weaving, chemically treating, braiding,
18 using hair extensions, or performing any other function
19 defined as cosmetology services.

20 (11) "Photography studio salon" means an establishment
21 where the hair-arranging services and the application of
22 cosmetic products are performed solely for the purpose of
23 preparing the model or client for the photographic session
24 without shampooing, cutting, coloring, permanent waving,
25 relaxing, or removing of hair or performing any other service
26 defined as cosmetology.

27 Section 94. Section 477.0132, Florida Statutes, is
28 amended to read:

29 477.0132 Hair braiding and hair wrapping
30 registration.--Persons whose occupation or practice is
31 confined solely to hair braiding or hair wrapping must

1 register with the department, pay the applicable registration
2 fee, and take a two-day 16 hour course. The course shall be
3 board approved and consist of 5 hours of HIV/AIDS and other
4 communicable diseases, 5 hours of sanitation and
5 sterilization, 4 hours of disorders and diseases of the scalp,
6 and 2 hours of studies regarding laws affecting hair braiding
7 and hair wrapping cosmetology. Hair braiding and hair
8 wrapping are not required to be practiced in a cosmetology
9 salon or specialty salon. When hair braiding or hair wrapping
10 is practiced outside a cosmetology salon or specialty salon,
11 disposable implements must be used or all implements must be
12 sanitized in a disinfectant approved for hospital use or
13 approved by the federal Environmental Protection Agency.

14 Section 95. Subsection (4) is added to section
15 477.0135, Florida Statutes, to read:

16 477.0135 Exemptions.--

17 (4) A photography studio salon is exempt from the
18 licensure provisions of this chapter. However, the
19 hair-arranging services of such salon must be performed under
20 the supervision of a licensed cosmetologist employed by the
21 salon. The salon must use disposable hair-arranging implements
22 or use a wet or dry sanitizing system approved by the federal
23 Environmental Protection Agency.

24 Section 96. Subsection (2) of section 477.019, Florida
25 Statutes, is amended, and subsection (6) is added to said
26 section, to read:

27 477.019 Cosmetologists; qualifications; licensure;
28 license renewal; endorsement; continuing education.--

29 (2) An applicant shall be eligible for ~~entitled to~~
30 ~~take the licensure by~~ examination to practice cosmetology if
31 the applicant:

1 (a) Is at least 16 years of age or has received a high
2 school diploma;
3 (b) Pays the required application fee; and
4 (c)1. Holds an active valid license to practice
5 cosmetology in another state or country, has held the license
6 for at least 1 year, and does not qualify for licensure by
7 endorsement as provided for in subsection (5); or
8 2. Has received a minimum of 1,200 hours of training
9 as established by the board, which shall include, but shall
10 not be limited to, the equivalent of completion of services
11 directly related to the practice of cosmetology at one of the
12 following:
13 a. A school of cosmetology licensed pursuant to
14 chapter 246.
15 b. A cosmetology program within the public school
16 system.
17 c. The Cosmetology Division of the Florida School for
18 the Deaf and the Blind, provided the division meets the
19 standards of this chapter.
20 d. A government-operated cosmetology program in this
21 state.
22
23 The board shall establish by rule procedures whereby the
24 school or program may certify that a person is qualified to
25 take the required examination after the completion of a
26 minimum of 1,000 actual school hours. If the person then
27 passes the examination, he shall have satisfied this
28 requirement; but if he fails the examination, he shall not be
29 qualified to take the examination again until the completion
30 of the full requirements provided by this section.
31

1 (6)(a) The board may prescribe by rule continuing
2 education requirements intended to ensure protection of the
3 public through updated training of licensees and registered
4 specialists, not to exceed 16 hours biennially, as a condition
5 for renewal of a license or registration as a specialist under
6 this chapter. Continuing education courses shall include, but
7 not be limited to, the following subjects as they relate to
8 the practice of cosmetology: human immunodeficiency virus and
9 acquired immune deficiency syndrome; Occupational Safety and
10 Health Administration regulations; workers' compensation
11 issues; state and federal laws and rules as they pertain to
12 cosmetologists, cosmetology, salons, specialists, specialty
13 salons, and booth renters; chemical makeup as it pertains to
14 hair, skin, and nails; and environmental issues. Courses given
15 at cosmetology conferences may be counted toward the number of
16 continuing education hours required if approved by the board.

17 (b) The department may privatize provider and course
18 approval and the monitoring of continuing education
19 requirements under a contract which ensures that the services
20 will be without cost to the department or board, including the
21 cost of appropriate oversight by the department. The
22 department may contract with one or more private entities for
23 the provision of such services, including the collection of
24 fees for the services rendered. The department and board
25 shall retain final authority for licensure decisions,
26 rulemaking related to continuing education system
27 requirements, noncompliance noticing, and overall
28 implementation of any privatization project under this
29 subsection.

30
31

1 (c) Any person whose occupation or practice is
2 confined solely to hair braiding or hair wrapping is exempt
3 from the continuing education requirements of this subsection.

4 Section 97. Section 477.022, Florida Statutes, is
5 repealed.

6 Section 98. Paragraphs (b) and (f) of subsection (1)
7 of section 477.026, Florida Statutes, are amended to read:

8 477.026 Fees; disposition.--

9 (1) The board shall set fees according to the
10 following schedule:

11 (b) For cosmetologists, fees for endorsement
12 application, ~~examination, and reexamination~~ shall not exceed
13 \$50.

14 (f) For hair braiders and hair wrappers, fees for
15 registration shall not exceed \$25.

16 Section 99. Subsection (3) of section 477.0263,
17 Florida Statutes, is amended to read:

18 477.0263 Cosmetology services to be performed in
19 licensed salon; exception.--

20 (3) Any person who holds a valid cosmetology license
21 in any state or who is authorized to practice cosmetology in
22 any country, territory, or jurisdiction of the United States
23 may perform cosmetology services in a location other than a
24 licensed salon when such services are performed in connection
25 with the motion picture, fashion photography, theatrical, or
26 television industry; a photography studio salon;
27 manufacturer trade show demonstration; or an educational
28 seminar.

29 Section 100. Section 481.207, Florida Statutes, is
30 amended to read:

31

1 481.207 Fees.--The board, by rule, may establish
2 separate fees for architects and interior designers, to be
3 paid for applications, ~~examination, reexamination,~~licensing
4 and renewal, delinquency, reinstatement, and recordmaking and
5 recordkeeping. ~~The examination fee shall be in an amount that
6 covers the cost of obtaining and administering the examination
7 and shall be refunded if the applicant is found ineligible to
8 sit for the examination.~~The application fee is nonrefundable.
9 The fee for initial application ~~and examination~~ for architects
10 and interior designers may not exceed \$775 plus the actual per
11 applicant cost to the department for purchase of the
12 examination from the National Council of Architectural
13 Registration Boards or the National Council of Interior Design
14 Qualifications, respectively, or similar national
15 organizations, if the examination is purchased by the
16 department. The biennial renewal fee for architects may not
17 exceed \$200. The biennial renewal fee for interior designers
18 may not exceed \$500. The delinquency fee may not exceed the
19 biennial renewal fee established by the board for an active
20 license. The board shall establish fees that are adequate to
21 ensure the continued operation of the board and to fund the
22 proportionate expenses incurred by the department which are
23 allocated to the regulation of architects and interior
24 designers. Fees shall be based on department estimates of the
25 revenue required to implement this part and the provisions of
26 law with respect to the regulation of architects and interior
27 designers.

28 Section 101. Section 481.209, Florida Statutes, 1996
29 Supplement, is amended to read:

30 481.209 Eligibility for licensure;examinations.--
31

1 (1) A person desiring to be licensed as a registered
2 architect shall be certified by the board as eligible for
3 licensure and shall pass ~~apply to the department to take~~ the
4 required licensure examination which has been approved by the
5 board and certified by the department. The board shall certify
6 as eligible for licensure by examination each applicant who
7 submits a complete application for licensure as a registered
8 architect demonstrating that the applicant ~~The department~~
9 ~~shall administer the licensure examination for architects to~~
10 ~~each applicant who the board certifies:~~

11 (a) Has ~~completed the application form and~~ remitted a
12 nonrefundable application fee ~~and an examination fee which is~~
13 ~~refundable if the applicant is found to be ineligible to take~~
14 ~~the examination;~~

15 (b)1. Has successfully completed all architectural
16 curriculum courses required by and is a graduate of a school
17 or college of architecture accredited by the National
18 Architectural Accreditation Board; or

19 2. Is a graduate of an approved architectural
20 curriculum, evidenced by a degree from an unaccredited school
21 or college of architecture approved by the board. The board
22 shall adopt rules providing for the review and approval of
23 unaccredited schools and colleges of architecture and courses
24 of architectural study based on a review and inspection by the
25 board of the curriculum of accredited schools and colleges of
26 architecture in the United States, including those schools and
27 colleges accredited by the National Architectural
28 Accreditation Board; and

29 (c) Has completed, prior to examination, 1 year of the
30 internship experience required by s. 481.211(1).

31

1 (2) A person desiring to be licensed as a registered
2 interior designer shall be certified by the board as eligible
3 for licensure and shall pass the required licensure
4 examination which has been approved by the board and certified
5 by the department. The board shall certify as eligible for
6 licensure by examination each applicant who has remitted the
7 application fee specified in s. 481.207 and has submitted a
8 complete application for licensure as a registered interior
9 designer demonstrating that the applicant apply to the
10 ~~department for licensure. The department shall administer the~~
11 ~~licensure examination for interior designers to each applicant~~
12 ~~who has completed the application form and remitted the~~
13 ~~application and examination fees specified in s. 481.207 and~~
14 ~~who the board certifies:~~

15 (a) Is a graduate from an interior design program of 5
16 years or more and has completed 1 year of diversified interior
17 design experience;

18 (b) Is a graduate from an interior design program of 4
19 years or more and has completed 2 years of diversified
20 interior design experience;

21 (c) Has completed at least 3 years in an interior
22 design curriculum and has completed 3 years of diversified
23 interior design experience;

24 (d) Is a graduate from an interior design program of
25 at least 2 years and has completed 4 years of diversified
26 interior design experience; or

27 (e) Has completed 6 years of diversified interior
28 design experience, provided that at least 4 years were
29 accumulated prior to October 1, 1994. A person applying under
30 this paragraph must make application prior to April 30, 1998,
31 and may, in lieu of passage of the examination required by

1 this subsection, substitute passage of any of the following
2 examinations: a National Council of Interior Design
3 Qualifications examination, an American Institute of Design
4 examination, the building and barrier-free codes section of
5 the national examination as prepared by the National Council
6 of Interior Design Qualifications, or any other examination
7 approved by the board.

8
9 Subsequent to October 1, 2000, for the purpose of having the
10 educational qualification required under this subsection
11 accepted by the board, the applicant must complete his or her
12 education at a program, school, or college of interior design
13 whose curriculum has been approved by the board as of the time
14 of completion. Subsequent to October 1, 2003, all of the
15 required amount of educational credits shall have been
16 obtained in a program, school, or college of interior design
17 whose curriculum has been approved by the board, as of the
18 time each educational credit is gained. The board shall adopt
19 rules providing for the review and approval of programs,
20 schools, and colleges of interior design and courses of
21 interior design study based on a review and inspection by the
22 board of the curriculum of programs, schools, and colleges of
23 interior design in the United States, including those
24 programs, schools, and colleges accredited by the Foundation
25 for Interior Design Education Research. The board shall adopt
26 rules providing for the review and approval of diversified
27 interior design experience required by this subsection.

28 Section 102. Subsection (1) of section 481.213,
29 Florida Statutes, is amended to read:

30 481.213 Licensure.--

31

1 (1) The department shall license any applicant who the
2 board certifies is qualified for licensure, who has passed the
3 prescribed licensure examination, and who has paid the initial
4 licensure fee. Licensure as an architect under this section
5 shall be deemed to include all the rights and privileges of
6 licensure as an interior designer under this section.

7 Section 103. Subsection (15) of section 489.103,
8 Florida Statutes, 1996 Supplement, is amended, and subsection
9 (17) is added to said section, to read:

10 489.103 Exemptions.--This part does not apply to:

11 (15) The installation and maintenance of water
12 conditioning units for domestic, commercial, or industrial
13 purposes by operators of water conditioning services. No
14 municipality or county may adopt an ordinance, rule, or
15 regulation which requires such an operator to become licensed,
16 certified, or registered as a plumber to perform any activity
17 associated with installation or maintenance of a water
18 conditioning unit or which otherwise prevents the installation
19 and maintenance of such water conditioning units by an
20 operator.

21 (17) The sale, delivery, assembly, or tie-down of
22 prefabricated portable sheds which are not more than 250
23 square feet in interior size and are not intended for use as a
24 residence or as living quarters. This exemption shall not be
25 construed to interfere with local building codes, local
26 licensure requirements, or other local ordinance provisions.

27 Section 104. Paragraphs (a), (d), (f), (g), (i), (l),
28 and (n) of subsection (3) of section 489.105, Florida
29 Statutes, 1996 Supplement, are amended, and subsection (19) is
30 added to said section, to read:

31 489.105 Definitions.--As used in this part:

1 (3) "Contractor" means the person who is qualified
2 for, and shall only be responsible for, the project contracted
3 for and means, except as exempted in this part, the person
4 who, for compensation, undertakes to, submits a bid to, or
5 does himself or by others construct, repair, alter, remodel,
6 add to, demolish, subtract from, or improve any building or
7 structure, including related improvements to real estate, for
8 others or for resale to others; and whose job scope is
9 substantially similar to the job scope described in one of the
10 subsequent paragraphs of this subsection. For the purposes of
11 regulation under this part, "demolish" applies only to
12 demolition of steel tanks over 50 feet in height; towers over
13 50 feet in height; other structures over 50 feet in height,
14 other than buildings or residences over three stories tall;
15 and buildings or residences over three stories tall.
16 Contractors are subdivided into two divisions, Division I,
17 consisting of those contractors defined in paragraphs (a)-(c),
18 and Division II, consisting of those contractors defined in
19 paragraphs (d)-(q):

20 (a) "General contractor" means a contractor whose
21 services are unlimited as to the type of work which he may do,
22 who may contract for any activity requiring licensure under
23 this part, and who may perform any work requiring licensure
24 under this part, except as otherwise expressly provided in s.
25 489.113 ~~this part.~~

26 (d) "Sheet metal contractor" means a contractor whose
27 services are unlimited in the sheet metal trade and who has
28 the experience, knowledge, and skill necessary for the
29 manufacture, fabrication, assembling, handling, erection,
30 installation, dismantling, conditioning, adjustment,
31 insulation, alteration, repair, servicing, or design, when not

1 prohibited by law, of ferrous or nonferrous metal work of U.S.
2 No. 10 gauge or its equivalent or lighter gauge and of other
3 materials, including, but not limited to, fiberglass, used in
4 lieu thereof and of air-handling systems, including the
5 setting of air-handling equipment and reinforcement of same,
6 ~~and including~~ the balancing of air-handling systems, and any
7 duct cleaning and equipment sanitizing which requires at least
8 partial disassembling of the system.

9 (f) "Class A air-conditioning contractor" means a
10 contractor whose services are unlimited in the execution of
11 contracts requiring the experience, knowledge, and skill to
12 install, maintain, repair, fabricate, alter, extend, or
13 design, when not prohibited by law, central air-conditioning,
14 refrigeration, heating, and ventilating systems, including
15 duct work in connection with a complete system only to the
16 extent such duct work is performed by the contractor as is
17 necessary to make complete an air-distribution system, boiler
18 and unfired pressure vessel systems, and all appurtenances,
19 apparatus, or equipment used in connection therewith, and any
20 duct cleaning and equipment sanitizing which requires at least
21 partial disassembling of the system; to install, maintain,
22 repair, fabricate, alter, extend, or design, when not
23 prohibited by law, piping, insulation of pipes, vessels and
24 ducts, pressure and process piping, and pneumatic control
25 piping; to replace, disconnect, or reconnect power wiring on
26 the load side of the dedicated existing electrical disconnect
27 switch; to install, disconnect, and reconnect low voltage
28 heating, ventilating, and air-conditioning control wiring; and
29 to install a condensate drain from an air-conditioning unit to
30 an existing safe waste or other approved disposal other than a
31 direct connection to a sanitary system. The scope of work for

1 such contractor shall also include any excavation work
2 incidental thereto, but shall not include any work such as
3 liquefied petroleum or natural gas fuel lines within
4 buildings, potable water lines or connections thereto,
5 sanitary sewer lines, swimming pool piping and filters, or
6 electrical power wiring.

7 (g) "Class B air-conditioning contractor" means a
8 contractor whose services are limited to 25 tons of cooling
9 and 500,000 Btu of heating in any one system in the execution
10 of contracts requiring the experience, knowledge, and skill to
11 install, maintain, repair, fabricate, alter, extend, or
12 design, when not prohibited by law, central air-conditioning,
13 refrigeration, heating, and ventilating systems, including
14 duct work in connection with a complete system only to the
15 extent such duct work is performed by the contractor as is
16 necessary to make complete an air-distribution system being
17 installed under this classification, and any duct cleaning and
18 equipment sanitizing which requires at least a partial
19 disassembling of the system; to install, maintain, repair,
20 fabricate, alter, extend, or design, when not prohibited by
21 law, piping and insulation of pipes, vessels, and ducts; to
22 replace, disconnect, or reconnect power wiring on the load
23 side of the dedicated existing electrical disconnect switch;
24 to install, disconnect, and reconnect low voltage heating,
25 ventilating, and air-conditioning control wiring; and to
26 install a condensate drain from an air-conditioning unit to an
27 existing safe waste or other approved disposal other than a
28 direct connection to a sanitary system. The scope of work for
29 such contractor shall also include any excavation work
30 incidental thereto, but shall not include any work such as
31 liquefied petroleum or natural gas fuel lines within

1 buildings, potable water lines or connections thereto,
2 sanitary sewer lines, swimming pool piping and filters, or
3 electrical power wiring.

4 (i) "Mechanical contractor" means a contractor whose
5 services are unlimited in the execution of contracts requiring
6 the experience, knowledge, and skill to install, maintain,
7 repair, fabricate, alter, extend, or design, when not
8 prohibited by law, central air-conditioning, refrigeration,
9 heating, and ventilating systems, including duct work in
10 connection with a complete system only to the extent such duct
11 work is performed by the contractor as is necessary to make
12 complete an air-distribution system, boiler and unfired
13 pressure vessel systems, lift station equipment and piping,
14 and all appurtenances, apparatus, or equipment used in
15 connection therewith, and any duct cleaning and equipment
16 sanitizing which requires at least a partial disassembling of
17 the system; to install, maintain, repair, fabricate, alter,
18 extend, or design, when not prohibited by law, piping,
19 insulation of pipes, vessels and ducts, pressure and process
20 piping, pneumatic control piping, gasoline tanks and pump
21 installations and piping for same, standpipes, air piping,
22 vacuum line piping, oxygen lines, nitrous oxide piping, ink
23 and chemical lines, fuel transmission lines, and natural gas
24 fuel lines within buildings; to replace, disconnect, or
25 reconnect power wiring on the load side of the dedicated
26 existing electrical disconnect switch; to install, disconnect,
27 and reconnect low voltage heating, ventilating, and
28 air-conditioning control wiring; and to install a condensate
29 drain from an air-conditioning unit to an existing safe waste
30 or other approved disposal other than a direct connection to a
31 sanitary system. The scope of work for such contractor shall

1 also include any excavation work incidental thereto, but shall
2 not include any work such as liquefied petroleum gas fuel
3 lines within buildings, potable water lines or connections
4 thereto, sanitary sewer lines, swimming pool piping and
5 filters, or electrical power wiring.

6 (1) "Swimming pool/spa servicing contractor" means a
7 contractor whose scope of work involves the servicing and
8 repair of any swimming pool or hot tub or spa, whether public
9 or private. The scope of such work may include any necessary
10 piping and repairs, replacement and repair of existing
11 equipment, or installation of new additional equipment as
12 necessary. The scope of such work includes the reinstallation
13 of tile and coping, repair and replacement of all piping,
14 filter equipment, and chemical feeders of any type,
15 replastering, reconstruction of decks, and reinstallation or
16 addition of pool heaters. The installation, construction,
17 modification, substantial or complete disassembly,or
18 replacement of equipment permanently attached to and
19 associated with the pool or spa for the purpose of water
20 treatment or cleaning of the pool or spa requires licensure;
21 however, the usage of such equipment for the purposes of water
22 treatment or cleaning shall not require licensure unless the
23 usage involves construction, modification, substantial or
24 complete disassembly,or replacement of such equipment. Water
25 treatment that does not require such equipment does not
26 require a license. In addition, a license shall not be
27 required for the cleaning of the pool or spa in any way that
28 does not affect the structural integrity of the pool or spa or
29 its associated equipment.

30 (n) "Underground utility and excavation contractor"
31 means a contractor whose services are limited to the

1 construction, installation, alteration, maintenance, and
2 repair, on public or private property, whether accomplished
3 through open excavations or through other means, including,
4 but not limited to, directional drilling, auger boring,
5 jacking and boring, trenchless technologies, wet and dry taps,
6 grouting, and slip lining, of: main sanitary sewer collection
7 systems, including mains, laterals, sewer pump stations, reuse
8 or gray water systems, and reuse spray irrigation systems of 2
9 inches or larger in diameter; main water distribution
10 systems; ~~;~~ storm sewer collection systems; natural gas
11 transmission and distribution systems; fuel transmission
12 systems; appurtenances to all such systems; ~~;~~ and the
13 continuation of utility lines from the main systems to a point
14 of termination determined as follows: for main water
15 distribution systems, up to and including the meter location
16 for the individual occupancy; for storm sewer systems, 5 feet
17 from any building or structure served by the storm sewer
18 system; for sewer collection systems, at the property line on
19 single-occupancy residential or single-occupancy commercial
20 properties, or on multioccupancy properties at the manhole or
21 wye lateral extended to an invert elevation as engineered to
22 accommodate future building sewers. An underground utility and
23 excavation contractor may perform all types of site work,
24 including, but not limited to, clearing and grubbing, grading,
25 excavation, embankment, creation of ponds and solid waste
26 disposal facilities, and restoration of pavement, roadway, and
27 walkway surfaces for any project, ~~water distribution systems,~~
28 ~~or storm sewer collection systems at storm sewer structures.~~
29 ~~However,~~ An underground utility and excavation contractor may
30 install empty underground conduits in rights-of-way,
31 easements, platted rights-of-way in new site development, and

1 sleeves for parking lot crossings no smaller than 2 inches in
2 diameter, provided that each conduit system installed is
3 designed by a licensed professional engineer or an authorized
4 employee of a municipality, county, or public utility and that
5 the installation of any such conduit does not include
6 installation of any conductor wiring or connection to an
7 energized electrical system. An underground utility and
8 excavation contractor shall not install any piping that is an
9 integral part of a fire protection system as defined in s.
10 633.021(7) beginning at the point where the piping is used
11 exclusively for such system unless the contractor is certified
12 to perform such work pursuant to chapter 633.

13 (19) "Initial issuance" means the first time a
14 certificate or registration is granted to an individual or
15 business organization, including the first time an individual
16 becomes a qualifying agent for that business organization and
17 the first time a business organization is qualified by that
18 individual.

19 Section 105. Subsections (4) and (6) of section
20 489.107, Florida Statutes, are amended to read:

21 489.107 Construction Industry Licensing Board.--

22 (4) The board shall be divided into two divisions,
23 Division I and Division II.

24 (a) Division I is comprised of the general contractor,
25 building contractor, and residential contractor members of the
26 board; one of the members appointed pursuant to paragraph
27 (2)(j); and one of the members appointed pursuant to paragraph
28 (2)(k). Division I has jurisdiction over the ~~examination and~~
29 regulation of general contractors, building contractors, and
30 residential contractors.

31

1 (b) Division II is comprised of the roofing
2 contractor, sheet metal contractor, air-conditioning
3 contractor, mechanical contractor, pool contractor, plumbing
4 contractor, and underground utility and excavation contractor
5 members of the board; one of the members appointed pursuant to
6 paragraph (2)(j); and one of the members appointed pursuant to
7 paragraph (2)(k). Division II has jurisdiction over the
8 ~~examination and~~ regulation of contractors defined in s.
9 489.105(3)(d)-(p).

10 (c) Jurisdiction for the ~~examination and~~ regulation of
11 specialty contractors defined in s. 489.105(3)(q) shall lie
12 with the division having jurisdiction over the scope of work
13 of the specialty contractor as defined by board rule.

14 (6) The Construction Industry Licensing Board and the
15 Electrical Contractors' Licensing Board shall each appoint a
16 committee to meet jointly ~~in joint session~~ at least twice a
17 year.

18 Section 106. Subsection (1) of section 489.109,
19 Florida Statutes, is amended to read:

20 489.109 Fees.--

21 (1) The board, by rule, shall establish reasonable
22 fees to be paid for applications, ~~examination~~, certification
23 and renewal, registration and renewal, and recordmaking and
24 recordkeeping. The fees shall be established as follows:

25 (a) With respect to an applicant for a certificate,
26 the initial application ~~and examination~~ fee may not exceed
27 \$350, and the initial certification fee and the renewal fee
28 may not exceed \$200. However, any applicant who seeks
29 certification under this part by taking a practical
30 examination must pay as an examination fee the actual cost
31 incurred by the department for the development, preparation,

1 administration, scoring, score reporting, and evaluation of in
2 conducting the examination, if the examination is conducted by
3 the department.

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

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

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

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

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

30 (g) The board, by rule, shall impose an additional
31 fee, not to exceed the applicable renewal fee, which

1 reasonably reflects the costs of processing a
2 certificateholder's or registrant's request to change
3 licensure status at any time other than at the beginning of a
4 licensure cycle.

5 Section 107. Section 489.111, Florida Statutes, is
6 amended to read:

7 489.111 Licensure by examination ~~Examinations~~.--

8 (1) Any person who desires to be certified shall apply
9 to the department in writing ~~to take the certification~~
10 ~~examination~~.

11 (2) A person shall be eligible for licensure by
12 ~~entitled to take the examination for the purpose of~~
13 ~~determining whether he is qualified to engage in contracting~~
14 ~~throughout this state~~ if the person:

15 (a) Is 18 years of age;

16 (b) Is of good moral character; and

17 (c) Meets eligibility requirements according to one of
18 the following criteria:

19 1. Has received a baccalaureate degree from an
20 accredited 4-year college in the appropriate field of
21 engineering, architecture, or building construction and has 1
22 year of proven experience in the category in which the person
23 seeks to qualify. For the purpose of this part, a minimum of
24 2,000 man-hours shall be used in determining full-time
25 equivalency.

26 2. Has a total of at least 4 years of active
27 experience as a workman who has learned his trade by serving
28 an apprenticeship as a skilled workman who is able to command
29 the rate of a mechanic in his particular trade or as a foreman
30 who is in charge of a group of workmen and usually is
31 responsible to a superintendent or a contractor or his

1 equivalent, provided, however, that at least 1 year of active
2 experience shall be as a foreman.

3 3. Has a combination of not less than 1 year of
4 experience as a foreman and not less than 3 years of credits
5 for any accredited college-level courses; has a combination of
6 not less than 1 year of experience as a skilled workman, 1
7 year of experience as a foreman, and not less than 2 years of
8 credits for any accredited college-level courses; or has a
9 combination of not less than 2 years of experience as a
10 skilled workman, 1 year of experience as a foreman, and not
11 less than 1 year of credits for any accredited college-level
12 courses. For the number of years of credits for any accredited
13 college-level courses, the applicant shall show completion of
14 an equal number of courses in the appropriate field of
15 engineering, architecture, or building construction. All
16 junior college or community college-level courses shall be
17 considered accredited college-level courses.

18 4.a. An active certified residential contractor is
19 eligible to take the building contractors' examination if he
20 possesses a minimum of 3 years of proven experience in the
21 classification in which he is certified.

22 b. An active certified residential contractor is
23 eligible to take the general contractors' examination if he
24 possesses a minimum of 4 years of proven experience in the
25 classification in which he is certified.

26 c. An active certified building contractor is eligible
27 to take the general contractors' examination if he possesses a
28 minimum of 4 years of proven experience in the classification
29 in which he is certified.

30 5.a. An active certified air-conditioning Class C
31 contractor is eligible to take the air-conditioning Class B

1 contractors' examination if he possesses a minimum of 3 years
2 of proven experience in the classification in which he is
3 certified.

4 b. An active certified air-conditioning Class C
5 contractor is eligible to take the air-conditioning Class A
6 contractors' examination if he possesses a minimum of 4 years
7 of proven experience in the classification in which he is
8 certified.

9 c. An active certified air-conditioning Class B
10 contractor is eligible to take the air-conditioning Class A
11 contractors' examination if he possesses a minimum of 1 year
12 of proven experience in the classification in which he is
13 certified.

14 6.a. An active certified swimming pool servicing
15 contractor is eligible to take the residential swimming pool
16 contractors' examination if he possesses a minimum of 3 years
17 of proven experience in the classification in which he is
18 certified.

19 b. An active certified swimming pool servicing
20 contractor is eligible to take the swimming pool commercial
21 contractors' examination if he possesses a minimum of 4 years
22 of proven experience in the classification in which he is
23 certified.

24 c. An active certified residential swimming pool
25 contractor is eligible to take the commercial swimming pool
26 contractors' examination if he possesses a minimum of 1 year
27 of proven experience in the classification in which he is
28 certified.

29 (3)(a) The board may refuse to certify an applicant
30 for failure to satisfy the requirement of good moral character
31 only if:

1 1. There is a substantial connection between the lack
2 of good moral character of the applicant and the professional
3 responsibilities of a certified contractor; and

4 2. The finding by the board of lack of good moral
5 character is supported by clear and convincing evidence.

6 (b) When an applicant is found to be unqualified for a
7 certificate because of a lack of good moral character, the
8 board shall furnish the applicant a statement containing the
9 findings of the board, a complete record of the evidence upon
10 which the determination was based, and a notice of the rights
11 of the applicant to a rehearing and appeal.

12 (4) The department shall ensure that a sensitivity
13 review committee has been established including
14 representatives of various ethnic/minority groups. No question
15 found by this committee to be discriminatory against any
16 ethnic/minority group shall be included in the examination.

17 Section 108. Subsections (1), (2), and (10) of section
18 489.113, Florida Statutes, are amended to read:

19 489.113 Qualifications for practice; restrictions.--

20 (1) Any person who desires to engage in contracting on
21 a statewide basis shall, as a prerequisite thereto, establish
22 his competency and qualifications to be certified pursuant to
23 this part. To establish his competency, a person shall pass
24 the appropriate examination approved by the board and
25 certified ~~administered~~ by the department. Any person who
26 desires to engage in contracting on other than a statewide
27 basis shall, as a prerequisite thereto, be registered pursuant
28 to this part, unless exempted by this part.

29 (2) A ~~No~~ person who is not certified or registered may
30 not ~~shall~~ engage in the business of contracting in this state.
31 However, for purposes of complying with the provisions of this

1 chapter, a person who is not certified or registered may
2 perform construction work under the supervision of a person
3 who is certified or registered, provided that the work is
4 within the scope of the supervisor's license and provided that
5 the person being supervised is not engaged in construction
6 work which would require a license as a contractor under any
7 of the categories listed in s. 489.105(3)(d)-(o). However, if
8 the person being supervised is engaged in construction work
9 that would require a license as an underground utility and
10 excavation contractor, such person may be engaged on a
11 contract basis by the licensed underground utility and
12 excavation contractor to perform such work, provided the
13 person so employed is in compliance with the provisions of
14 this subsection and provided the activities of such person are
15 limited to a narrow specialty which does not have a separate
16 corresponding state or local licensure category and the narrow
17 scope of experience of which does not qualify the person to
18 take the examination for any available state or local license
19 which would allow the person to perform that activity.This
20 subsection does not affect the application of any local
21 construction licensing ordinances. To enforce this subsection:

22 (a) The department shall issue a cease and desist
23 order to prohibit any person from engaging in the business of
24 contracting who does not hold the required certification or
25 registration for the work being performed under this part. For
26 the purpose of enforcing a cease and desist order, the
27 department may file a proceeding in the name of the state
28 seeking issuance of an injunction or a writ of mandamus
29 against any person who violates any provision of such order.

30 (b) A county, municipality, or local licensing board
31 created by special act may issue a cease and desist order to

1 prohibit any person from engaging in the business of
2 contracting who does not hold the required certification or
3 registration for the work being performed under this part.

4 (10) The addition of a new type of contractor or the
5 expansion of the scope of practice of any type of contractor
6 under this part shall not limit the scope of practice of any
7 existing type of contractor under this part unless the
8 Legislature expressly provides such a limitation.

9 Section 109. Section 489.1136, Florida Statutes, is
10 created to read:

11 489.1136 Medical gas certification.--

12 (1)(a) In addition to the certification or
13 registration required to engage in business as a plumbing
14 contractor, any plumbing contractor who wishes to engage in
15 the business of installation, improvement, repair, or
16 maintenance of any tubing, pipe, or similar conduit used to
17 transport gaseous or partly gaseous substances for medical
18 purposes shall take, as part of the contractor's continuing
19 education requirement, at least once during the holding of
20 such license, a course of at least of 6 hours. Such course
21 shall be given by an instructional facility or teaching entity
22 that has been approved by the board. In order for a course to
23 be approved, the board must find that the course is designed
24 to teach familiarity with the National Fire Prevention
25 Association Standard 99C (Standard on Gas and Vacuum Systems,
26 latest edition) and also designed to teach familiarity and
27 practical ability in performing and inspecting brazing duties
28 required of medical gas installation, improvement, repair, or
29 maintenance work. Such course shall issue a certificate of
30 completion to the taker of the course, which certificate shall
31 be available for inspection by any entity or person seeking to

1 have such contractor engage in the business of installation,
2 improvement, repair, or maintenance of a medical gas system.
3 (b) Any other natural person who is employed by a
4 licensed plumbing contractor to provide work on the
5 installation, improvement, repair, or maintenance of a medical
6 gas system, except as noted in paragraph (c), shall as a
7 prerequisite to his or her ability to provide such service
8 take a course approved by the board. Such course shall be at
9 least 8 hours and consist of both classroom and practical work
10 designed to teach familiarity with the National Fire
11 Prevention Association Standard 99C (Standard on Gas and
12 Vacuum Systems, latest edition) and also designed to teach
13 familiarity and practical ability in performing and inspecting
14 brazing duties required of medical gas installation,
15 improvement, repair, or maintenance work. Such course shall
16 also include the administration of a practical examination in
17 the skills required to perform work as outlined above,
18 including brazing, and each examination shall be reasonably
19 constructed to test for knowledge of the subject matter. The
20 person taking such course and examination must, upon
21 successful completion of both, be issued a certificate of
22 completion by the giver of such course, which certificate
23 shall be made available by the holder for inspection by any
24 person or entity seeking to have such person perform work on
25 the installation, improvement, repair, or maintenance of a
26 medical gas system.
27 (c) Any other natural person who wishes to perform
28 only brazing duties incidental to the installation,
29 improvement, repair, or maintenance of a medical gas system
30 shall pass an examination designed to show that person's
31 familiarity with and practical ability in performing brazing

1 duties required of medical gas installation, improvement,
2 repair, or maintenance. Such examination shall be from a test
3 approved by the board. Such examination must test for
4 knowledge of National Fire Prevention Association Standard 99C
5 (Standard on Gas and Vacuum Systems, latest edition). The
6 person taking such examination must, upon passing such
7 examination, be issued a certificate of completion by the
8 giver of such examination, and such certificate shall be made
9 available by the holder for inspection by any person or entity
10 seeking to have or employ such person to perform brazing
11 duties on a medical gas system.

12 (d) It is the responsibility of the licensed plumbing
13 contractor to ascertain whether members of his or her
14 workforce are in compliance with this subsection, and such
15 contractor is subject to discipline pursuant to s. 489.129 for
16 violation of this subsection.

17 (e) Training programs in medical gas piping
18 installation, improvement, repair, or maintenance shall be
19 reviewed annually by the board to ensure that programs have
20 been provided equitably across the state.

21 (f) Periodically, the board shall review training
22 programs in medical gas piping installation for quality in
23 content and instruction in accordance with the National Fire
24 Prevention Association Standard 99C (Standard on Gas and
25 Vacuum Systems, latest edition). The board shall also respond
26 to complaints regarding approved programs.

27 (g) Training required under this section for current
28 licensees must be met by October 1, 1999.

29 (2)(a) On any job site where a medical gas system is
30 being installed, improved, repaired, or maintained, it is
31 required that a person qualified under paragraph (1)(a) or

1 paragraph (1)(b) must be present. When any brazing work is
2 performed by a person qualified under paragraph (1)(c), a
3 person qualified under paragraph (1)(a) or paragraph (1)(b)
4 must be present.

5 (b) It is the responsibility of the licensed
6 contractor to ascertain whether members of his or her
7 workforce are in compliance with paragraph (a), and such
8 contractor is subject to discipline pursuant to s. 489.129 for
9 violation of this subsection.

10 (3) The term "medical" as used in this section means
11 any medicinal, life-supporting, or health-related purpose. Any
12 and all gaseous or partly gaseous substance used in medical
13 patient care and treatment shall be presumed for the purpose
14 of this section to be used for medical purposes.

15 Section 110. Subsection (4) is added to section
16 553.06, Florida Statutes, to read:

17 553.06 State Plumbing Code.--

18 (4) All installations, improvements, maintenance, or
19 repair relating to tubing, pipe, or similar conduit used to
20 transport gaseous or partly gaseous substances for medical
21 purposes shall be governed and regulated under National Fire
22 Prevention Association Standard 99C (Standard on Gas and
23 Vacuum Systems, latest edition). Notwithstanding the
24 prohibition of s. 553.11, no county or municipality is exempt
25 or excepted from the requirements of this subsection.

26 Section 111. Paragraph (b) of subsection (4) of
27 section 489.115, Florida Statutes, is amended, and subsection
28 (7) is added to said section, to read:

29 489.115 Certification and registration; endorsement;
30 renewals; continuing education.--

31 (4)

1 (b)1. Each certificateholder or registrant shall
2 provide proof, in a form established by rule of the board,
3 that the certificateholder or registrant has completed at
4 least 14 classroom hours of at least 50 minutes each of
5 continuing education courses during each biennium since the
6 issuance or renewal of the certificate or registration. The
7 board shall establish by rule that a portion of the required
8 14 hours must deal with the subject of workers' compensation,
9 business practices, and workplace safety. The board shall by
10 rule establish criteria for the approval of continuing
11 education courses and providers and may by rule establish
12 criteria for accepting alternative nonclassroom continuing
13 education on an hour-for-hour basis.

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

28 (7) If a certificateholder or registrant holds a
29 license under both this part and part II and is required to
30 have continuing education courses under s. 489.517(3), the
31 certificateholder or registrant may apply those course hours

1 for workers' compensation, workplace safety, and business
2 practices obtained under part II to the requirements under
3 this part.

4 Section 112. Paragraph (a) of subsection (3) of
5 section 489.119, Florida Statutes, 1996 Supplement, is amended
6 to read:

7 489.119 Business organizations; qualifying agents.--

8 (3)(a) The qualifying agent shall be certified or
9 registered under this part in order for the business
10 organization to be certified or registered in the category of
11 the business conducted for which the qualifying agent is
12 certified or registered. If any qualifying agent ceases to be
13 affiliated with such business organization, he shall so inform
14 the department. In addition, if such qualifying agent is the
15 only certified or registered contractor affiliated with the
16 business organization, the business organization shall notify
17 the department of the termination of the qualifying agent and
18 shall have 60 days from the termination of the qualifying
19 agent's affiliation with the business organization in which to
20 employ another qualifying agent. The business organization
21 may not engage in contracting until a qualifying agent is
22 employed, unless the executive director or chair of the board
23 has granted a temporary nonrenewable certificate or
24 registration to the financially responsible officer, the
25 president, a partner, or, in the case of a limited
26 partnership, the general partner, who assumes all
27 responsibilities of a primary qualifying agent for the entity.
28 This temporary certificate or registration shall only allow
29 the entity to proceed with incomplete contracts ~~as defined in~~
30 ~~s. 489.121.~~ For the purposes of this paragraph, an incomplete
31 contract is one which has been awarded to, or entered into by,

1 the business organization prior to the cessation of
2 affiliation of the qualifying agent with the business
3 organization or one on which the business organization was the
4 low bidder and the contract is subsequently awarded,
5 regardless of whether any actual work has commenced under the
6 contract prior to the qualifying agent ceasing to be
7 affiliated with the business organization.

8 Section 113. Subsections (1) and (2) of section
9 489.127, Florida Statutes, 1996 Supplement, are amended to
10 read:

11 489.127 Prohibitions; penalties.--

12 (1) No person shall:

13 (a) Falsely hold himself or a business organization
14 out as a licensee, certificateholder, or registrant;

15 (b) Falsely impersonate a certificateholder or
16 registrant;

17 (c) Present as his own the certificate or registration
18 of another;

19 (d) Knowingly give false or forged evidence to the
20 board or a member thereof;

21 (e) Use or attempt to use a certificate or
22 registration which has been suspended or revoked;

23 (f) Engage in the business or act in the capacity of a
24 contractor or advertise himself or a business organization as
25 available to engage in the business or act in the capacity of
26 a contractor without being duly registered or certified;

27 (g) Operate a business organization engaged in
28 contracting after 60 days following the termination of its
29 only qualifying agent without designating another primary
30 qualifying agent, except as provided in ss. 489.119 and
31 489.1195;

1 (h) Commence or perform work for which a building
2 permit is required pursuant to an adopted state minimum
3 building code without such building permit being in effect; or

4 (i) Willfully or deliberately disregard or violate any
5 municipal or county ordinance relating to uncertified or
6 unregistered contractors.

7
8 For purposes of this subsection, a person or business
9 organization operating on an inactive or suspended certificate
10 or registration, ~~or operating beyond the scope of work or~~
11 ~~geographical scope of the registration,~~ is not duly certified
12 or registered and is considered to be unlicensed.

13 (2)(a) Any unlicensed person who violates any of the
14 provisions of subsection (1) commits a misdemeanor of the
15 first degree, punishable as provided in s. 775.082 or s.
16 775.083.

17 (b) Any unlicensed person who performs, offers to
18 perform, or contracts to perform work which requires licensure
19 under this part, the value of which exceeds \$1,000, commits a
20 felony of the third degree, punishable as provided in s.
21 775.082 or s. 775.083.

22 (c)~~(b)~~ Any unlicensed person who commits a violation
23 of paragraphs (a) through (f) of subsection (1) after having
24 been previously found guilty of such a violation, regardless
25 of adjudication thereof, commits a felony of the third degree,
26 punishable as provided in s. 775.082 or s. 775.083.

27 (d)~~(c)~~ Any unlicensed person who commits a violation
28 of paragraphs (a) through (f) of subsection (1) during the
29 existence of a state of emergency declared by executive order
30 of the Governor commits a felony of the third degree,
31 punishable as provided in s. 775.082 or s. 775.083.

1 ~~(e)(d)~~ Any person who operates as a pollutant storage
2 systems contractor, precision tank tester, or internal
3 pollutant storage tank lining applicator in violation of
4 subsection (1) commits a felony of the third degree,
5 punishable as provided in s. 775.082 or s. 775.083.

6 (f) Any licensed contractor who willfully operates
7 outside the geographical scope of the contractor's
8 registration, or who operates outside the scope of the
9 contractor's certificate or registration, commits a
10 misdemeanor of the first degree, punishable as provided in s.
11 775.082 or s. 775.083.

12
13 The remedies set forth in this subsection are not exclusive
14 and may be imposed in addition to the remedies set forth in s.
15 489.129(2). Moreover, prosecution under this part does not
16 preclude prosecution under other applicable criminal statutes.

17 Section 114. Section 489.140, Florida Statutes, is
18 amended to read:

19 489.140 Construction Industries Recovery Fund.--There
20 is created the Florida Construction Industries Recovery Fund
21 as a separate account in the Professional Regulation Trust
22 Fund.

23 (1) The Florida Construction Industries Recovery Fund
24 shall be disbursed as provided in s. 489.143, on order of the
25 board, as reimbursement to any natural person adjudged by a
26 court of competent jurisdiction to have suffered monetary
27 damages, or to whom the licensee has been ordered to pay
28 restitution by the board, where the judgment or restitution
29 order is based on a violation of s. 489.129(1)(d), (h), (k),
30 or (l), committed by any contractor, financially responsible
31 officer, or business organization licensed under the

1 provisions of this part at the time the violation was
2 committed, and providing that the violation occurs after July
3 1, 1993.

4 (2) The Construction Industries Recovery Fund shall be
5 funded out of the receipts deposited in the Professional
6 Regulation Trust Fund from the one-half cent per square foot
7 surcharge on building permits collected and disbursed pursuant
8 to s. 468.631.

9 ~~(3) In addition, any surplus of moneys collected from~~
10 ~~the fines imposed by the board and collected by the department~~
11 ~~shall be transferred into the Construction Industries Recovery~~
12 ~~Fund.~~

13 Section 115. Section 489.141, Florida Statutes, is
14 amended to read:

15 489.141 Conditions for recovery; eligibility.--

16 (1) Any person is eligible to seek recovery from the
17 Construction Industries Recovery Fund after having made a
18 claim and exhausting the limits of any available bond, cash
19 bond, surety, guarantee, warranty, letter of credit, or policy
20 of insurance, if:

21 (a) Such person has received final judgment in a court
22 of competent jurisdiction in this state in any action wherein
23 the cause of action was based on a construction contract or
24 the Construction Industry Licensing Board has issued a final
25 order directing the licensee to pay restitution to the
26 claimant based upon a violation of s. 489.129(1)(d), (h), (k),
27 or (l), where the contract was executed and the violation
28 occurred on or after July 1, 1993, and provided that:

29 ~~1. At the time the action was commenced, such person~~
30 ~~gave notice thereof to the board by certified mail; except~~
31 ~~that, if no notice has been given to the board, the claim may~~

1 ~~still be honored if the board finds good cause to waive the~~
2 ~~notice requirement;~~

3 1.a.2. Such person has caused to be issued a writ of
4 execution upon such judgment, and the officer executing the
5 writ has made a return showing that no personal or real
6 property of the judgment debtor or licensee liable to be
7 levied upon in satisfaction of the judgment can be found or
8 that the amount realized on the sale of the judgment debtor's
9 or licensee's property pursuant to such execution was
10 insufficient to satisfy the judgment; or

11 b.3. If such person is unable to comply with
12 ~~sub-subparagraph a. subparagraph 2.~~ for a valid reason to be
13 determined by the board, such person has made all reasonable
14 searches and inquiries to ascertain whether the judgment
15 debtor or licensee is possessed of real or personal property
16 or other assets subject to being sold or applied in
17 satisfaction of the judgment and by his search he has
18 discovered no property or assets or he has discovered property
19 and assets and has taken all necessary action and proceedings
20 for the application thereof to the judgment but the amount
21 thereby realized was insufficient to satisfy the judgment; or

22 2.(b) The claimant has made a diligent attempt, as
23 defined by board rule, to collect the restitution awarded by
24 the board; ~~and~~

25 (b)(c) A claim for recovery is made within 2 years
26 from the time of the act giving rise to the claim or within 2
27 years from the time the act is discovered or should have been
28 discovered with the exercise of due diligence; however, in no
29 event may a claim for recovery be made more than 4 years after
30 the date of the act giving rise to the claim or more than 1
31

1 year after the conclusion of any civil or administrative
2 action based on the act, whichever is later; and

3 (c)~~(d)~~ Any amounts recovered by such person from the
4 judgment debtor or licensee, or from any other source, have
5 been applied to the damages awarded by the court or the amount
6 of restitution ordered by the board; and

7 (d)~~(e)~~ Such person is not a person who is precluded by
8 this act from making a claim for recovery.

9 (2) A person is not qualified to make a claim for
10 recovery from the Construction Industries Recovery Fund, if:

11 (a) The claimant is the spouse of the judgment debtor
12 or licensee or a personal representative of such spouse;

13 (b) The claimant is a licensee ~~certificateholder or~~
14 ~~registrant~~ who acted as the contractor in the transaction
15 which is the subject of the claim;

16 (c) Such person's claim is based upon a construction
17 contract in which the licensee ~~certificateholder or registrant~~
18 was acting with respect to the property owned or controlled by
19 the licensee ~~certificateholder or registrant~~;

20 (d) Such person's claim is based upon a construction
21 contract in which the contractor did not hold a valid and
22 current license at the time of the construction contract; or

23 (e) Such person was associated in a business
24 relationship with the licensee ~~certificateholder or registrant~~
25 other than the contract at issue.

26 (f) Such person has suffered damages as the result of
27 making improper payments to a contractor as defined in chapter
28 713, part I.

29 Section 116. Section 489.142, Florida Statutes, is
30 amended to read:

31

1 489.142 Board powers relating to recovery upon
2 ~~notification of commencement of action.--With respect to~~
3 ~~actions for recovery from the Construction Industries Recovery~~
4 ~~Fund~~ When the board receives certified notice of any action,
5 ~~as required by s. 489.141(1)(a),~~ the board may intervene,
6 enter an appearance, file an answer, defend the action, or
7 take any action it deems appropriate and may take recourse
8 through any appropriate method of review on behalf of the
9 State of Florida.

10 Section 117. Section 489.143, Florida Statutes, 1996
11 Supplement, is amended to read:

12 489.143 Payment from the fund.--

13 (1) Any person who meets all of the conditions
14 prescribed in s. 489.141(1) may apply to the board to cause
15 payment to be made to such person from the Construction
16 Industries Recovery Fund in an amount equal to the judgment or
17 restitution order, exclusive of postjudgment interest, against
18 the licensee certificateholder or \$25,000, whichever is less,
19 or an amount equal to the unsatisfied portion of such person's
20 judgment or restitution order, exclusive of postjudgment
21 interest, or \$25,000, whichever is less, but only to the
22 extent and amount reflected in the judgment or restitution
23 order as being actual or compensatory damages. The fund is not
24 obligated to pay ~~any portion of any judgment, or any judgment~~
25 ~~or restitution order, or any portion thereof,~~ which is not
26 expressly based on one of the grounds for recovery set forth
27 in s. 489.140(1).

28 (2) Upon receipt by a claimant under subsection (1) of
29 payment from the Construction Industries Recovery Fund, the
30 claimant shall assign his additional right, title, and
31 interest in the judgment or restitution order, to the extent

1 of such payment, to the board, and thereupon the board shall
2 be subrogated to the right, title, and interest of the
3 claimant; and any amount subsequently recovered on the
4 judgment or restitution order by the board, to the extent of
5 the right, title, and interest of the board therein, shall be
6 for the purpose of reimbursing the Construction Industries
7 Recovery Fund.

8 (3) Payments for claims arising out of the same
9 transaction shall be limited, in the aggregate, to \$25,000,
10 regardless of the number of claimants involved in the
11 transaction.

12 (4) Payments for claims against any one licensee
13 ~~certificateholder or registrant~~ shall not exceed, in the
14 aggregate, \$100,000.

15 (5) Claims shall be paid in the order filed, up to the
16 aggregate limits for each transaction and licensee and to the
17 limits of the amount appropriated to pay claims against the
18 fund for the fiscal year in which the claims were filed.

19 (6) If the annual appropriation is exhausted with
20 claims pending, such claims shall be carried forward to the
21 next fiscal year. Any moneys in excess of pending claims
22 remaining in the Construction Industries Recovery Fund at the
23 end of the fiscal year shall be paid as provided in s.
24 468.631.

25 ~~(5) If at any time the claims pending against the fund~~
26 ~~exceed 80 percent of the fund balance plus anticipated revenue~~
27 ~~for the next two quarters, the board shall accept no further~~
28 ~~claims until such time as the board is given express~~
29 ~~authorization and funding from the Legislature.~~

30 (7)(6) Upon the payment of any amount from the
31 Construction Industries Recovery Fund in settlement of a claim

1 in satisfaction of a judgment or restitution order against a
2 licensee ~~certificateholder~~ as described in s. 489.141(1), the
3 license of such licensee ~~certificateholder~~ shall be
4 automatically suspended, without further administrative
5 action, upon the date of payment from the fund. The license
6 of such licensee ~~certificateholder~~ shall not be reinstated
7 until he has repaid in full, plus interest, the amount paid
8 from the fund. A discharge of bankruptcy does not relieve a
9 person from the penalties and disabilities provided in this
10 section.

11 Section 118. Subsections (4) and (14) of section
12 489.503, Florida Statutes, 1996 Supplement, are amended, and
13 subsections (17), (18), and (19) are added to said section, to
14 read:

15 489.503 Exemptions.--This part does not apply to:

16 (4) Public utilities, on construction, maintenance,
17 and development work performed by their forces and incidental
18 to their facilities or incidental to the business of a
19 telecommunications company licensed under chapter 364.

20 (14) The installation of, repair of, alteration of,
21 addition to, or design of electrical wiring, fixtures,
22 appliances, thermostats, apparatus, raceways, and conduit, or
23 any part thereof, when those items are for the purpose of
24 transmitting data, voice communications, or commands as part
25 of:

26 (a) A system of telecommunications, including
27 computers, telephone customer premises equipment, or premises
28 wiring; or

29 (b) A cable television, community antenna television,
30 or radio distribution system.

31

1 The scope of this exemption is limited to electrical circuits
2 and equipment governed by the applicable provisions of
3 Articles 725 (Classes 2 and 3 circuits only), 770, 800, 810,
4 and 820 of the National Electrical Code, current edition, or
5 47 C.F.R. part 68. Additionally, a company certified under
6 chapter 364 is not subject to any local ordinance that
7 requires a permit for work performed by its employees related
8 to low voltage electrical work, including related technical
9 codes and regulations. This exemption shall apply only if such
10 work is requested by the company's customer, is required in
11 order to complete phone service, is incidental to provision of
12 telecommunication service as required by chapter 364, and is
13 not actively competitive in nature or the subject of a
14 competitive bid. The definition of "employee" established in
15 subsection (1) applies to this exemption and does not include
16 subcontractors.

17 (17) The monitoring of an alarm system without fee by
18 a direct employee of a law enforcement agency or of a county,
19 municipal, or special-district fire department or by a law
20 enforcement officer or fire official acting in an official
21 capacity.

22 (18) The monitoring of an alarm system by a direct
23 employee of any state or federally chartered financial
24 institution, as defined in s. 655.005(1)(h), or any parent,
25 affiliate, or subsidiary thereof, so long as:

26 (a) The institution is subject to, and in compliance
27 with, s. 3 of the Federal Bank Protection Act of 1968, 12
28 U.S.C. s. 1882;

29 (b) The alarm system is in compliance with all
30 applicable firesafety standards as set forth in chapter 633;
31 and

1 (c) The monitoring is limited to an alarm system
2 associated with:

3 1. The commercial property where banking operations
4 are housed or where other operations are conducted by a state
5 or federally chartered financial institution, as defined in s.
6 655.005(1)(h), or any parent, affiliate, or subsidiary
7 thereof; or

8 2. The private property occupied by the institution's
9 executive officers, as defined in s. 655.005(1)(f),

10
11 and does not otherwise extend to the monitoring of residential
12 systems.

13 (19) The monitoring of an alarm system of a business
14 by the direct employees of that business, so long as:

15 (a) The alarm system is the exclusive property of, or
16 is leased by, the business;

17 (b) The alarm system complies with all applicable
18 firesafety standards as set forth in chapter 633; and

19 (c) The alarm system is designed to protect only the
20 commercial premises leased by the business endeavor or
21 commercial premises owned by the business endeavor and not
22 leased to another.

23
24 This exemption is intended to allow businesses to monitor
25 their own alarm systems and is not limited to monitoring a
26 single location of that business. However, it is not intended
27 to enable the owner of any apartment complex, aggregate
28 housing, or commercial property to monitor alarm systems on
29 property leased or rented to the residents, clients, or
30 customers thereof.

31

1 Section 119. Subsection (24) of section 489.505,
2 Florida Statutes, 1996 Supplement, is repealed, subsections
3 (1) and (7) are amended, subsection (26) is renumbered as
4 subsection (25) and amended, present subsections (25) and (27)
5 are renumbered as subsections (24) and (26), respectively, and
6 a new subsection (27) is added to said section, to read:

7 489.505 Definitions.--As used in this part:

8 (1) "Alarm system" means any electrical device,
9 signaling device, or combination of electrical devices used to
10 signal or detect a situation which causes an alarm in the
11 event of a burglary, fire, robbery, or medical emergency, ~~or~~
12 ~~equipment failure~~.

13 (7) "Certified alarm system contractor" means an alarm
14 system contractor who possesses a certificate of competency
15 issued by the department. The scope of certification is
16 limited to alarm circuits originating in the alarm control
17 panel and equipment governed by the applicable provisions of
18 Articles 725, 760, 770, 800, and 810 of the National
19 Electrical Code, Current Edition, and National Fire Protection
20 Association Standard 72, Current Edition. The scope of
21 certification for alarm system contractors also includes the
22 installation, repair, fabrication, erection, alteration,
23 addition, or design of electrical wiring, fixtures,
24 appliances, thermostats, apparatus, raceways, and conduit, or
25 any part thereof not to exceed 77 volts, when those items are
26 for the purpose of transmitting data or proprietary video
27 (satellite systems that are not part of a community antenna
28 television or radio distribution system) or providing central
29 vacuum capability or electric locks; however, this provision
30 governing the scope of certification does not create any
31 mandatory licensure requirement.

1 ~~(24)~~ "Limited burglar alarm system contractor" means
2 ~~an alarm system contractor whose business is limited to the~~
3 ~~installation of burglar alarms in single-family homes and~~
4 ~~two-family homes, mobile homes, and small commercial buildings~~
5 ~~having a square footage of not more than 5,000 square feet and~~
6 ~~who is registered with the department pursuant to s. 489.513~~
7 ~~or s. 489.537(8).~~

8 (24)~~(25)~~ "Licensure" means any type of certification
9 or registration provided for in this part.

10 (25)~~(26)~~ "Alarm system agent" means a person:

11 (a) Who is employed by a licensed alarm system
12 contractor or licensed electrical contractor;

13 (b) Who is performing duties which are an element of
14 an activity which constitutes alarm system contracting
15 requiring licensure under this part; and

16 (c) Whose specific duties include any of the
17 following: altering, installing, maintaining, moving,
18 repairing, replacing, servicing, selling onsite, or monitoring
19 an alarm system for compensation.

20 (26)~~(27)~~ "Personal emergency response system" means
21 any device which is simply plugged into a telephone jack or
22 electrical receptacle and which is designed to initiate a
23 telephone call to a person who responds to, or has a
24 responsibility to determine the proper response to, personal
25 emergencies.

26 (27) "Monitoring" means to receive electrical or
27 electronic signals, originating from any building within the
28 state, produced by any security, medical, fire, or burglar
29 alarm, closed circuit television camera, or related or similar
30 protective system and to initiate a response thereto. A
31 person shall not have committed the act of monitoring if:

1 (a) The person is an occupant of, or an employee
2 working within, protected premises;

3 (b) The person initiates emergency action in response
4 to hearing or observing an alarm signal;

5 (c) The person's action is incidental to his or her
6 primary responsibilities; and

7 (d) The person is not employed in a proprietary
8 monitoring facility, as defined by the National Fire
9 Protection Association pursuant to rule adopted under chapter
10 633.

11 Section 120. Subsection (5) of section 489.507,
12 Florida Statutes, is amended to read:

13 489.507 Electrical Contractors' Licensing Board.--

14 (5) The Electrical Contractors' Licensing Board and
15 the Construction Industry Licensing Board shall each appoint a
16 committee to meet jointly ~~in joint session~~ at least twice a
17 year.

18 Section 121. Section 489.509, Florida Statutes, is
19 amended to read:

20 489.509 Fees.--

21 (1) The board, by rule, shall establish fees to be
22 paid for applications, examination, reexamination, transfers,
23 licensing and renewal, reinstatement, and recordmaking and
24 recordkeeping. The examination fee shall be in an amount that
25 covers the cost of obtaining and administering the examination
26 and shall be refunded if the applicant is found ineligible to
27 sit for the examination. The application fee is
28 nonrefundable. The fee for initial application and
29 examination for certification of electrical contractors may
30 not exceed \$400. The initial application fee for registration
31 may not exceed \$150. The biennial renewal fee may not exceed

1 \$400 for certificateholders and \$200 for registrants, ~~and~~
2 ~~shall be paid by June 30 of each biennial period.~~ The fee for
3 initial application and examination for certification of alarm
4 system contractors may not exceed \$400. The biennial renewal
5 fee for certified alarm system contractors may not exceed
6 \$450. The board may establish a fee for a temporary
7 certificate as an alarm system contractor not to exceed \$75.
8 The board may also establish by rule a delinquency fee not to
9 exceed \$50. Failure to renew an active or inactive
10 certificate or registration within 90 days after the date of
11 renewal will result in the certificate or registration
12 becoming delinquent. The fee to transfer a certificate or
13 registration from one business organization to another may not
14 exceed \$200. The fee for reactivation of an inactive license
15 may not exceed \$50. The board shall establish fees that are
16 adequate to ensure the continued operation of the board. Fees
17 shall be based on department estimates of the revenue required
18 to implement this part and the provisions of law with respect
19 to the regulation of electrical contractors and alarm system
20 contractors.

21 (2) A person who is registered or holds a valid
22 certificate from the board may go on inactive status during
23 which time he shall not engage in contracting, but may retain
24 his certificate or registration on an inactive basis, on
25 payment of a renewal fee during the inactive period, not to
26 exceed \$50 per renewal period.

27 (3) Four dollars of each fee under subsection (1) paid
28 to the department at the time of application or renewal shall
29 be transferred at the end of each licensing period to the
30 Department of Education to fund projects relating to the
31 building construction industry or continuing education

1 programs offered to persons engaged in the building
2 construction industry in Florida. The board shall, at the time
3 the funds are transferred, advise the Department of Education
4 on the most needed areas of research or continuing education
5 based on significant changes in the industry's practices or on
6 the most common types of consumer complaints or on problems
7 costing the state or local governmental entities substantial
8 waste. The board's advice is not binding on the Department of
9 Education. The Department of Education must allocate 50
10 percent of the funds to a graduate program in building
11 construction in a Florida university and 50 percent of the
12 funds to all accredited private and state universities and
13 community colleges within the state offering approved courses
14 in building construction, with each university or college
15 receiving a pro rata share of such funds based upon the number
16 of full-time building construction students enrolled at the
17 institution. The Department of Education shall ensure the
18 distribution of research reports and the availability of
19 continuing education programs to all segments of the building
20 construction industry to which they relate. The Department of
21 Education shall report to the board in October of each year,
22 summarizing the allocation of the funds by institution and
23 summarizing the new projects funded and the status of
24 previously funded projects. The Commissioner of Education is
25 directed to appoint one electrical contractor and one
26 certified alarm system contractor to the Building Construction
27 Industry Advisory Committee.

28 Section 122. Paragraph (a) of subsection (2) and
29 paragraph (b) of subsection (5) of section 489.511, Florida
30 Statutes, are amended to read:

31

1 489.511 Certification; application; examinations;
2 endorsement.--

3 (2)(a) A person shall be entitled to take the
4 certification examination for the purpose of determining
5 whether he is qualified to engage in contracting throughout
6 the state as a contractor if the person:

7 1. Is at least 18 years of age;

8 2. Is of good moral character; and

9 3. Meets eligibility requirements according to one of
10 the following criteria:

11 a. Has, within the 6 years immediately preceding the
12 filing of the application, at least 3 years' proven management
13 experience in the trade or education equivalent thereto, or a
14 combination thereof, but not more than one-half of such
15 experience may be educational equivalent;

16 b. Has, within the 8 years immediately preceding the
17 filing of the application, at least 4 years' experience as a
18 ~~foreman, supervisor, or contractor~~ in the trade for which he
19 is making application;

20 c. Has, within the 12 years immediately preceding the
21 filing of the application, at least 6 years of comprehensive
22 training, technical education, or supervisory broad experience
23 associated with an electrical or alarm system contracting
24 business, or at least 6 years of technical experience in
25 electrical or alarm system work with the Armed Forces or a
26 governmental entity installation or servicing endeavor; or

27 d. Has, within the 12 years immediately preceding the
28 filing of the application, been licensed for 3 years as a
29 professional an engineer who is qualified by education,
30 training, or experience to practice electrical engineering; or
31

1 e. Has any combination of qualifications under
2 sub-subparagraphs a.-c. totaling 6 years of experience.

3 (5)

4 (b) For those specialty electrical or alarm system
5 contractors applying for certification under this part who
6 work in jurisdictions that do not require local licensure for
7 those activities for which the applicant desires to be
8 certified, the experience requirement may be met by
9 demonstrating at least 6 years of comprehensive training,
10 technical education, or supervisory broad experience, within
11 the 12 years immediately preceding the filing of the
12 application, in the type of specialty electrical or alarm
13 system work for which certification is desired. An affidavit
14 signed by the applicant's employer stating that the applicant
15 performed the work required under this paragraph shall be
16 sufficient to demonstrate to the board that the applicant has
17 met the experience requirement.

18 Section 123. Subsection (3) of section 489.513,
19 Florida Statutes, is amended to read:

20 489.513 Registration; application; requirements.--

21 ~~(3)(a) To be registered as an electrical contractor,~~
22 ~~the applicant shall file evidence of holding a current~~
23 ~~occupational license or a current license issued by any~~
24 ~~municipality or county of the state for the type of work for~~
25 ~~which registration is desired, on a form provided by the~~
26 ~~department, together with evidence of successful compliance~~
27 ~~with the local examination and licensing requirements, if any,~~
28 ~~in the area for which registration is desired, accompanied by~~
29 ~~the registration fee fixed pursuant to this part. No~~
30 ~~examination may be required for registration as an electrical~~
31

1 ~~contractor except for any examination required by a local~~
2 ~~government to obtain the local licensure.~~

3 **(b)** To be registered as an electrical contractor, an
4 alarm system contractor I, an alarm system contractor II, or a
5 residential alarm system contractor, the applicant shall file
6 evidence of holding a current occupational license or a
7 current license issued by any municipality or county of the
8 state for the type of work for which registration is desired,
9 on a form provided by the department, if such a license is
10 required by that municipality or county, together with
11 evidence of having passed an appropriate local examination,
12 written or oral, designed to test skills and knowledge
13 relevant to the technical performance of the profession,
14 accompanied by the registration fee fixed pursuant to this
15 part. For any person working or wishing to work in any local
16 jurisdiction which does not issue a local license as an
17 electrical or alarm system contractor or does not require an
18 examination for its license, the applicant may apply and shall
19 be considered qualified to be issued a registration in the
20 appropriate electrical or alarm system category, provided that
21 he shows that he has scored at least 75 percent on an
22 examination which is substantially equivalent to the
23 examination approved by the board for certification in the
24 category and that he has had at least 3 years' technical
25 experience in the trade. The requirement to take and pass an
26 examination in order to obtain a registration shall not apply
27 to persons making application prior to the effective date of
28 this act.

29 Section 124. Subsection (4) is added to section
30 489.517, Florida Statutes, to read:

31

1 489.517 Renewal of certificate or registration;
2 continuing education.--

3 (4)(a) If a certificateholder or registrant holds a
4 license under both this part and part I and is required to
5 have continuing education courses under s. 489.115(4)(b)1.,
6 the certificateholder or registrant may apply those course
7 hours for workers' compensation, workplace safety, and
8 business practices obtained under part I to the requirements
9 under this part.

10 (b) Of the 14 classroom hours of continuing education
11 required, at least 7 hours must be on technical subjects, 1
12 hour on workers' compensation, 1 hour on workplace safety, and
13 1 hour on business practices.

14 Section 125. Subsection (2) of section 489.519,
15 Florida Statutes, is renumbered as subsection (3) and a new
16 subsection (2) is added to said section to read:

17 489.519 Inactive status.--

18 (2) Notwithstanding any provision of s. 455.271 to the
19 contrary, a certificateholder or registrant may apply to the
20 department for voluntary inactive status at any time during
21 the period of certification or registration.

22 Section 126. Subsection (8) of section 489.521,
23 Florida Statutes, is amended to read:

24 489.521 Business organizations; qualifying agents.--

25 (8) Each qualifying agent shall pay the department an
26 amount equal to the original fee for certification or
27 registration to qualify any additional business organizations.
28 If the qualifying agent for a business organization desires to
29 qualify additional business organizations, the board shall
30 require him to present evidence of supervisory ability and
31 financial responsibility of each such organization. Allowing

1 a licensee to qualify more than one business organization
2 shall be conditioned upon the licensee showing that the
3 licensee has both the capacity and intent to adequately
4 supervise each business organization. The board shall not
5 limit the number of business organizations which the licensee
6 may qualify except upon the licensee's failing to provide such
7 information as is required under this subsection or upon a
8 finding that such information or evidence as is supplied is
9 incomplete or unpersuasive in showing the licensee's ability
10 or intent to comply with the requirements of this subsection.
11 A qualification for an additional business organization may be
12 revoked or suspended upon a finding by the board that the
13 licensee has failed in the licensee's responsibility to
14 adequately supervise the operations of that business
15 organization. Failure of the responsibility to adequately
16 supervise the operations of a business organization shall be
17 grounds for denial to qualify additional business
18 organizations.~~The issuance of such certification or~~
19 ~~registration is discretionary with the board.~~

20 Section 127. Subsection (1) of section 489.525,
21 Florida Statutes, is amended to read:

22 489.525 Reports of certified contractors to local
23 building officials.--

24 (1) The department shall inform all local boards or
25 building officials prior to December 31 ~~October~~ of each year
26 of the names of all certificateholders and the status of the
27 certificates.

28 Section 128. Section 489.529, Florida Statutes, 1996
29 Supplement, is amended to read:

30 489.529 Alarm verification calls required.--All
31 residential or commercial intrusion/burglary alarms that have

1 central monitoring must have a central monitoring verification
2 call made to the premises generating the alarm signal, prior
3 to alarm monitor personnel contacting a law enforcement agency
4 for alarm dispatch. However, if the alarms have properly
5 operating visual or auditory sensors that enable the
6 monitoring personnel to verify the alarm signal, verification
7 calling is not required.

8 Section 129. Subsection (2) of section 489.531,
9 Florida Statutes, is amended to read:

10 489.531 Prohibitions; penalties.--

11 (2)(a) Any unlicensed person who commits a violation
12 ~~violates any provision~~ of subsection (1) commits a misdemeanor
13 of the first degree, punishable as provided in s. 775.082 or
14 s. 775.083.

15 (b) Any unlicensed person who commits a violation of
16 subsection (1) and the value of the contracting exceeds \$1,000
17 commits a felony of the third degree, punishable as provided
18 in s. 775.082, s. 775.083, or s. 775.084.

19 (c) Any unlicensed person who commits a violation of
20 subsection (1) after having been previously found guilty of
21 such a violation, regardless of adjudication thereof, commits
22 a felony of the third degree, punishable as provided in s.
23 775.082, s. 775.083, or s. 775.084.

24 (d) Any unlicensed person who commits a violation of
25 subsection (1) during the existence of a state of emergency
26 declared by executive order of the Governor commits a felony
27 of the third degree, punishable as provided in s. 775.082, s.
28 775.083, or s. 775.084.

29
30
31

1 The remedies set forth in this subsection are not exclusive
2 and may be imposed in addition to the remedies set forth in s.
3 489.533(2).

4 Section 130. For the purpose of incorporating the
5 amendment to section 489.531, Florida Statutes, in a reference
6 thereto, paragraph (a) of subsection (1) and subsection (2) of
7 section 489.533, Florida Statutes, 1996 Supplement, are
8 reenacted to read:

9 489.533 Disciplinary proceedings.--

10 (1) The following acts shall constitute grounds for
11 disciplinary actions as provided in subsection (2):

12 (a) Violating any provision of s. 489.531 or chapter
13 455.

14
15 For the purposes of this subsection, construction is
16 considered to be commenced when the contract is executed and
17 the contractor has accepted funds from the customer or lender.

18 (2) When the board finds any applicant, contractor, or
19 business organization for which the contractor is a primary
20 qualifying agent or secondary qualifying agent responsible
21 under s. 489.522 guilty of any of the grounds set forth in
22 subsection (1), it may enter an order imposing one or more of
23 the following penalties:

24 (a) Denial of an application for certification or
25 registration.

26 (b) Revocation or suspension of a certificate or
27 registration.

28 (c) Imposition of an administrative fine not to exceed
29 \$5,000 for each count or separate offense.

30 (d) Issuance of a reprimand.

31

1 (e) Placement of the contractor on probation for a
2 period of time and subject to such conditions as the board may
3 specify, including requiring the contractor to attend
4 continuing education courses or to work under the supervision
5 of another contractor.

6 (f) Restriction of the authorized scope of practice by
7 the contractor.

8 Section 131. Paragraph (b) of subsection (2) of
9 section 489.537, Florida Statutes, is amended to read:

10 489.537 Application of this part.--

11 (2)

12 (b) A registered electrical contractor may bid on
13 electrical contracts which include alarm systems contracting
14 as a part of the contract, provided that the individual shall
15 subcontract such alarm systems contracting, except raceway
16 systems, to a properly certified or registered alarm system
17 contractor. However, if the registered electrical contractor
18 is properly certified or registered as an alarm system
19 contractor, the individual is not required to subcontract out
20 the alarm system contracting.

21 Section 132. Section 489.539, Florida Statutes, is
22 amended to read:

23 489.539 Adoption of electrical and alarm
24 standards.--For the purpose of establishing minimum electrical
25 and alarm standards in this state, the following standards are
26 adopted:

27 (1) "National Electrical Code 1990," NFPA No. 70-1990.

28 (2) Underwriters' Laboratories, Inc., "Standards for
29 Safety, Electrical Lighting Fixtures, and Portable Lamps," UL
30 57-1982, and UL 153-1983.

31

1 (3) Underwriters' Laboratories, Inc., "Standard for
2 Electric Signs," UL 48-1982.

3 (4) The provisions of the following which prescribe
4 minimum electrical and alarm standards:

5 (a) NFPA No. 56A-1978, "Inhalation Anesthetics 1978."

6 (b) NFPA No. 56B-1982, "Respiratory Therapy 1982."

7 (c) NFPA No. 56C-1980, "Laboratories in Health-related
8 Institutions 1980."

9 (d) NFPA No. 56D-1982, "Hyperbaric Facilities."

10 (e) NFPA No. 56F-1983, "Nonflammable Medical Gas
11 Systems 1983."

12 (f) NFPA No. 72-1993, "National Fire Alarm Code."

13 (g)~~(f)~~ NFPA No. 76A-1984, "Essential Electrical
14 Systems for Health Care Facilities 1984."

15 (5) Chapter 10D-29 of the rules of the Department of
16 Health and Rehabilitative Services, entitled "Nursing Homes
17 and Related Facilities Licensure."

18 (6) The minimum standards for grounding of portable
19 electric equipment, chapter 8C-27, as recommended by the
20 Industrial Standards Section of the Division of Workers'
21 Compensation of the Department of Labor and Employment
22 Security.

23 Section 133. Subsection (4) and paragraph (a) of
24 subsection (5) of section 489.553, Florida Statutes, 1996
25 Supplement, are amended to read:

26 489.553 Administration of part; registration
27 qualifications; examination.--

28 (4) To be eligible for registration by the department
29 as a septic tank contractor, the applicant must:

30 (a) Be of good moral character. In considering good
31 moral character, the department may consider any matter that

1 has a substantial connection between the good moral character
2 of the applicant and the professional responsibilities of the
3 registered contractor, including, but not limited to, the
4 applicant being found guilty of, or entering a plea of nolo
5 contendere to, regardless of adjudication, a crime in any
6 jurisdiction that directly relates to the practice of
7 contracting or the ability to practice contracting, and any
8 previous disciplinary action involving septic tank contracting
9 where all judicial reviews are complete.

10 (b) Pass an examination approved by the department
11 which demonstrates that the applicant has a fundamental
12 knowledge of the state laws relating to the installation and
13 maintenance of onsite sewage treatment and disposal systems.

14 (c) Be at least 18 years of age.

15 (d) Have a total of at least 3 years of active
16 experience as a worker who has learned a trade by serving an
17 apprenticeship as a skilled worker under the supervision and
18 control of a registered septic tank contractor or a person
19 licensed under s. 489.105(3)(m) who has provided septic tank
20 contracting services. Related work experience or educational
21 experience may be substituted for no more than 2 years of such
22 active contracting experience. For purposes of this paragraph,
23 each 30 hours of coursework approved by the department is
24 equal to 6 months of work experience.

25 (e) Have not had a registration revoked in the last 5
26 years, as determined from the effective date of the
27 revocation.

28 (5) To be eligible for registration by the department
29 as a master septic tank contractor, the applicant must:

30 (a) Have been a registered septic tank contractor in
31 Florida for at least 3 years or a certified plumber licensed

1 under s. 489.105(3)(m) who has provided septic tank
2 contracting services for at least 3 years.

3 Section 134. Section 501.935, Florida Statutes, is
4 created to read:

5 501.935 Home-inspection reports; required disclosures
6 prior to inspection; report on inspection results; prohibited
7 acts; failure to comply.--

8 (1) INTENT.--The Legislature recognizes that the
9 performance of a home inspection requires certain skills and
10 that a home inspection should not be confused with an
11 engineering analysis. Therefore, it is necessary in the
12 interest of the public health, safety, and welfare to require
13 the disclosure of information useful to assist consumers in
14 choosing a qualified home inspector, to inform them of the
15 limitations of a home inspection, and to prohibit actions that
16 conflict with the best interests of a home inspector's client.

17 (2) DEFINITIONS.--For the purposes of this section:

18 (a) "Home inspector" means any person who provides or
19 offers to provide a home inspection on residential real
20 property for a fee.

21 (b) "Home inspection" means an examination of the
22 mechanical and physical components of residential real
23 property through visual means and operation of normal user
24 controls, without necessarily the use of any mathematical or
25 engineering science. The inspection may include, but is not
26 limited to, examination of the electrical, heating, and
27 central air-conditioning systems; the interior plumbing; the
28 roof and visible insulation therefor; walls, ceilings, floors,
29 windows, and doors; the foundation; and the basement or crawl
30 space.

31

1 (3) EXEMPTIONS.--A person licensed as a construction
2 contractor under chapter 489, an architect under chapter 481,
3 or an engineer under chapter 471 shall not be required to
4 comply with this section with regard to any report, survey,
5 evaluation, or estimate rendered within the scope of practice
6 authorized by such license.

7 (4) DISCLOSURE.--Prior to performing any home
8 inspection, a home inspector shall provide the following to
9 any person who has entered into a contract to have a home
10 inspection and who, as a client of the inspector, has
11 requested the inspection:

12 (a) A written list of the home inspector's
13 credentials.

14 (b) A caveat in 10-point or larger boldfaced type that
15 states: AN INSPECTION IS INTENDED TO ASSIST IN EVALUATION OF
16 THE OVERALL CONDITION OF A BUILDING. THE INSPECTION IS BASED
17 ON OBSERVATION OF THE VISIBLE AND APPARENT CONDITION OF THE
18 BUILDING AND ITS COMPONENTS ON THE DATE OF THE INSPECTION.
19 THE RESULTS OF THIS HOME INSPECTION ARE NOT INTENDED TO MAKE
20 ANY REPRESENTATION REGARDING LATENT OR CONCEALED DEFECTS THAT
21 MAY EXIST, AND NO WARRANTY OR GUARANTEE IS EXPRESSED OR
22 IMPLIED. IF YOUR HOME INSPECTOR IS NOT A LICENSED STRUCTURAL
23 ENGINEER OR OTHER PROFESSIONAL WHOSE LICENSE AUTHORIZES THE
24 RENDERING OF AN OPINION AS TO THE STRUCTURAL INTEGRITY OF A
25 BUILDING OR ITS OTHER COMPONENT PARTS, YOU MAY BE ADVISED TO
26 SEEK A PROFESSIONAL OPINION AS TO ANY DEFECTS OR CONCERNS
27 MENTIONED IN THIS REPORT.

28 (c) A written disclosure to the client of any conflict
29 of interest or relationship of the home inspector which may
30 affect the client.

31

1 (d) A written statement or agreement declaring the
2 home inspector's scope, limitations, terms, and conditions
3 regarding the home inspection.

4 (5) REPORT.--A home inspector shall provide to the
5 client, within 3 working days after the date of the home
6 inspection or at any other time agreed upon by both parties, a
7 written report of the results of the home inspection.

8 (6) PROHIBITIONS.--A home inspector is prohibited
9 from:

10 (a) Accepting commissions or allowances from another
11 party dealing with a client of the inspector which relate to
12 the inspection.

13 (b) Offering commissions or allowances to another
14 party dealing with a client of the inspector which relate to
15 the inspection.

16 (c) Performing, or offering to perform, remedial work
17 on a property which the inspector has inspected in the
18 preceding 12 months.

19 (d) Disclosing, without the client's consent, a home
20 inspection report to any person other than the client.

21 (7) FAILURE TO COMPLY.--Failure to comply with this
22 section constitutes a deceptive and unfair trade practice.

23 Section 135. Section 501.937, Florida Statutes, is
24 created to read:

25 501.937 Industrial hygienists and safety
26 professionals; use of professional titles; failure to
27 comply.--

28 (1) Any person representing himself or herself as a
29 "safety professional" or "industrial hygienist" shall
30 accurately disclose his or her credentials.

31

1 (2) No person shall represent himself or herself as a
2 "certified safety professional," "associate safety
3 professional," "certified occupational health and safety
4 technologist," or "certified industrial hygienist" unless he
5 or she holds a current valid certificate in the field of
6 safety or industrial hygiene from one of the following
7 organizations, or unless the Department of Business and
8 Professional Regulation has, upon request, examined another
9 certification program and has formally concluded that the
10 certification standards of that certification program are
11 substantially equivalent to the standards for certificates
12 issued by any of the following organizations:
13 (a) The American Board of Industrial Hygiene; or
14 (b) The Board of Certified Safety Professionals.
15 (3)(a) A "safety professional" is a person having a
16 baccalaureate degree in safety, engineering, chemistry,
17 physics, or a closely related physical or biological science
18 who has acquired competency in the field of safety. The
19 studies and training necessary to acquire such competency
20 should have been sufficient in all of the above cognate
21 sciences to provide the abilities for anticipating,
22 identifying, and evaluating hazardous conditions and
23 practices; developing hazard control designs, methods,
24 procedures, and programs; implementing, administering, and
25 advising others on hazard controls and hazard control
26 programs; and measuring, auditing, and evaluating the
27 effectiveness of hazard controls and hazard control programs.
28 (b) An "industrial hygienist" is a person having a
29 baccalaureate degree in engineering, chemistry, physics, or a
30 closely related physical or biological science who has
31 acquired competency in the field of industrial hygiene. The

1 studies and training necessary to acquire such competency
2 should have been sufficient in all of the above cognate
3 sciences to provide the abilities to anticipate and recognize
4 the environmental factors and stresses associated with work
5 and work operations and to understand their effects on people
6 and their well-being; to evaluate, on the basis of training
7 and experience and with the aid of quantitative measurement
8 techniques, the magnitude of these factors and stresses in
9 terms of ability to impair human health and well-being; and to
10 prescribe methods to eliminate, control, or reduce such
11 factors and stresses when necessary to alleviate their
12 effects.

13 (4) Failure to comply with this section constitutes a
14 deceptive and unfair trade practice.

15 Section 136. Subsection (1) of section 553.06, Florida
16 Statutes, is amended to read:

17 553.06 State Plumbing Code.--

18 (1) The Board of Building Codes and Standards shall,
19 in accordance with the provisions of chapter 120 and ss.
20 553.70-553.895, adopt the Standard Plumbing Code, 1994
21 edition, as adopted at the October 1993 annual meeting of the
22 Southern Building Code Congress International, as the State
23 Plumbing Code which shall be the minimum requirements
24 statewide for all installations, repairs, and alterations to
25 plumbing. The board may, in accordance with the requirements
26 of chapter 120, adopt updated or revised editions of the State
27 Plumbing Code to keep abreast of latest technological advances
28 in plumbing and installation techniques. Where testing of
29 water treatment units is required by the Standard Plumbing
30 Code, the board shall approve alternative testing standards,
31 upon receipt of a request for adoption of alternative testing

1 standards, if the board receives competent evidence that such
2 standards adequately measure the efficacy of such units for
3 their intended use. Local governments which have adopted the
4 South Florida, One and Two Family Dwelling or EPCOT Plumbing
5 Codes may continue their use provided the requirements
6 contained therein meet or exceed the requirements of the State
7 Plumbing Code. ~~Provided, however,~~Nothing in this section
8 shall alter or diminish the authority of the Department of
9 Business and Professional Regulation to conduct plan reviews,
10 issue variances, and adopt rules regarding sanitary facilities
11 in public lodging and public food service establishments
12 pursuant to chapter 509, providing that such actions do not
13 conflict with the requirements for public restrooms in s.
14 553.141.

15 Section 137. Section 553.19, Florida Statutes, is
16 amended to read:

17 553.19 Adoption of electrical and alarm
18 standards.--For the purpose of establishing minimum electrical
19 and alarm standards in this state, the following standards are
20 adopted:

21 (1) "National Electrical Code 1990," NFPA No. 70-1990.

22 (2) Underwriters' Laboratories, Inc., "Standards for
23 Safety, Electrical Lighting Fixtures, and Portable Lamps," UL
24 57-1982 and UL 153-1983.

25 (3) Underwriters' Laboratories, Inc., "Standard for
26 Electric Signs," UL 48-1982.

27 (4) The provisions of the following which prescribe
28 minimum electrical and alarm standards:

29 (a) NFPA No. 56A-1978, "Inhalation Anesthetics 1978."

30 (b) NFPA No. 56B-1982, "Respiratory Therapy 1982."

31

1 (c) NFPA No. 56C-1980, "Laboratories in Health-related
2 Institutions 1980."

3 (d) NFPA No. 56D-1982, "Hyperbaric Facilities."

4 (e) NFPA No. 56F-1983, "Nonflammable Medical Gas
5 Systems 1983."

6 (f) NFPA No. 72-1993, "National Fire Alarm Code."

7 (g)~~(f)~~ NFPA No. 76A-1984, "Essential Electrical
8 Systems for Health Care Facilities 1984."

9 (5) Chapter 10D-29 of the rules and regulations of the
10 Department of Health and Rehabilitative Services, entitled
11 "Nursing Homes and Related Facilities Licensure."

12 (6) The minimum standards for grounding of portable
13 electric equipment, chapter 8C-27 as recommended by the
14 Industrial Standards Section, Division of Workers'
15 Compensation, Department of Labor and Employment Security.

16 Section 138. Effective upon this act becoming a law,
17 paragraph (f) of subsection (12) and paragraph (a) of
18 subsection (13) of section 553.504, Florida Statutes, are
19 amended to read:

20 553.504 Exceptions to applicability of the
21 guidelines.--Notwithstanding the adoption of the Americans
22 with Disabilities Act Accessibility Guidelines in s. 553.503,
23 all buildings, structures, and facilities in this state shall
24 meet the following additional requirements:

25 (12) Notwithstanding the requirements in references
26 4.1.3(11) and 4.16-4.23 of the guidelines, required restrooms
27 and toilet rooms in new construction shall be designed and
28 constructed in accordance with the following requirements:

29 (f) Accessible water closet seats shall be at a height
30 of not less than 17 ~~19~~ inches and not more than 19 ~~20~~ inches,
31

1 measured by the vertical distance from the finished surface of
2 the floor to the top of the seat.

3 (13) Notwithstanding the provisions of the guidelines,
4 when the use of a building, structure, or facility is changed
5 or is altered the following shall apply in required restrooms:

6 (a) Accessible water closet seats shall be at a height
7 of not less than 17 ~~19~~ inches and not more than 19 ~~20~~ inches,
8 measured by the vertical distance from the finished surface of
9 the floor to the top of the seat.

10 Section 139. Section 553.63, Florida Statutes, is
11 amended to read:

12 553.63 Trench excavations in excess of 5 feet deep;
13 required information.--On all specific contracts for trench
14 excavation in which such excavation will exceed a depth of 5
15 feet, ~~+~~

16 ~~(1) The contract bid submitted by the contractor who~~
17 ~~will perform such excavation shall include:~~

18 ~~(a) A reference to the trench safety standards that~~
19 ~~will be in effect during the period of construction of the~~
20 ~~project.~~

21 ~~(b) Written assurance by the contractor performing the~~
22 ~~trench excavation that such contractor will comply with the~~
23 ~~applicable trench safety standards.~~

24 ~~(c) A separate item identifying the cost of compliance~~
25 ~~with the applicable trench safety standards.~~

26 ~~(2)~~ a contractor performing trench excavation shall:

27 (1)(a) ~~At~~ ~~As~~ a minimum, comply with the excavation
28 safety standards which are applicable to such a project.

29 (2)(b) Adhere to any special shoring requirements, if
30 any, of the state or other political subdivisions which may be
31 applicable to such a project.

1 ~~(3)(c) If any geotechnical information is available~~
2 ~~from the owner, the contractor, or otherwise, the contractor~~
3 ~~performing trench excavation shall~~ Consider geotechnical ~~this~~
4 information, if available, in the contractor's design of the
5 trench safety system which the contractor ~~it~~ will employ on
6 the project. This subsection ~~paragraph~~ shall not require the
7 owner to obtain geotechnical information.

8 Section 140. Section 553.64, Florida Statutes, is
9 repealed.

10 Section 141. Section 553.991, Florida Statutes, is
11 amended to read:

12 553.991 Purpose.--The purpose of this part is to
13 provide for a statewide uniform system for rating the energy
14 efficiency of buildings ~~and to ensure that those ratings are~~
15 ~~disclosed to prospective purchasers at their request.~~ It is
16 in the interest of the state to encourage the consideration of
17 the energy-efficiency rating system in the market so as to
18 provide market rewards for energy-efficient buildings and to
19 those persons or companies designing, building, or selling
20 energy-efficient buildings.

21 Section 142. Section 553.994, Florida Statutes, is
22 amended to read:

23 553.994 Applicability.--The rating system shall apply
24 to all public, commercial, and existing residential buildings
25 in the state, ~~and may be applied to new residential buildings,~~
26 ~~except as identified by the department by rule in accordance~~
27 ~~with the procedures of chapter 120, according to the following~~
28 ~~schedule:~~

29 ~~(1) For new residential buildings, by January 1, 1994.~~

30 ~~(2) For existing residential buildings, by January 1,~~
31 ~~1995.~~

- 1 ~~(3) For new public buildings, by January 1, 1994.~~
2 ~~(4) For existing public buildings, by July 1, 1994.~~
3 ~~(5) For new commercial buildings, by January 1, 1995.~~
4 ~~(6) For existing commercial buildings, by January 1,~~
5 ~~1996.~~

6 Section 143. Effective upon this act becoming a law,
7 section 553.996, Florida Statutes, is amended to read:

8 553.996 Energy-efficiency ~~rating disclosure~~
9 information brochure.--

10 ~~(1)(a) In accordance with the schedules in s. 553.994,~~
11 ~~the prospective purchaser of real property with a building for~~
12 ~~occupancy located thereon shall be provided written~~
13 ~~notification that the purchaser may have the building's~~
14 ~~energy-efficiency rating determined. Such notice shall be~~
15 ~~provided at the time of, or prior to, the purchaser's~~
16 ~~execution of the contract for sale and purchase.~~

17 ~~(b) The energy-efficiency rating of a residential or~~
18 ~~commercial building shall be provided upon request of the~~
19 ~~prospective purchaser, in writing, at the time of, or prior~~
20 ~~to, the purchaser's execution of the contract for sale and~~
21 ~~purchase.~~

22 ~~(2) A prospective purchaser of real property with a~~
23 ~~building for occupancy located thereon~~ Concurrent with the
24 provisions of subsection (1), the prospective purchaser shall
25 be provided with a copy of an information brochure, at the
26 time of or prior to the purchaser's execution of the contract
27 for sale and purchase, notifying the purchaser of the option
28 for an energy-efficiency rating on the building. Such
29 brochure shall be prepared, made available for distribution,
30 and provided at no cost by the department. Such brochure
31

1 shall contain information relevant to that class of building,
2 including, but not limited to:

3 (1)~~(a)~~ How to analyze the building's energy-efficiency
4 rating.

5 (2)~~(b)~~ Comparisons to statewide averages for new and
6 existing construction of that class.

7 (3)~~(c)~~ Information concerning methods to improve the
8 building's energy-efficiency rating.

9 (4)~~(d)~~ A notice to residential purchasers that the
10 energy-efficiency rating may qualify the purchaser for an
11 energy-efficient mortgage from lending institutions.

12 Section 144. Except as otherwise provided herein, this
13 act shall take effect July 1, 1997.

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16 HOUSE SUMMARY

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18 Amends, creates, or repeals various provisions of law
19 relating to platting; auctioneers; athlete agents; water
20 and wastewater operators; building code administration
21 and inspection; asbestos abatement; funeral directing,
22 embalming, and direct disposition; public accountancy;
23 veterinary medical practice; real estate brokers,
24 salespersons, schools, and appraisers; barbering;
25 cosmetology; hair braiding and hair wrapping; photography
26 studio salons; architecture and interior design;
27 construction, electrical and alarm system, and septic
28 tank contracting; building codes, energy-efficiency
29 ratings, and access requirements; home inspection
30 reports; and industrial hygienists and safety
31 professionals. See bill for details.

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