

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. 455.225, F.S.; authorizing the Department of
 11 Business and Professional Regulation to issue a
 12 notice of noncompliance for an initial offense
 13 of a minor violation when the board has failed
 14 to designate such minor violation by rule;
 15 amending s. 458.347, F.S.; providing
 16 qualifications for certain applicants for
 17 specified physician assistants; amending s.
 18 468.385, F.S.; revising provisions relating to
 19 the written examination required to be licensed
 20 as an auctioneer; amending s. 468.386, F.S.,
 21 relating to fees applicable to regulation of
 22 auctioneers; eliminating reference to the
 23 examination fee; amending s. 468.388, F.S.;
 24 eliminating exemptions from the requirement
 25 that a written agreement be executed prior to
 26 conducting an auction; amending s. 468.389,
 27 F.S.; revising a ground for disciplinary action
 28 to include reference to property belonging to
 29 another; providing penalties; reenacting s.
 30 468.391, F.S., relating to a criminal penalty,
 31 to incorporate the amendment to s. 468.389,

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

1 revising references to examination and
2 reexamination; amending s. 468.607, F.S.;
3 providing that the Department of Business and
4 Professional Regulation shall be the issuing
5 body for a certificate to practice as a
6 building code administrator, plans examiner, or
7 building code inspector; amending s. 468.609,
8 F.S.; revising requirements for certification
9 as a building code administrator, plans
10 examiner, or building code inspector; amending
11 s. 468.617, F.S.; providing that local
12 governments may employ or authorize persons
13 certified or exempt from such regulation to
14 perform inspections on a contract basis;
15 amending s. 468.621, F.S.; revising
16 prohibitions; providing disciplinary actions;
17 amending s. 468.629, F.S.; revising
18 disciplinary grounds; providing penalties;
19 amending s. 469.001, F.S.; revising and
20 providing definitions relating to asbestos
21 abatement; amending s. 469.002, F.S.; revising
22 an exemption relating to asbestos-related
23 activities by governmental employees; amending
24 s. 469.004, F.S.; exempting asbestos
25 consultants from licensure under certain
26 circumstances relating to the moving, removal,
27 or disposal of asbestos-containing roofing
28 materials; amending s. 469.005, F.S.; revising
29 requirements for licensure as an asbestos
30 consultant or asbestos contractor; amending s.
31 469.006, F.S.; eliminating reference to

1 consultant or contractor seals, and requiring a
 2 signature instead; amending s. 469.013, F.S.;
 3 adding course requirements for management
 4 planners; repealing s. 469.015, F.S., relating
 5 to seals; amending s. 470.002, F.S.; revising
 6 the definition of "legally authorized person";
 7 amending s. 470.0085, F.S., relating to the
 8 embalmer apprentice program; authorizing an
 9 extension of apprenticeship for certain
 10 students working in funeral establishments;
 11 amending s. 470.009, F.S.; reorganizing
 12 provisions relating to licensure as a funeral
 13 director by examination, to clarify
 14 applicability of the internship requirement;
 15 amending ss. 470.015 and 470.018, F.S.;
 16 revising continuing education requirements for
 17 renewal of a funeral director or embalmer
 18 license or registration of a direct disposer;
 19 amending s. 470.024, F.S.; authorizing
 20 operation of visitation chapels and
 21 establishing criteria therefor; providing
 22 licensing limitations with respect to colocated
 23 facilities; requiring the relicensure of
 24 funeral establishments whose ownership has
 25 changed; amending s. 470.029, F.S.; providing a
 26 filing date for monthly reports on final
 27 dispositions; amending s. 470.0301, F.S.;
 28 providing requirements for registration of
 29 centralized embalming facilities; providing for
 30 biennial renewal; providing fees; creating s.
 31 470.0315, F.S.; providing for the storage,

1 preservation, and transportation of human
2 remains; creating s. 470.0355, F.S.; providing
3 for the identification of human remains;
4 amending s. 470.036, F.S.; extending
5 disciplinary actions to certain registrants and
6 licensees; creating s. 471.024, F.S.;
7 authorizing engineers to perform duties of
8 building code inspectors; amending s. 473.306,
9 F.S.; providing conditions under which the
10 Board of Accountancy may adopt an alternative
11 licensure examination for persons licensed to
12 practice public accountancy or its equivalent
13 in a foreign country; providing for appointment
14 of an Educational Advisory Council for purposes
15 of maintaining proper educational
16 qualifications for licensure of certified
17 public accountants; creating s. 473.3065, F.S.;
18 establishing the Certified Public Accountant
19 Education Minority Assistance Program;
20 providing for scholarships to eligible
21 students; providing for the funding of
22 scholarships; requiring Board of Accountancy
23 rules; providing a penalty for certain
24 violations; creating an advisory council to
25 assist in program administration; amending s.
26 473.308, F.S.; revising licensure requirements
27 relating to public accountancy experience
28 outside this state; amending s. 473.309, F.S.;
29 providing additional requirements for a
30 partnership to practice public accountancy in
31 this state; amending s. 473.312, F.S.;

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

1 permits; amending s. 474.217, F.S., relating to
 2 licensure by endorsement; revising a reference
 3 to an examination; amending s. 475.125, F.S.,
 4 relating to fees applicable to regulation of
 5 real estate brokers, salespersons, and schools;
 6 eliminating reference to examination and
 7 reexamination fees; amending s. 475.15, F.S.;
 8 providing registration and licensing
 9 requirements for additional business entities;
 10 eliminating a provision that requires the
 11 automatic cancellation of the registration of a
 12 real estate broker partnership upon the lapse
 13 in licensure or registration of any of its
 14 partners; amending s. 475.17, F.S.; providing
 15 additional requirements for licensure as a real
 16 estate broker; amending s. 475.175, F.S.;
 17 revising provisions relating to examinations;
 18 amending s. 475.183, F.S.; revising the period
 19 after which involuntarily inactive licenses
 20 expire; revising the time for the required
 21 notice to the licensee; amending s. 475.25,
 22 F.S.; increasing the administrative fine;
 23 revising a ground for disciplinary action to
 24 exempt licensees from the reporting of certain
 25 violators; providing that violations of certain
 26 standards of the Appraisal Foundation are
 27 grounds for the Florida Real Estate Commission
 28 to deny, revoke, or suspend the license of, or
 29 to fine, real estate brokers or salespersons;
 30 reenacting ss. 475.180(2)(b), 475.181(2),
 31 475.22(2), 475.422(2), and 475.482(1), F.S.,

1 relating to nonresident licenses, licensure,
 2 refusal of a broker to comply with certain
 3 requests or notices, furnishing of copies of
 4 termite and roof inspection reports, and
 5 recovery from the Real Estate Recovery Fund, to
 6 incorporate the amendment to s. 475.25, F.S.,
 7 in references thereto; amending s. 475.278,
 8 F.S.; providing for disclosure of authorized
 9 brokerage relationships and the corresponding
 10 duties of real estate licensees; amending s.
 11 475.451, F.S.; revising provisions relating to
 12 the permitting of instructors for proprietary
 13 real estate schools or state institutions;
 14 providing permit renewal requirements; revising
 15 references relating to examinations; amending
 16 s. 475.452, F.S.; providing requirements
 17 applicable to advance expenses, commissions, or
 18 fees for brokers auctioning real property;
 19 amending s. 475.484, F.S.; providing
 20 applicability with respect to a conflict with
 21 federal law in the disciplining of certain
 22 licensees against whom a judgment has been paid
 23 from the Real Estate Recovery Fund; creating s.
 24 475.5016, F.S.; granting the department
 25 authority to inspect and audit brokers and
 26 brokerage offices; creating s. 475.6145, F.S.;
 27 providing for a seal for the Florida Real
 28 Estate Appraisal Board to authenticate its
 29 proceedings, records, and acts; creating s.
 30 475.6147, F.S.; providing a separate section
 31 relating to establishment of fees applicable to

1 the regulation of real estate appraisers;
 2 amending s. 475.615, F.S.; providing
 3 registration requirements for appraisers;
 4 amending s. 475.617, F.S.; clarifying
 5 continuing education and experience
 6 requirements for real estate appraisers;
 7 amending s. 475.624, F.S.; revising a ground
 8 for disciplinary action to exempt licensees
 9 from the reporting of certain violators;
 10 creating s. 475.6295, F.S.; granting the
 11 department authority to inspect appraisers and
 12 appraisal offices; amending ss. 476.114 and
 13 476.124, F.S.; revising provisions relating to
 14 examination for licensure as a barber;
 15 repealing s. 476.134, F.S., relating to time,
 16 place, and subjects of examination; amending s.
 17 476.144, F.S.; revising requirements for a
 18 restricted license to practice barbering;
 19 amending s. 477.013, F.S.; defining the terms
 20 "hair wrapping" and "photography studio salon";
 21 amending s. 477.0132, F.S.; providing
 22 registration requirements for hair wrappers;
 23 providing requirements for hair braiding and
 24 hair wrapping outside a cosmetology salon or
 25 specialty shop; amending s. 477.0135, F.S.;
 26 exempting photography studio salons from
 27 licensure as a cosmetology salon or specialty
 28 salon and providing requirements with respect
 29 thereto; amending s. 477.019, F.S.; revising
 30 provisions relating to applicants for licensure
 31 by examination; providing continuing education

1 requirements for cosmetologists and cosmetology
 2 specialists; providing for privatization of
 3 such continuing education; exempting hair
 4 braiders and hair wrappers from such continuing
 5 education requirements; repealing s. 477.022,
 6 F.S., relating to examinations; amending s.
 7 477.026, F.S.; providing registration fees for
 8 hair wrappers; amending s. 477.0263, F.S.;
 9 authorizing the performance of cosmetology
 10 services in a photography studio salon;
 11 creating s. 481.2051, F.S.; authorizing
 12 architects to perform duties of building code
 13 inspectors; amending ss. 481.207, 481.209, and
 14 481.213, F.S., relating to licensure as an
 15 architect or interior designer; revising
 16 provisions relating to fees and examinations;
 17 amending s. 489.103, F.S.; limiting the
 18 ordinances, rules, or regulations that a
 19 municipality or county may adopt with respect
 20 to the installation or maintenance of water
 21 conditioning units; providing an exemption from
 22 regulation for the sale, delivery, assembly, or
 23 tie-down of prefabricated portable sheds under
 24 specified circumstances; amending s. 489.105,
 25 F.S.; revising and providing definitions
 26 applicable to contractors; amending s. 489.107,
 27 F.S.; eliminating reference to board
 28 jurisdiction over examinations; requiring the
 29 Construction Industry Licensing Board and the
 30 Electrical Contractors' Licensing Board to each
 31 appoint a committee to meet jointly at least

1 twice a year; amending s. 489.109, F.S.;

2 revising provisions relating to examination

3 fees; amending s. 489.111, F.S.; revising

4 provisions relating to licensure by

5 examination; amending s. 489.113, F.S.;

6 revising a provision relating to the

7 certification examination; revising provisions

8 that authorize persons who are not certified or

9 registered to perform construction work under

10 the supervision of a person who is certified or

11 registered; providing that expansion of the

12 scope of practice of any type of contractor

13 does not limit the scope of practice of any

14 existing type of contractor unless the

15 Legislature expressly provides such limitation;

16 creating s. 489.1136, F.S.; providing for

17 medical gas certification for plumbing

18 contractors who install, improve, repair, or

19 maintain conduits used to transport gaseous or

20 partly gaseous substances for medical purposes;

21 amending s. 553.06, F.S.; providing that

22 plumbing contractors who install, improve,

23 repair, or maintain such conduits shall be

24 governed by the National Fire Prevention

25 Standard 99C; amending s. 489.115, F.S.;

26 authorizing certificateholders and registrants

27 to apply continuing education courses earned

28 under other regulatory provisions under certain

29 circumstances; amending s. 489.119, F.S.;

30 detailing what constitutes an incomplete

31 contract for purposes of temporary

1 certification or registration of a business
 2 organization; amending s. 489.127, F.S.;
 3 revising and providing penalties applicable to
 4 violations of construction contracting
 5 provisions; amending s. 489.140, F.S.;
 6 eliminating a provision that requires the
 7 transfer of surplus moneys from fines into the
 8 Construction Industries Recovery Fund; amending
 9 s. 489.141, F.S.; clarifying provisions
 10 relating to conditions for recovery from the
 11 fund; eliminating a notice requirement;
 12 revising a limitation on the making of a claim;
 13 amending s. 489.142, F.S.; revising a provision
 14 relating to powers of the Construction Industry
 15 Licensing Board with respect to actions for
 16 recovery from the fund, to conform; amending s.
 17 489.143, F.S.; revising provisions relating to
 18 payment from the fund; amending s. 489.1455,
 19 F.S.; providing for journeyman reciprocity;
 20 amending s. 489.503, F.S., relating to
 21 exemptions from part II of chapter 489, F.S.,
 22 relating to electrical and alarm system
 23 contracting; revising an exemption relating to
 24 public utilities; revising an exemption that
 25 applies to telecommunications, community
 26 antenna television, and radio distribution
 27 systems, to include cable television systems;
 28 providing exemptions relating to the monitoring
 29 of alarm systems by law enforcement employees
 30 or officers or fire department employees or
 31 officials, by employees of state or federally

1 chartered financial institutions, or by
 2 employees of a business; amending s. 489.505,
 3 F.S., and repealing subsection (24), relating
 4 to the definition of "limited burglar alarm
 5 system contractor"; redefining terms applicable
 6 to electrical and alarm system contracting;
 7 defining the term "monitoring"; amending s.
 8 489.507, F.S.; requiring the Electrical
 9 Contractors' Licensing Board and the
 10 Construction Industry Licensing Board to each
 11 appoint a committee to meet jointly at least
 12 twice a year; amending s. 489.509, F.S.;
 13 eliminating reference to the payment date of
 14 the biennial renewal fee for certificateholders
 15 and registrants; providing for transfer of a
 16 portion of certain fees applicable to
 17 regulation of electrical and alarm system
 18 contracting to fund certain projects relating
 19 to the building construction industry and
 20 continuing education programs related thereto;
 21 amending s. 489.511, F.S.; revising eligibility
 22 requirements for certification as an electrical
 23 or alarm system contractor; amending s.
 24 489.513, F.S.; revising registration
 25 requirements for electrical contractors;
 26 amending s. 489.517, F.S.; authorizing
 27 certificateholders and registrants to apply
 28 continuing education courses earned under other
 29 regulatory provisions under certain
 30 circumstances; amending s. 489.519, F.S.;
 31 authorizing certificateholders and registrants

1 to apply for voluntary inactive status at any
 2 time during the period of certification or
 3 registration; amending s. 489.521, F.S.;
 4 providing conditions on qualifying agents
 5 qualifying more than one business organization;
 6 providing for revocation or suspension of such
 7 qualification for improper supervision;
 8 amending s. 489.525, F.S.; changing the date
 9 for the Department of Business and Professional
 10 Regulation to inform local boards and building
 11 officials of the names of all
 12 certificateholders and the status of the
 13 certificates; amending s. 489.529, F.S.;
 14 providing an exception to an alarm verification
 15 requirement; amending s. 489.531, F.S.;
 16 revising and providing penalties applicable to
 17 violations of electrical and alarm system
 18 contracting provisions; reenacting s.
 19 489.533(1)(a) and (2), F.S., relating to
 20 disciplinary proceedings, to incorporate the
 21 amendment to s. 489.531, F.S., in a reference
 22 thereto; amending s. 489.537, F.S.; revising
 23 requirements relating to subcontracting alarm
 24 system contracting; amending ss. 489.539 and
 25 553.19, F.S.; adding a national code relating
 26 to fire alarms to the minimum electrical and
 27 alarm standards required in this state;
 28 amending s. 489.553, F.S.; revising
 29 qualifications for registration as a septic
 30 tank contractor or master septic tank
 31 contractor; creating s. 501.935, F.S.;

1 providing requirements relating to
 2 home-inspection reports; providing legislative
 3 intent; providing definitions; providing
 4 exemptions; requiring, prior to inspection,
 5 provision of inspector credentials, a caveat, a
 6 disclosure of conflicts of interest and certain
 7 relationships, and a statement or agreement of
 8 scope, limitations, terms, and conditions;
 9 requiring a report on the results of the
 10 inspection; providing prohibited acts, for
 11 which there are civil penalties; providing that
 12 failure to comply is a deceptive and unfair
 13 trade practice; creating s. 501.937, F.S.;
 14 providing requirements for use of professional
 15 titles by industrial hygienists and safety
 16 professionals; providing that violation of such
 17 requirements is a deceptive and unfair trade
 18 practice; amending s. 553.06, F.S.; requiring
 19 the Board of Building Codes and Standards to
 20 adopt alternative standards for testing water
 21 treatment units under certain circumstances;
 22 amending s. 553.63, F.S., relating to trench
 23 excavations in excess of a specified depth;
 24 deleting a provision requiring contract bids to
 25 include certain items; repealing s. 553.64,
 26 F.S., relating to certain requirements for
 27 contract bids; amending s. 553.991, F.S.;
 28 limiting the purpose of the "Florida Building
 29 Energy-Efficiency Rating Act" to providing for
 30 a statewide uniform system for rating the
 31 energy efficiency of buildings; amending s.

1 553.994, F.S.; deleting the schedule for
2 phasing in the rating system; amending s.
3 553.996, F.S.; requiring provision of an
4 information brochure to prospective purchasers
5 of certain real property; deleting a provision
6 authorizing such prospective purchasers to
7 receive a rating on the property upon request;
8 requiring the Office of Program Policy Analysis
9 and Government Accountability to conduct a
10 review of studies and records of the Department
11 of Business and Professional Regulation to
12 determine if mandatory continuing education is
13 the most effective method of ensuring
14 professional competence and to identify and
15 analyze alternate methods of ensuring such
16 competence; requiring a report; providing
17 effective dates.

18
19 Be It Enacted by the Legislature of the State of Florida:

20
21 Section 1. Section 177.021, Florida Statutes, is
22 amended to read:

23 177.021 Legal status of recorded plats.--The recording
24 of any plats made in compliance with the provisions of this
25 part ~~chapter~~ shall serve to establish the identity of all
26 lands shown on and being a part of such plats, and lands may
27 thenceforth be conveyed by reference to such plat.

28 Section 2. Section 177.031, Florida Statutes, is
29 amended to read:

30 177.031 Definitions.--As used in this part ~~chapter~~:

31

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

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

8 (3) "Board" means any board appointed by a
9 municipality, county commission, or state agency, such as the
10 planning and zoning board, area planning board, or the
11 governing board of a drainage district.

12 (4) "Governing body" means the board of county
13 commissioners or the legal governing body of a county,
14 municipality, town, or village of this state.

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

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

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

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

31

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

4 (9) "Improvements" may include, but are not limited
5 to, street pavements, curbs and gutters, sidewalks, alley
6 pavements, walkway pavements, water mains, sanitary sewers,
7 storm sewers or drains, street names, signs, landscaping,
8 permanent reference monuments (P.R.M.s), permanent control
9 points (P.C.P.s), monuments, or any other improvement required
10 by a governing body.

11 (10) "Professional surveyor and mapper" means a
12 surveyor and mapper registered under chapter 472 who is in
13 good standing with the Board of Professional Surveyors and
14 Mappers.

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

19 (12) "Municipality" means any incorporated city, town,
20 or village.

21 (13) "P.C.P." means permanent control point and shall
22 be considered a reference monument, ~~which shall be a secondary~~
23 ~~horizontal control monument and shall be a metal marker with~~
24 ~~the point of reference marked thereon or a 4-inch by 4-inch~~
25 ~~concrete monument a minimum of 24 inches long with the point~~
26 ~~of reference marked thereon. A "P.C.P." must bear the~~
27 ~~registration number of the surveyor and mapper filing the plat~~
28 ~~of record; however, when the surveyor and mapper of record is~~
29 ~~no longer in practice or is not available due to relocation of~~
30 ~~his or her practice, or when the contractual relationship~~
31 ~~between the subdivider and surveyor and mapper has been~~

1 ~~terminated, any registered surveyor and mapper in good~~
2 ~~standing shall be allowed to place permanent control points~~
3 ~~(P.C.P.s) within the time allotted in s. 177.091(8).~~

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

5 1. Be composed of a metal marker with a point of
6 reference.

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

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

13 1. Consist of a metal rod having a minimum length of
14 18 inches and a minimum cross-section area of material of 0.2
15 square inches encased in concrete. The concrete shall have a
16 minimum cross-section area of 12.25 square inches and be a
17 minimum of 24 inches long.

18 2. Be identified with a durable marker or cap with the
19 point of reference marked thereon bearing either the Florida
20 registration number of the professional surveyor and mapper in
21 responsible charge or the certificate of authorization number
22 of the legal entity, which number shall be preceded by LS or
23 LB as applicable and the letter "P.C.P."

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

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

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

3 (a) Consist of a metal rod having a minimum length of
4 18 inches and a minimum cross-section area of material of 0.2
5 square inches encased in concrete. The concrete shall have a
6 minimum cross-section area of 12.25 square inches and be a
7 minimum of 24 inches long.

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

14 (c) Be detectable with conventional instruments for
15 locating ferrous or magnetic objects.

16
17 If the location of the "P.R.M." falls in a hard surface such
18 as asphalt or concrete, alternate monumentation may be used
19 that is durable and identifiable, ~~which consists of a metal~~
20 rod a minimum of 24 inches long or a 1 1/2 -inch minimum
21 diameter metal pipe a minimum of 20 inches long, either of
22 which shall be encased in a solid block of concrete or set in
23 natural bedrock, a minimum of 6 inches in diameter, and
24 extending a minimum of 18 inches below the top of the
25 monument, or a concrete monument 4 by 4 inches, a minimum of
26 24 inches long, with the point of reference marked thereon. A
27 metal cap marker, with the point of reference marked thereon,
28 shall bear the registration number of the surveyor and mapper
29 certifying the plat of record, and the letters "PRM" shall be
30 placed in the top of the monument.

31

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

6 (17) "Street" includes any access way such as a
7 street, road, lane, highway, avenue, boulevard, alley,
8 parkway, viaduct, circle, court, terrace, place, or
9 cul-de-sac, and also includes all of the land lying between
10 the right-of-way lines as delineated on a plat showing such
11 streets, whether improved or unimproved, but shall not include
12 those access ways such as easements and rights-of-way intended
13 solely for limited utility purposes, such as for electric
14 power lines, gas lines, telephone lines, water lines, drainage
15 and sanitary sewers, and easements of ingress and egress.

16 (18) "Subdivision" means the division ~~platting~~ of land
17 ~~real property~~ into three or more lots, parcels, tracts, tiers,
18 blocks, sites, units, or any other division of land; and
19 includes establishment of new streets and alleys, additions,
20 and resubdivisions; and, when appropriate to the context,
21 relates to the process of subdividing or to the lands or area
22 subdivided.

23 (19) "State plane coordinates" means the system of
24 plane coordinates which has been established by the National
25 Ocean Service Survey ~~Survey~~ for defining and stating the positions or
26 locations of points on the surface of the earth within the
27 state and shall hereinafter be known and designated as the
28 "Florida State Plane Coordinate System." For the purpose of
29 the use of this system, the zones ~~divisions~~ established by the
30 National Ocean Service Survey in NOAA Manual NOS NGS 5, State
31 Plane Coordinate System of 1983, ~~Special Publication Number~~

1 255 shall be used, and the appropriate projection and zone
2 designation shall be indicated and included in any description
3 using the Florida State Plane Coordinate System.

4 (20) Surveying data:

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

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

9 (c) "Point of compound curvature," written "P.C.C.,"
10 means the point where two circular curves have a common point
11 of tangency, the curves lying on the same side of the common
12 tangent.

13 (d) "Point of reverse curvature," written "P.R.C.,"
14 means the point where two circular curves have a common point
15 of tangency, the curves lying on opposite sides of the common
16 tangent.

17 (21) "Legal entity" means an entity which holds a
18 certificate of authorization issued under chapter 472, whether
19 the entity is a corporation, partnership, association, or
20 person practicing under a fictitious name.

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

22 (a) Be composed of a durable material.

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

24 (c) Have minimum cross-section area of material of 0.2
25 square inches.

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

31

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

3
4 If the location of the monument falls in a hard surface such a
5 asphalt or concrete, alternate monumentation may be used that
6 is durable and identifiable.

7 Section 3. Section 177.041, Florida Statutes, is
8 amended to read:

9 177.041 Boundary survey and title certification
10 required.--Every plat or replat of a subdivision submitted to
11 the approving agency of the local governing body must be
12 accompanied by:

13 (1) A boundary survey of the platted lands. However, a
14 new boundary survey for a replat is required only when the
15 replat affects any boundary of the platted property. The
16 boundary survey must be performed and prepared under the
17 responsible direction and supervision of a professional
18 surveyor and mapper preceding the initial submittal of the
19 plat to the local governing body. This subsection does not
20 restrict a legal entity from employing one professional
21 surveyor and mapper to perform and prepare the boundary survey
22 and another professional surveyor and mapper to prepare the
23 plat, except that both the boundary survey and the plat must
24 be under the same professional surveyor and mapper or legal
25 entity, whichever applies.

26 (2) A title opinion of an attorney at law licensed in
27 Florida or a certification by an abstractor or a title company
28 showing that record title to the land as described and shown
29 on the plat is in the name of the person, persons,
30 corporation, or entity executing the dedication, ~~if any, as it~~
31 ~~is shown on the plat and, if the plat does not contain a~~

1 ~~dedication, that the developer has record title to the land.~~
2 The title opinion or certification shall also show all
3 mortgages not satisfied or released of record nor otherwise
4 terminated by law.

5 Section 4. Section 177.051, Florida Statutes, is
6 amended to read:

7 177.051 Name and replat of subdivision.--

8 (1) Every subdivision shall be given a name by which
9 it shall be legally known. For the purpose of this section,
10 that name is the "primary name." The primary ~~Such~~ name shall
11 not be the same or in any way so similar to any name appearing
12 on any recorded plat in the same county as to confuse the
13 records or to mislead the public as to the identity of the
14 subdivision, except when the subdivision is further divided
15 ~~subdivided~~ as an additional unit or section by the same
16 developer or the developer's successors in title. In that
17 case, the additional unit, section, or phase shall be given
18 the primary name followed by the unit, section, or phase
19 number. Words such as "the," "replat," or "a" may not be used
20 as the first word of the primary name. Every subdivision's
21 name shall have legible lettering of the same size and type,
22 including the words "section," "unit," and "phase." If the
23 word "replat" is not part of the primary name, then it may be
24 of a different style and type. ~~"replat," "amended," etc.~~ The
25 primary name of the subdivision shall be shown in the
26 dedication and shall coincide exactly with the subdivision
27 name.

28 (2) Any change in a plat shall be labeled a "replat,"
29 and a replat must conform with this part. After the effective
30 date of this act, the terms "amended plat," "revised plat,"
31

1 "corrected plat," and "resubdivision" may not be used to
2 describe the process by which a plat is changed.

3 Section 5. Section 177.061, Florida Statutes, is
4 amended to read:

5 177.061 Qualification and statement required of person
6 making survey and plat certification.--Every plat offered for
7 recording pursuant to the provisions of this part must be
8 prepared by a professional surveyor and mapper. The plat must
9 be signed and sealed by that professional surveyor and mapper,
10 who must state on the plat that the plat was prepared under
11 his or her direction and supervision and that the plat
12 complies with all of the survey requirements of this part.
13 Every plat must also contain the printed name and registration
14 number of the professional surveyor and mapper directly below
15 the statement required by this section, along with the printed
16 name, address, and certificate of authorization number of the
17 legal entity, if any. A professional surveyor and mapper
18 practicing independently of a legal entity must include his or
19 her address.~~Every subdivision of lands made within the~~
20 ~~provisions of this chapter shall be made under the responsible~~
21 ~~direction and supervision of a surveyor and mapper who shall~~
22 ~~certify on the plat that the plat is a true and correct~~
23 ~~representation of the lands surveyed, that the survey was made~~
24 ~~under his or her responsible direction and supervision, and~~
25 ~~that the survey data complies with all of the requirements of~~
26 ~~this chapter. The certification shall bear the signature, the~~
27 ~~registration number, and the official seal of the surveyor and~~
28 ~~mapper.~~

29 Section 6. Section 177.071, Florida Statutes, is
30 amended to read:

31 177.071 Approval of plat by governing bodies.--

1 (1) Before a plat is offered for recording, it must be
2 approved by the appropriate governing body, and evidence of
3 such approval must ~~shall~~ be placed on the plat. If not
4 approved, the governing body must return the plat to the
5 professional surveyor and mapper or the legal entity offering
6 the plat for recordation. ~~However, such examination and~~
7 ~~approval for conformity to this chapter by the appropriate~~
8 ~~governing body shall not include the verification of the~~
9 ~~survey data, except by a surveyor and mapper either employed~~
10 ~~by or under contract to the local governing body for the~~
11 ~~purpose of such examination.~~ For the purposes of this part
12 chapter:

13 (a) When the plat to be submitted for approval is
14 located wholly within the boundaries of a municipality, the
15 governing body of the municipality has exclusive jurisdiction
16 to approve the plat.

17 (b) When a plat lies wholly within the unincorporated
18 areas of a county, the governing body of the county has
19 exclusive jurisdiction to approve the plat.

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

25 (2) Any provision in a county charter, or in an
26 ordinance of any ~~charter county or~~ consolidated government
27 chartered under s. 6(e), Art. VIII of the State Constitution,
28 which provision is inconsistent with anything contained in
29 this section shall prevail in such charter county or
30 consolidated government to the extent of any such
31 inconsistency.

1 Section 7. Section 177.081, Florida Statutes, is
2 amended to read:

3 177.081 Dedication and approval.--

4 (1) Prior to approval by the appropriate governing
5 body, the plat shall be reviewed for conformity to this
6 chapter by a professional surveyor and mapper either employed
7 by or under contract to the local governing body, the costs of
8 which shall be borne by the legal entity offering the plat for
9 recordation, and evidence of such review must be placed on
10 such plat.

11 (2) Every plat of a subdivision filed for record must
12 contain a dedication by the owners of record developer. The
13 dedication must ~~shall~~ be executed by all persons,
14 corporations, or entities developers having a record interest
15 in the lands subdivided, in the same manner in which deeds are
16 required to be executed. All mortgagees having a record
17 interest in the lands subdivided shall execute, in the same
18 manner in which deeds are required to be executed, either the
19 dedication contained on the plat or a separate instrument
20 joining in and ratifying the plat and all dedications and
21 reservations thereon.

22 (3)~~(2)~~ When a tract or parcel of land has been
23 subdivided and a plat thereof bearing the dedication executed
24 by the owners of record developers and mortgagees having a
25 record interest in the lands subdivided, and when the approval
26 of the governing body has been secured and recorded in
27 compliance with this part ~~chapter~~, all streets, alleys,
28 easements, rights-of-way, and public areas shown on such plat,
29 unless otherwise stated, shall be deemed to have been
30 dedicated to the public for the uses and purposes thereon
31 stated. However, nothing herein shall be construed as

1 creating an obligation upon any governing body to perform any
2 act of construction or maintenance within such dedicated areas
3 except when the obligation is voluntarily assumed by the
4 governing body.

5 Section 8. Section 177.091, Florida Statutes, is
6 amended to read:

7 177.091 Plats made for recording.--Every plat of a
8 subdivision offered for recording shall conform to the
9 following:

10 (1) It shall be:

11 (a) An original drawing made with black permanent
12 drawing ink or varitype process on a good grade linen tracing
13 cloth or with a suitable permanent black drawing ink on a
14 stable base film, a minimum of 0.003 inches thick, coated upon
15 completion with a suitable plastic material to prevent flaking
16 and to assure permanent legibility; or

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

20
21 Marginal lines, standard certificates and approval forms shall
22 be printed on the plat with a permanent black drawing ink. A
23 print or photographic copy of the original drawing shall be
24 submitted with the original drawing.

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

31

1 (3) When more than one sheet must be used to
2 accurately portray the lands subdivided, an index or key map
3 must be included and each sheet must show the particular
4 number of that sheet and the total number of sheets included,
5 as well as clearly labeled matchlines to show where other
6 sheets match or adjoin.

7 (4) In all cases, the letter size and scale used shall
8 be of sufficient size to show all detail. The scale and shall
9 be both stated and graphically illustrated by a graphic scale
10 drawn on every sheet showing any portion of the lands
11 subdivided.

12 (5) The name of the plat shall be shown in bold
13 legible letters, as stated in s. 177.051. The name of the
14 subdivision shall be shown on each sheet included. The name of
15 the professional surveyor and mapper or legal entity, along
16 with the street and mailing address, must be shown on each
17 sheet included.

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

24 (7) Permanent reference monuments must be placed at
25 each corner or change in direction on the boundary of the
26 lands being platted and; however, "P.R.M.s" need not be set
27 closer than 310 feet, but may not be more than 1,400 ±400 feet
28 apart. In all cases there must be a minimum of four "P.R.M.s"
29 placed on the boundary of the lands being platted.Where such
30 corners are in an inaccessible place, "P.R.M.s" shall be set
31 on a nearby offset within the boundary of the plat and such

1 offset shall be so noted on the plat. Where corners are found
 2 to coincide with a previously set "P.R.M.," the Florida
 3 registration number of the professional surveyor and mapper in
 4 responsible charge or the certificate of authorization number
 5 of the legal entity on the previously set "P.R.M." shall be
 6 shown on the new plat or, if unnumbered, shall so state.
 7 Permanent reference monuments shall be set before the
 8 recording of the plat, ~~and this will be so stated in the~~
 9 ~~surveyor and mapper's certificate on the plat.~~ The "P.R.M.s"
 10 ~~"P.R.M."~~ shall be shown on the plat by an appropriate symbol
 11 or designation.

12 (8) Permanent control points ~~"P.C.P.s"~~ shall be set on
 13 ~~at the intersection of~~ the centerline of the right-of-way at
 14 the intersection and terminus of all streets, at each change
 15 of direction, "P.C.s," "P.T.s," "P.R.C.s," and "P.C.C.s," and
 16 no more than 1,000 feet apart, ~~on tangent, between changes of~~
 17 ~~direction, or along the street right-of-way or block lines at~~
 18 ~~each change in direction and no more than 1,000 feet apart.~~
 19 Such "P.C.P.s" shall be shown on the plat by an appropriate
 20 symbol or designation. In those counties or municipalities
 21 that do not require subdivision improvements and do not accept
 22 bonds or escrow accounts to construct improvements, "P.C.P.s"
 23 may be set prior to the recording of the plat and must be set
 24 within 1 year of the date the plat was recorded ~~and shall be~~
 25 ~~referred to in the surveyor and mapper's certificate.~~ In the
 26 counties or municipalities that require subdivision
 27 improvements and have the means of insuring the construction
 28 of said improvements, such as bonding requirements, "P.C.P.s"
 29 must be set prior to the expiration of the bond or other
 30 surety. If the professional surveyor and mapper or legal
 31 entity of record is no longer in practice or is not available

1 due to relocation, or when the contractual relationship
 2 between the subdivider and professional surveyor and mapper or
 3 legal entity has been terminated, the subdivider shall
 4 contract with a professional surveyor and mapper or legal
 5 entity in good standing to place the "P.C.P.s" within the time
 6 ~~allotted. It is the surveyor and mapper's responsibility to~~
 7 ~~furnish the clerk or recording officer of the county or~~
 8 ~~municipality his or her certificate that the "P.C.P.s" have~~
 9 ~~been set and the dates the "P.C.P.s" were set.~~

10 (9) Monuments shall be set at all lot corners, points
 11 of intersection, and changes of direction of lines within the
 12 subdivision which do not require a "P.R.M." or a "P.C.P.";
 13 however, a monument need not be set if a monument already
 14 exists at such corner, point, or change of direction or when a
 15 monument cannot be set due to a physical obstruction. In those
 16 counties or municipalities that do not require subdivision
 17 improvements and do not accept bonds or escrow accounts to
 18 construct improvements, monuments may be set prior to the
 19 recording of the plat and shall be set before the transfer of
 20 any lot. In those counties or municipalities that require
 21 subdivision improvements and have the means of ensuring the
 22 construction of those improvements, such as bonding
 23 requirements, monuments shall be set prior to the expiration
 24 of the bond or other surety. If the professional surveyor and
 25 mapper or legal entity of record is no longer in practice or
 26 is not available due to relocation, or when the contractual
 27 relationship between the subdivider and professional surveyor
 28 and mapper or legal entity has been terminated, the subdivider
 29 shall contract with a professional surveyor and mapper or
 30 legal entity in good standing who shall be allowed to place
 31 the monuments within the time allotted.

1 ~~(10)(9) Each plat shall show~~ The section, township,
2 and range shall appear immediately under the name of the plat
3 on each sheet included, along with as applicable, or, if in a
4 ~~land grant, the plat will so state.~~

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

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

13 (12) The dedications and approvals required by ss.
14 177.071 and 177.081 shall be shown.

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

18 (14) All section lines and quarter section lines
19 occurring within the subdivision in the map or plat shall be
20 indicated by lines drawn upon the map or plat, with
21 appropriate words and figures. If the description is by metes
22 and bounds, all information called for, such as the point of
23 commencement, course bearings and distances, and the point of
24 beginning, shall be indicated, ~~together with all bearings and~~
25 ~~distances of the boundary lines.~~ If the platted lands are in
26 a land grant or are not included in the subdivision of
27 government surveys, then the boundaries are to be defined by
28 metes and bounds and courses. ~~The initial point in the~~
29 ~~description shall be tied to the nearest government corner or~~
30 ~~other recorded and well established corner.~~

31

1 (15) Location, width, and names of all streets,
2 waterways, or other rights-of-way shall be shown, as
3 applicable.

4 (16) Location and width of proposed easements and
5 existing easements identified in the title opinion or
6 certification required by s. 177.041(2) shall be shown on the
7 plat or in the notes or legend, and their intended use shall
8 be clearly stated. Where easements are not coincident with
9 property lines, they must be labeled with bearings and
10 distances and tied to the principal lot, tract, or
11 right-of-way.

12 (17) All contiguous properties shall be identified by
13 subdivision title, plat book, and page, or, if unplatted, land
14 shall be so designated. If the subdivision platted is ~~a~~
15 ~~resubdivision of~~ a part or the whole of a previously recorded
16 subdivision, sufficient ties shall be shown to controlling
17 lines appearing on the earlier plat to permit an overlay to be
18 made; the fact of its being a replat ~~resubdivision~~ shall be
19 stated as a subtitle under the name of the plat on each sheet
20 included. The subtitle must state the name of the subdivision
21 being replatted and the appropriate recording reference
22 ~~following the name of the subdivision wherever it appears on~~
23 ~~the plat.~~

24 (18) All lots shall be numbered either by progressive
25 numbers or, if in blocks, progressively numbered in each
26 block, and the blocks progressively numbered or lettered,
27 except that blocks in numbered additions bearing the same name
28 may be numbered consecutively throughout the several
29 additions.

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

31

1 ~~(19)~~(20) Sufficient survey data shall be shown to
2 positively describe the bounds of every lot, block, street
3 easement, and all other areas shown on the plat. When any lot
4 or portion of the subdivision is bounded by an irregular line,
5 the major portion of that lot or subdivision shall be enclosed
6 by a witness line showing complete data, with distances along
7 all lines extended beyond the enclosure to the irregular
8 boundary shown with as much certainty as can be determined or
9 as "more or less," if variable. Lot, block, street, and all
10 other dimensions except to irregular boundaries, shall be
11 shown to a minimum of hundredths of feet. All measurements
12 shall refer to horizontal plane and in accordance with the
13 definition of the U.S. Survey foot or meter adopted by the
14 National Institute of Standards and Technology. All
15 measurements shall use the $39.37/12=3.28083333333$ equation for
16 conversion from a U.S. foot to meters ~~a metric foot~~.

17 ~~(20)~~(21) Curvilinear lot lines ~~lots~~ shall show the
18 radii, arc distances, and central angles ~~or radii, chord, and~~
19 ~~chord bearing, or both~~. Radial lines will be so designated.
20 Direction of nonradial lines shall be indicated.

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

25 ~~(22)~~(23) The centerlines of all streets shall be shown
26 as follows: noncurved lines:with distances together with
27 either,angles, bearings,or azimuths;azimuth,"P.C.s,"
28 "P.T.s," "P.R.C.s," "P.C.C.s,"curved lines:arc distances
29 distance, central angles, and tangents,radii, together with
30 chord,and chord bearing or azimuths azimuth, or both.
31

1 ~~(23)(24)~~ Park and recreation parcels as applicable
2 shall be so designated.

3 ~~(24)(25)~~ All interior excepted parcels as described in
4 the description of the lands being subdivided shall be clearly
5 indicated and labeled "Not a part of this plat."

6 ~~(25)(26)~~ The purpose of all areas dedicated must be
7 clearly indicated or stated on the plat.

8 ~~(26)(27)~~ When it is not possible to show line or curve
9 data ~~detail~~ information on the map, a tabular form may be
10 used. The tabular data must appear on the sheet to which it
11 applies.

12 ~~(27)(28)~~ The plat shall include in a prominent place
13 the following statements ~~statement~~: "NOTICE: This plat, as
14 recorded in its graphic form, is the official depiction of the
15 subdivided lands described herein and will in no circumstances
16 be supplanted in authority by any other graphic or digital
17 form of the plat, whether graphic or digital. There may be
18 additional restrictions that are not recorded on this plat
19 that may be found in the public records of this county."

20 ~~(28)(29)~~ All platted utility easements shall provide
21 that such easements shall also be easements for the
22 construction, installation, maintenance, and operation of
23 cable television services; provided, however, no such
24 construction, installation, maintenance, and operation of
25 cable television services shall interfere with the facilities
26 and services of an electric, telephone, gas, or other public
27 utility. In the event a cable television company damages the
28 facilities of a public utility, it shall be solely responsible
29 for the damages. This section shall not apply to those private
30 easements granted to or obtained by a particular electric,
31 telephone, gas, or other public utility. Such construction,

1 installation, maintenance, and operation shall comply with the
2 National Electrical Safety Code as adopted by the Florida
3 Public Service Commission.

4 (29) A legend of all symbols and abbreviations shall
5 be shown.

6 Section 9. Section 177.121, Florida Statutes, is
7 amended to read:

8 177.121 Misdemeanor to molest monument or deface or
9 destroy map or plat.--It is a misdemeanor of the second
10 degree, punishable as provided in s. 775.082 or s. 775.083,
11 for any person to molest any monuments established according
12 to this part ~~chapter~~ or to deface or destroy any map or plat
13 placed on public record.

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

16 177.131 Recordation of the Department of
17 Transportation official right-of-way maps and other
18 governmental right-of-way maps.--

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

23 Section 11. Section 177.132, Florida Statutes, is
24 amended to read:

25 177.132 Preservation of unrecorded maps.--

26 (1) The clerk of the circuit court of a county may
27 receive and copy, as unrecorded maps, otherwise unrecorded
28 plats and maps, including sales maps, which describe or
29 illustrate the boundaries and subdivision of parcels of land,
30 but which do not necessarily indicate proper metes and bounds
31 or otherwise comply with the recording requirements of this

1 ~~part chapter~~. The receipt and copying of such documents shall
 2 not affect or impair the title to the property in any manner,
 3 nor shall it be construed as actual or constructive notice,
 4 but shall be for informational purposes only and shall not be
 5 referred to for the purpose of conveying property or for
 6 circumventing the lawful regulation and control of subdividing
 7 lands by local governing bodies. The clerk may maintain a
 8 separate book or other filing process provided by the county
 9 for this purpose. The clerk shall make reproductions of these
 10 copies available to the public at a reasonable fee.

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

13 Section 12. Section 177.141, Florida Statutes, is
 14 amended to read:

15 177.141 Affidavit confirming error on a recorded
 16 plat.--In the event an ~~appreciable~~ error or omission in the
 17 data shown on any plat duly recorded under the provisions of
 18 this ~~part chapter~~ is detected by subsequent examination or
 19 revealed by a retracement of the ~~lines run during the~~ original
 20 survey of the lands shown on such recorded plat, the
 21 professional surveyor and mapper or legal entity ~~who was~~
 22 responsible for the survey and the preparation of the plat as
 23 recorded may file an affidavit confirming that such error or
 24 omission was made. If applicable ~~However~~, the affidavit must
 25 state that the professional surveyor and mapper or legal
 26 entity has made a resurvey of the subject property in the
 27 recorded subdivision within the last 10 days and that no
 28 evidence existed on the ground that would conflict with the
 29 corrections as stated in the affidavit. The affidavit shall
 30 describe the nature and extent of such error or omission and
 31 the appropriate correction that in the affiant's professional

1 ~~surveyor and mapper's~~ opinion should be substituted for the
 2 erroneous data shown on the plat or added to the data on the
 3 plat. When such an affidavit is filed, it is the duty of the
 4 circuit court clerk to record the affidavit, and he or she
 5 must ~~shall~~ place in the margin of the recorded plat a notation
 6 that the affidavit has been filed, the date of filing, and the
 7 official book and page where it is recorded. The notation must
 8 also be placed on all copies of the plat used for reproduction
 9 purposes. The affidavit shall have no effect upon the validity
 10 of the plat ~~or on the information shown thereon.~~

11 Section 13. Section 177.151, Florida Statutes, is
 12 amended to read:

13 177.151 State plane coordinate.--

14 (1) Coordinates may be used to define or designate the
 15 position of points on the surface of the earth within the
 16 state for land descriptions and subdivision purposes, provided
 17 the initial point in the description shall be tied to the
 18 nearest government corner or other recorded and well
 19 established corner. The state plane coordinates of a point on
 20 the earth's surface, to be used in expressing the position or
 21 location of such point in the appropriate projection and zone
 22 system, shall consist of two distances, expressed in meters or
 23 feet and decimals of the same ~~a foot~~. One position distance,
 24 to be known as the "Northing," shall give the position in a
 25 north and south direction; the other, to be known as the
 26 "Easting ~~x-coordinate,~~" shall give the position in an east and
 27 west direction; ~~the other, to be known as the "y-coordinate,"~~
 28 ~~shall give the position in a north and south direction.~~ These
 29 coordinates shall be made to depend upon and conform to the
 30 origins and projections on the Florida State Plane Coordinate
 31 System and the geodetic control ~~triangulation and traverse~~

1 stations of the National Ocean Service Survey within the
 2 state, as those origins and projections have been determined
 3 by such service ~~the said survey~~. When any tract of land to be
 4 defined by a single description extends from one into the
 5 other of the above projections or zones, the positions of all
 6 points on its boundary may be referred to either of the zones
 7 or projections, with the zone and projection being used
 8 specifically named in the description.

9 (2) The position of points on the Florida State Plane
 10 Coordinate System shall be as marked on the ground by geodetic
 11 control triangulation or traverse stations established in
 12 conformity with standards adopted by the National Ocean
 13 Service Survey for first-order and second-order work, the
 14 geodetic positions of which have been rigidly adjusted on the
 15 North American Datum of 1983, as readjusted in 1990, and the
 16 coordinates of which have been computed on the Florida State
 17 Plane Coordinate System ~~herein defined~~. Any such station may
 18 be used for establishing a survey connection with the Florida
 19 State Plane Coordinate System.

20 ~~(3) No coordinates based on the Florida Coordinate~~
 21 ~~System purporting to define the position of a point on a land~~
 22 ~~boundary may be presented to be recorded in any public land~~
 23 ~~records or deed records unless the point is within one-half~~
 24 ~~mile of a triangulation or traverse station established in~~
 25 ~~conformity with the standards described in s. 177.031(19).~~
 26 ~~However, the said one-half mile limitation may be waived when~~
 27 ~~coordinates shown are certified as having been established in~~
 28 ~~accordance with National Ocean Survey requirements and~~
 29 ~~procedures for first-order or second-order work by a surveyor~~
 30 ~~and mapper licensed in the state. This certification of~~

1 ~~order of accuracy must be included in the description of the~~
2 ~~land involved.~~

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

7 ~~(5) Whenever coordinates based on the Florida~~
8 ~~Coordinate System are used to describe a tract of land which~~
9 ~~in the same document is also described by reference to any~~
10 ~~subdivision, line, or corner of the United States Public Land~~
11 ~~Survey, the description by coordinates shall be construed as~~
12 ~~supplemental to the basic description of such subdivision,~~
13 ~~line, or corner contained in the official plats and field~~
14 ~~notes of record, and, in the event of any conflict, the~~
15 ~~description by reference to the subdivision, line, or corner~~
16 ~~of the United States Public Land Survey shall prevail over the~~
17 ~~description by coordinates.~~

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

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

24 177.27 Definitions.--The following words, phrases, or
25 terms used herein, unless the context otherwise indicates,
26 shall have the following meanings:

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

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

3 177.38 Standards for establishment of local tidal
4 datums.--

5 (1) Unless otherwise allowed by this part or
6 regulations promulgated hereunder, a local tidal datum shall
7 be established from a series of tide observations taken at a
8 tide station established in accordance with procedures
9 approved by the department. In establishing such procedures,
10 full consideration will be given to the national standards and
11 procedures established by the National Ocean Service Survey.

12 Section 16. Paragraph (b) of subsection (6) of section
13 287.055, Florida Statutes, 1996 Supplement, is amended to
14 read:

15 287.055 Acquisition of professional architectural,
16 engineering, landscape architectural, or surveying and mapping
17 services; definitions; procedures; contingent fees prohibited;
18 penalties.--

19 (6) PROHIBITION AGAINST CONTINGENT FEES.--

20 (b) Any individual, corporation, partnership, firm, or
21 company, other than a bona fide employee working solely for an
22 architect, professional engineer, or professional ~~registered~~
23 ~~land~~ surveyor and mapper, who offers, agrees, or contracts to
24 solicit or secure agency contracts for professional services
25 for any other individual, company, corporation, partnership,
26 or firm and to be paid, or is paid, any fee, commission,
27 percentage, gift, or other consideration contingent upon, or
28 resulting from, the award or the making of a contract for
29 professional services shall, upon conviction in a competent
30 court of this state, be found guilty of a first degree

31

1 misdemeanor, punishable as provided in s. 775.082 or s.
2 775.083.

3 Section 17. Subsections (1) and (2) of section
4 455.213, Florida Statutes, 1996 Supplement, are amended to
5 read:

6 455.213 General licensing provisions.--

7 (1) Any person desiring to be licensed shall apply to
8 the department in writing ~~to take the appropriate examination.~~
9 The application for licensure shall be made on a form prepared
10 and furnished by the department and shall be supplemented as
11 needed to reflect any material change in any circumstance or
12 condition stated in the application which takes place between
13 the initial filing of the application and the final grant or
14 denial of the license and which might affect the decision of
15 the agency. In cases where a person applies or schedules
16 directly with a national examination organization or
17 examination vendor to take an examination required for
18 licensure, any organization-related or vendor-related fees
19 associated with the examination may be paid directly to the
20 organization or vendor.

21 (2) Before the issuance of any license, the department
22 may charge an initial license fee as determined by rule of the
23 applicable board or, if no such board exists, by rule of the
24 department. Upon receipt of the appropriate license fee,
25 except as provided in subsection (3), the department shall
26 issue a license to any person certified by the appropriate
27 board, or its designee, or the department when there is no
28 board, as having met the applicable requirements imposed by
29 law or rule. However, an applicant who is not otherwise
30 qualified for licensure is not entitled to licensure solely
31 based on a passing score on a required examination.

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

3 455.217 Examinations.--This section shall be read in
4 conjunction with the appropriate practice act associated with
5 each regulated profession under this chapter.

6 (1) The Division of Technology, Licensure, and Testing
7 of the Department of Business and Professional Regulation
8 shall provide, contract for, or approve services for the
9 development, preparation, and administration, scoring, score
10 reporting, and evaluation of all examinations. The division
11 shall seek the advice of the appropriate board in providing
12 such services.

13 (a) The department, acting in conjunction with the
14 Division of Technology, Licensure, and Testing and the
15 Division of Real Estate, as appropriate, shall ensure that ~~the~~
16 examinations adequately and reliably measure an applicant's
17 ability to practice the profession regulated by the department
18 ~~and shall seek the advice of the appropriate board in the~~
19 ~~preparation and administration of the examinations.~~ After an
20 examination developed or approved by the department has been
21 administered, the board or department may reject any question
22 which does not reliably measure the general areas of
23 competency specified in the rules of the board, or the
24 department when there is no board. The department shall use
25 professional testing services for the development,
26 preparation, and evaluation of ~~to prepare, administer, grade,~~
27 ~~and evaluate~~ the examinations, when such services are
28 available and approved by the board.

29 (b) For each examination developed by the department
30 or a contracted vendor, to the extent not otherwise specified
31 by statute, the board, or, ~~when there is no board,~~ the

1 department when there is no board, shall by rule specify the
 2 general areas of competency to be covered by the ~~each~~
 3 examination, the relative weight to be assigned in grading
 4 each area tested, ~~and~~ the score necessary to achieve a passing
 5 grade, and the fees, where applicable, to cover the actual
 6 cost for any purchase, development, and administration of the
 7 required examination. However, statutory fee caps in each
 8 practice act shall apply. This subsection does not apply to
 9 national examinations approved and administered pursuant to
 10 paragraph (d).

11 (c) If a practical examination is deemed to be
 12 necessary, ~~the~~ rules shall specify the criteria by which
 13 examiners are to be selected, the grading criteria to be used
 14 by the examiner, the relative weight to be assigned in grading
 15 each criterion, and the score necessary to achieve a passing
 16 grade. When a mandatory standardization exercise for a
 17 practical examination is required by law, the board may
 18 conduct such exercise. Therefore, board members may serve as
 19 examiners at a practical examination with the consent of the
 20 board.

21 (d)(c) ~~A board~~, or the department when there is no
 22 board, may approve by rule the use of any national examination
 23 which the department has certified as meeting requirements of
 24 national examinations and generally accepted testing standards
 25 pursuant to department rules. Providers of examinations, which
 26 may be either profit or nonprofit entities, seeking
 27 certification by the department shall pay the actual costs
 28 incurred by the department in making a determination regarding
 29 the certification. The department shall use any national
 30 examination which is available, certified by the department
 31 and ~~which is~~ approved by the board. The name and number of a

1 candidate may be provided to a national contractor for the
2 limited purpose of preparing the grade tape and information to
3 be returned to the board or department or, to the extent
4 otherwise specified by rule, the candidate may apply directly
5 to the vendor of the national examination. The department may
6 delegate to the board the duty to provide and administer the
7 examination. Any national examination approved by a board, or
8 the department when there is no board, prior to October 1,
9 1997, is deemed certified under this paragraph. Any licensing
10 or certification examination that is not developed or
11 administered by the department in house or provided as a
12 national examination shall be competitively bid.

13 (e)~~(d)~~ The department shall adopt rules regarding the
14 security and monitoring of examinations. In order to maintain
15 the security of examinations, the department may employ the
16 procedures set forth in s. 455.228 to seek fines and
17 injunctive relief against an examinee who violates the
18 provisions of s. 455.2175 or the rules adopted pursuant to
19 this paragraph. The department, or any agent thereof, may, for
20 the purposes of investigation, confiscate any written,
21 photographic, or recording material or device in the
22 possession of the examinee at the examination site which the
23 department deems necessary to enforce such provisions or
24 rules.

25 (f)~~(e)~~ If the professional board with jurisdiction
26 over an examination concurs, the department may, for a fee,
27 share with any other state's licensing authority an
28 examination developed by or for the department unless
29 prohibited by a contract entered into by the department for
30 development or purchase of the examination. The department,
31 with the concurrence of the appropriate board, shall establish

1 guidelines that ensure security of a shared exam and shall
 2 require that any other state's licensing authority comply with
 3 those guidelines. Those guidelines shall be approved by the
 4 appropriate professional board. All fees paid by the user
 5 shall be applied to the department's examination and
 6 development program for professions regulated by this chapter.
 7 All fees paid by the user for professions not regulated by
 8 this chapter shall be applied to offset the fees for the
 9 development and administration of that profession's
 10 examination.

11 (2) For each examination developed by the department
 12 or a contracted vendor, the board, or the department, when
 13 there is no board, ~~the department~~ shall make rules providing
 14 for reexamination of any applicants who fail an ~~have failed~~
 15 the examination developed by the department or a contracted
 16 vendor. If both a written and a practical examination are
 17 given, an applicant shall be required to retake only the
 18 portion of the examination for ~~on~~ which he failed to achieve a
 19 passing grade, if he successfully passes that portion within a
 20 reasonable time, as determined by rule of the board, or the
 21 department when there is no board, of his passing the other
 22 portion.

23 (3) Except for national examinations approved and
 24 administered pursuant to paragraph (1)(d), the department
 25 shall provide procedures for applicants who have taken and
 26 failed an examination developed by the department or a
 27 contracted vendor to review their examination questions,
 28 answers, papers, grades, and grading key for the questions the
 29 candidate answered incorrectly or, if that is not feasible,
 30 the parts of the examination failed. Applicants shall bear the
 31 actual cost for the department to provide examination review

1 ~~pursuant to this subsection. The board or, when there is no~~
 2 ~~board, the department shall make available an examination~~
 3 ~~review procedure for applicants and charge an examination~~
 4 ~~review fee not to exceed \$75 per review. Unless prohibited or~~
 5 ~~limited by rules implementing security or access guidelines of~~
 6 ~~national examinations, the applicant is entitled to review his~~
 7 ~~examination questions, answers, papers, grades, and grading~~
 8 ~~key. An applicant may waive in writing the confidentiality of~~
 9 ~~his examination grades.~~

10 (4)(3) For each examination developed or administered
 11 by the department or a contracted vendor, ~~The department shall~~
 12 ~~make~~ an accurate record of each applicant's examination
 13 questions, answers, papers, grades, and grading key. ~~The~~
 14 ~~department shall be kept~~ keep such record for a period of not
 15 less than 2 years immediately following the examination, and
 16 such record shall thereafter be maintained or destroyed as
 17 provided in chapters 119 and 257. This subsection does not
 18 apply to national examinations approved and administered
 19 pursuant to paragraph (1)(d).

20 (5)(4) Meetings and records of meetings of any member
 21 of the department or of any board or commission within the
 22 department held for the exclusive purpose of creating or
 23 reviewing licensure examination questions or proposed
 24 examination questions are confidential and exempt from ss.
 25 119.07(1) and 286.011. However, this exemption shall not
 26 affect the right of any person to review an examination as
 27 provided in subsection (3)(2).

28 (6)(5) For examinations developed by the department or
 29 a contracted vendor, each board, or the department when there
 30 is no board, may provide licensure examinations in an
 31 applicant's native language. Applicants for examination or

1 reexamination pursuant to this subsection shall bear the full
 2 cost for the department's development, preparation,
 3 administration, grading, and evaluation of any examination in
 4 a language other than English. Requests for translated
 5 examinations must be on file in the board office, or with the
 6 department when there is no board, at least 6 months prior to
 7 the scheduled examination. When determining whether it is in
 8 the public interest to allow the examination to be translated
 9 into a language other than English, the board, or the
 10 department when there is no board, shall consider the
 11 percentage of the population who speak the applicant's native
 12 language.

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

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

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

25 (3)(a) As an alternative to the provisions of
 26 subsections (1) and (2), when a complaint is received, the
 27 department or the agency may provide a licensee with a notice
 28 of noncompliance for an initial offense of a minor violation.
 29 A violation is a minor violation if it does not demonstrate a
 30 serious inability to practice the profession, result in
 31 economic or physical harm to a person, or adversely affect the

1 public health, safety, or welfare or create a significant
2 threat of such harm.Each board, or the department or the
3 agency if there is no board, shall establish by rule those
4 ~~minor violations~~ which are minor violations under this
5 ~~provision which do not endanger the public health, safety, and~~
6 ~~welfare and which do not demonstrate a serious inability to~~
7 ~~practice the profession.~~ Failure of a licensee to take action
8 in correcting the violation within 15 days after notice may
9 result in the institution of regular disciplinary proceedings.

10 (b) The department may issue a notice of noncompliance
11 for an initial offense of a minor violation, notwithstanding a
12 board's failure to designate a particular minor violation by
13 rule as provided in paragraph (a).

14 Section 20. Paragraph (b) of subsection (7) of section
15 458.347, Florida Statutes, 1996 Supplement, is amended to
16 read:

17 458.347 Physician assistants.--

18 (7) PHYSICIAN ASSISTANT CERTIFICATION.--

19 (b)1. Notwithstanding subparagraph (a)2. and
20 sub-subparagraph (a)3.a., the agency shall examine each
21 applicant who the Board of Medicine certifies:

22 a. Has completed the application form and remitted a
23 nonrefundable application fee not to exceed \$500 and an
24 examination fee not to exceed \$300, plus the actual cost to
25 the agency to provide the examination. The examination fee is
26 refundable if the applicant is found to be ineligible to take
27 the examination. The agency shall not require the applicant to
28 pass a practical component of the examination, provided that
29 the National Commission on Certification of Physician
30 Assistants has eliminated the practical component of its
31 examination. Competencies required for practicing physician

1 assistants shall be incorporated into the written examination
2 through a multiple-choice format.The agency shall translate
3 the examination into the native language of any applicant who
4 requests and agrees to pay all costs of such translation,
5 provided that the translation request is filed with the board
6 office no later than 9 months before the scheduled examination
7 and the applicant remits translation fees as specified by the
8 department no later than 6 months before the scheduled
9 examination, and provided that the applicant demonstrates to
10 the agency the ability to communicate orally in basic English.
11 If the applicant is unable to pay translation costs, the
12 applicant may take the next available examination in English
13 if the applicant submits a request in writing by the
14 application deadline and if the applicant is otherwise
15 eligible under this section. To demonstrate the ability to
16 communicate in basic English, a passing score or grade is
17 required, as determined by the department or organization that
18 developed it, on one of the following English examinations:
19 (I) The test for spoken English (TSE) by the
20 Educational Testing Service (ETS);
21 (II) The test of English as a foreign language
22 (TOEFL), by ETS;
23 (III) A high school or college level English Course;
24 or
25 (IV) The English examination for citizenship,
26 Immigration and Naturalization Service.
27
28 A notarized copy of an Educational Commission for Foreign
29 Medical Graduates (ECFMG) certificate may also be used to
30 demonstrate the ability to communicate in basic English.
31

1 b. Is an unlicensed physician who graduated from a
2 foreign medical school listed with the World Health
3 Organization who has not previously taken and failed the
4 examination of the National Commission on Certification of
5 Physician Assistants and who has been certified by the Board
6 of Medicine as having met the requirements for licensure as a
7 medical doctor by examination as set forth in s. 458.311(1),
8 (3), (4), and (5), with the exception that the applicant is
9 not required to have completed an approved residency of at
10 least 1 year and the applicant is not required to have passed
11 the licensing examination specified under s. 458.311 or hold a
12 valid, active certificate issued by the Educational Commission
13 for Foreign Medical Graduates.

14 c. Was eligible and made initial application for
15 certification as a physician assistant in this state between
16 July 1, 1990, and June 30, 1991.

17 d. Was a resident of this state on July 1, 1990, or
18 was licensed or certified in any state in the United States as
19 a physician assistant on July 1, 1990.

20 2. The agency may grant temporary certification to an
21 applicant who meets the requirements of subparagraph 1.
22 Between meetings of the council, the agency may grant
23 temporary certification to practice based on the completion of
24 all temporary certification requirements. All such
25 administratively issued certifications shall be reviewed and
26 acted on at the next regular meeting of the council. A
27 temporary certificate expires upon receipt and notice of
28 scores to the certificateholder from the first available
29 examination specified in subparagraph 1. following
30 certification by the agency. An applicant who fails the
31 proficiency examination is no longer temporarily certified,

1 but may apply for a one-time extension of temporary
2 certification after reapplying for the next available
3 examination. Extended certification shall expire upon failure
4 of the certificateholder to sit for the next available
5 examination or upon receipt and notice of scores to the
6 certificateholder from such examination.

7 3. Notwithstanding any other provision of law, the
8 examination specified pursuant to subparagraph 1. shall be
9 administered by the agency only five times. Applicants
10 certified by the board for examination shall receive at least
11 6 months' notice of eligibility prior to the administration of
12 the initial examination. Subsequent examinations shall be
13 administered at 1-year intervals following ~~determined by the~~
14 ~~agency after~~ the reporting of the scores of the first and
15 subsequent examinations ~~examination~~. For the purposes of this
16 paragraph, the agency may develop, contract for the
17 development of, purchase, or approve an examination, including
18 a practical component, that adequately measures an applicant's
19 ability to practice with reasonable skill and safety. The
20 minimum passing score on the examination shall be established
21 by the agency, with the advice of the board. Those applicants
22 failing to pass that examination or any subsequent examination
23 shall receive notice of the administration of the next
24 examination with the notice of scores following such
25 examination. Any applicant who passes the examination and
26 meets the requirements of this section shall be certified as a
27 physician assistant with all rights defined thereby.

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

31

1 468.385 Licenses required; qualifications;
2 examination; bond.--

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

9 (6) No person shall be licensed as an auctioneer
10 unless he:

11 (b) Has passed the required ~~an~~ examination ~~conducted~~
12 ~~by the department~~; and

13 Section 22. Subsection (1) of section 468.386, Florida
14 Statutes, is amended to read:

15 468.386 Fees; local licensing requirements.--

16 (1) The board by rule may establish application,
17 ~~examination~~, licensure, renewal, and other reasonable and
18 necessary fees, based upon the department's estimate of the
19 costs to the board in administering this act.

20 Section 23. Section 468.388, Florida Statutes, is
21 amended to read:

22 468.388 Conduct of an auction.--

23 (1) Prior to conducting an auction in this state, an
24 auctioneer or auction business shall execute a written
25 agreement with the owner, or the agent of the owner, of any
26 property to be offered for sale, stating:

27 (a) The name and address of the owner of the property;

28 (b) The name and address of the person employing the
29 auctioneer or auction business, if different from the owner;
30 and

31

1 (c) The terms or conditions upon which the auctioneer
2 or auction business will receive the property for sale and
3 remit the sales proceeds to the owner.

4 (2) The auctioneer or auction business shall give the
5 owner one copy of the agreement and shall keep one copy for 2
6 years after the date of the auction.

7 ~~(3) A written agreement shall not be required if:~~

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

11 ~~(b) There has been no prior negotiation between the
12 owner or his agent and the auctioneer or auction business
13 involving terms or conditions pertaining to the property being
14 offered for sale; and~~

15 ~~(c) The total estimated value of the property is \$500
16 or less. If the actual sale price of the property exceeds
17 \$550, the written agreement required by subsection (1) shall
18 be executed after the sale.~~

19 (3)~~(4)~~ Each auctioneer or auction business shall
20 maintain a record book of all sales for which a written
21 agreement is required. The record book shall be open to
22 inspection by the board at reasonable times.

23 (4)~~(5)~~ Each auctioneer or auction business shall
24 prominently display his license, or make it otherwise
25 available for inspection, at each auction in which he
26 participates.

27 (5)~~(6)~~ All advertising by an auctioneer or auction
28 business shall include the name and Florida license number of
29 such auctioneer and auction business. The term "advertising"
30 shall not include articles of clothing, directional signs, or
31 other promotional novelty items.

1 Section 24. Paragraph (c) of subsection (1) of section
2 468.389, Florida Statutes, is amended to read:

3 468.389 Prohibited acts; penalties.--

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

6 (c) Failure to account for or to pay, within a
7 reasonable time not to exceed 30 days, money or property
8 belonging to another which has come into the control of an
9 auctioneer or auction business through an auction.

10 Section 25. For the purpose of incorporating the
11 amendment to section 468.389, Florida Statutes, in a reference
12 thereto, section 468.391, Florida Statutes, is reenacted to
13 read:

14 468.391 Penalty.--Any auctioneer, apprentice, or
15 auction business or any owner or manager thereof, or, in the
16 case of corporate ownership, any substantial stockholder of
17 the corporation owning the auction business, who operates
18 without an active license or violates any provision of the
19 prohibited acts listed under s. 468.389 commits a felony of
20 the third degree, punishable as provided in s. 775.082 or s.
21 775.083.

22 Section 26. Subsections (2) and (3) of section
23 468.393, Florida Statutes, are amended to read:

24 468.393 Surcharge to license fee; assessments.--

25 (2) If the total amount in the Auctioneer Recovery
26 Fund, including principal and interest, exceeds \$250,000
27 ~~\$500,000~~ at the end of the state fiscal year after the payment
28 of all claims and expenses, the amount in excess of \$250,000
29 ~~\$500,000~~ shall remain in the fund for benefit of the licensees
30 in tolling the surcharge until such time as the surcharge
31 shall need replenishing.

1 (3) After October 1, 1995, if the total amount in the
2 Auctioneer Recovery Fund, including principal and interest, is
3 less than \$200,000 at the end of the fiscal year after the
4 payment of all claims and expenses, the board shall assess, in
5 addition to any other fees under s. 468.3852, a surcharge
6 against a licensee at the time of initial licensure or at the
7 time of license renewal, according to the following formula in
8 order to maintain the fund at \$250,000~~\$500,000~~:

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

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

14 (c) Determine the number of initial licenses and
15 license renewals in the fiscal year that precedes the current
16 fiscal year.

17 (d) Divide the amount determined under paragraph (b)
18 by the number determined under paragraph (c).

19 Section 27. For the purpose of incorporating the
20 amendment to section 468.393, Florida Statutes, in a reference
21 thereto, subsection (5) of section 468.392, Florida Statutes,
22 is reenacted to read:

23 468.392 Auctioneer Recovery Fund.--There is created
24 the Auctioneer Recovery Fund as a separate account in the
25 Professional Regulation Trust Fund. The fund shall be
26 administered by the Florida Board of Auctioneers.

27 (5) Moneys in the fund at the end of a fiscal year
28 shall be retained in the fund and shall accrue for the benefit
29 of auctioneers and auction businesses. When the fund exceeds
30 the amount as set forth in s. 468.393(2), all surcharges shall
31

1 be suspended until such time as the fund is reduced below the
2 amount as set forth in s. 468.393(3).

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

5 468.395 Conditions of recovery; eligibility.--

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

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

16 (b) Any aggrieved person who obtains a final judgment
17 in any court against any licensee to recover damages for an
18 actual cash loss resulting from the violation, within the
19 State of Florida, by failure to meet the obligations of a
20 licensee, of any provision of s. 468.389 or any rule under
21 this part and the rules adopted by the board, with or without
22 findings by the board, that results in an actual cash loss to
23 the aggrieved person may, upon termination of all proceedings,
24 including appeals and proceedings supplemental to judgment for
25 collection purposes, file a verified application to the board
26 in the court in which the judgment was entered for an order
27 directing payment out of the Auctioneer Recovery Fund of the
28 amount of actual and direct loss in the transaction that
29 remains unpaid upon the judgment. Notwithstanding subsection
30 (3), any application received by the court in which the
31 judgment was entered within 6 months of termination of all

1 ~~proceedings, including appeals and proceedings supplemental to~~
2 ~~judgment for collection purposes, shall be considered timely~~
3 ~~filed.~~ The amount of actual and direct loss may include court
4 costs, but shall not include attorney's fees or punitive
5 damages awarded.

6 (2) The amount paid from the Auctioneer Recovery Fund
7 may not exceed ~~\$25,000~~\$50,000 per claim judgment or claims
8 ~~judgments~~ arising out of the same transaction or auction nor
9 ~~and~~ an aggregate lifetime limit of \$50,000~~\$100,000~~ with
10 respect to any one licensee.

11 ~~(2) At the time the action is commenced, such person~~
12 ~~shall give notice thereof to the board by certified mail,~~
13 ~~except that, if no notice is given to the board, the claim may~~
14 ~~still be honored if, in the opinion of the board, the claim is~~
15 ~~otherwise valid.~~

16 (3) A claim for recovery from the Auctioneer Recovery
17 Fund shall be made within 2 years from the time of the act
18 giving rise to the claim or within 2 years from the time the
19 act is discovered or should have been discovered with the
20 exercise of due diligence; however, in no event may a claim
21 for recovery be made more than 4 years after the date of the
22 act giving rise to the claim.

23 (4) The board court shall not issue an order for
24 payment of a claim from the Auctioneer Recovery Fund unless
25 the claimant has reasonably established for the board court
26 that he has taken proper and reasonable action to collect the
27 amount of his claim from the licensee ~~licensed auctioneer~~
28 responsible for the loss and that any recovery made has been
29 applied to reduce the amount of the claim on the Auctioneer
30 Recovery Fund.

31

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

6 (6) In case of payment of loss from the Auctioneer
7 Recovery Fund, the fund shall be subrogated, to the extent of
8 the amount of the payment, to all the rights of the claimant
9 against any licensee with respect to the loss.

10 Section 29. Subsections (1) and (3) of section
11 468.396, Florida Statutes, are amended to read:

12 468.396 Claims against a single licensee in excess of
13 dollar limitation; joinder of claims, payment; insufficient
14 funds.--

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

26 (3) On June 30 and December 31 of each year, the board
27 shall identify each claim that the court orders to be paid
28 during the 6-month period that ended on that day. The board
29 shall pay the part of each claim that is so identified within
30 15 days after the end of the 6-month period in which the claim
31 is ordered paid. However, if the balance in the fund is

1 insufficient to pay the full payable amount of each claim that
2 is ordered to be paid during a 6-month period, the board shall
3 pay a prorated portion of each claim that is ordered to be
4 paid during the period. Any part of the payable amount of a
5 claim left unpaid due to the prorating of payments under this
6 subsection shall be paid, subject to the ~~\$25,000~~\$50,000 limit
7 described in s. 468.395, before the payment of claims ordered
8 to be paid during the following 6 months.

9 Section 30. Subsection (3) is added to section
10 468.432, Florida Statutes, 1996 Supplement, to read:

11 468.432 Licensure of community association managers;
12 exceptions; rules.--

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

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

18 468.542 Definitions.--As used in ss. 468.540-468.552,
19 the term:

20 (4) "Operator" means any person, including the owner,
21 who is in onsite charge of the actual operation, supervision,
22 and maintenance of a water treatment plant or domestic
23 wastewater treatment plant and includes the person in onsite
24 charge of a shift or period of operation during any part of
25 the day.

26 (a) "Class A operator" means a person who is
27 authorized by certification, training, and experience to
28 operate any water or wastewater treatment facility, as defined
29 by department rule.

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

1 operate a Class B 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 facilities, as
4 permitted by department rule.

5 (c) "Class C operator" means a person who is
6 authorized by certification, training, and experience to
7 operate a Class C or lesser water or wastewater treatment
8 facility, as defined by department rule, and who also may be
9 authorized as a shift operator on Class A or Class B
10 facilities, as permitted by department rule.

11 (d) "Class D operator" means a person who is
12 authorized by certification, training, and experience to
13 operate a Class D water or wastewater treatment facility, as
14 defined by department rule.

15 Section 32. Paragraph (e) of subsection (2) and
16 subsection (3) of section 468.453, Florida Statutes, are
17 amended to read:

18 468.453 Licensure required; qualifications;
19 examination; bond.--

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

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

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

30 Section 33. Section 468.547, Florida Statutes, is
31 amended to read:

1 468.547 Fees.--The department shall, by rule,
2 establish fees to be paid for applications ~~and examination,~~
3 ~~reexamination~~, licensing and renewal, renewal of inactive
4 license, reactivation of inactive license, recordmaking, and
5 recordkeeping. The department shall establish fees adequate to
6 administer and implement ss. 468.540-468.552.

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

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

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

13 Section 34. Subsections (1), (2), and (3) of section
14 468.548, Florida Statutes, are amended to read:

15 468.548 Requirements for licensure.--

16 (1) Any person desiring to be licensed as a water
17 treatment plant operator or a domestic wastewater treatment
18 plant operator must apply to the department ~~to take the~~
19 ~~licensure examination.~~

20 (2) The department shall license ~~examine~~ any applicant
21 who meets the criteria established by the department for
22 licensure, submits a completed application, and remits the
23 required fee.

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

27 Section 35. Section 468.607, Florida Statutes, is
28 amended to read:

29 468.607 Certification of building code administration
30 and inspection personnel.--The department ~~board~~ shall issue a
31 certificate to any individual ~~whom~~ the board certifies

1 ~~determines~~ to be qualified, within such class and level as
2 provided in this part and with such limitations as the board
3 may place upon it. No person may be employed by a state
4 agency or local governmental authority to perform the duties
5 of a building code administrator, plans examiner, or inspector
6 after October 1, 1993, without possessing the proper valid
7 certificate issued in accordance with the provisions of this
8 part.

9 Section 36. Section 468.609, Florida Statutes, is
10 amended to read:

11 468.609 Administration of this part; standards for
12 certification; additional categories of certification.--

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

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

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

21 (b) Is of good moral character; and

22 (c) Meets eligibility requirements according to one of
23 the following criteria:

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

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

31

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

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

5 (b) Is of good moral character; and

6 (c) Meets eligibility requirements according to one of
7 the following criteria:

8 ~~1.3. For certification as a building code~~
9 ~~administrator or building official,~~ Demonstrates 10 years'
10 combined experience as an architect, engineer, building
11 inspector, registered or certified contractor, or construction
12 superintendent, with at least 5 years of such experience in
13 supervisory positions; ~~or-~~

14 2. Demonstrates a combination of postsecondary
15 education in a related field, no more than 5 years of which
16 may be applied, and experience as an architect, engineer,
17 building inspector, registered or certified contractor, or
18 construction superintendent which totals 10 years, with at
19 least 5 years of such total being experience in supervisory
20 positions.

21 ~~(4)(3)~~ No person may engage in the duties of a
22 building code administrator, plans examiner, or inspector
23 pursuant to this part after October 1, 1993, unless such
24 person possesses one of the following types of certificates,
25 currently valid, issued by the department board attesting to
26 the person's qualifications to hold such position:

27 (a) A standard certificate.

28 (b) A limited certificate.

29 (c) A provisional certificate.

30 ~~(5)(4)~~(a) To obtain a standard certificate, an
31 individual must pass an examination approved by the board

1 which demonstrates that the applicant has fundamental
 2 knowledge of the state laws and codes relating to the
 3 construction of buildings for which the applicant has code
 4 administration or inspection responsibilities. It is the
 5 intent of the Legislature that the examination approved for
 6 certification pursuant to this part be substantially
 7 equivalent to the examinations administered by the Southern
 8 Building Code Congress International, the Building Officials
 9 Association of Florida, the South Florida Building Code (Dade
 10 and Broward), and the Council of American Building Officials.

11 (b) A standard certificate shall be issued to each
 12 applicant who successfully completes the examination, which
 13 certificate authorizes the individual named thereon to
 14 practice throughout the state as a building code
 15 administrator, plans examiner, or inspector within such class
 16 and level as is specified by the board.

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

20 ~~(6)~~(5)(a) A building code administrator, plans
 21 examiner, or inspector holding office on July 1, 1993, shall
 22 not be required to possess a standard certificate as a
 23 condition of tenure or continued employment, but shall be
 24 required to obtain a limited certificate as described in this
 25 subsection.

26 (b) By October 1, 1993, individuals who were employed
 27 on July 1, 1993, as building code administrators, plans
 28 examiners, or inspectors, who are not eligible for a standard
 29 certificate, but who wish to continue in such employment,
 30 shall submit to the board the appropriate application and
 31 certification fees and shall receive a limited certificate

1 qualifying them to engage in building code administration,
2 plans examination, or inspection in the class, at the
3 performance level, and within the governmental jurisdiction in
4 which such person is employed.

5 (c) The limited certificate shall be valid only as an
6 authorization for the building code administrator, plans
7 examiner, or inspector to continue in the position held, and
8 to continue performing all functions assigned to that
9 position, on July 1, 1993.

10 (d) A building code administrator, plans examiner, or
11 inspector holding a limited certificate can be promoted to a
12 position requiring a higher level certificate only upon
13 issuance of a standard certificate or provisional certificate
14 appropriate for such new position.

15 (7)~~(6)~~(a) The board may provide for the issuance of
16 provisional or temporary certificates valid for such period,
17 not less than 1 year nor more than 3 years, as specified by
18 board rule, to any building code administrator, plans
19 examiner, or inspector newly employed or newly promoted who
20 lacks the qualifications prescribed by the board or by statute
21 as prerequisite to issuance of a standard certificate.

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

25 (c) The board may provide for appropriate levels of
26 provisional or temporary certificates and may issue these
27 certificates with such special conditions or requirements
28 relating to the place of employment of the person holding the
29 certificate, the supervision of such person on a consulting or
30 advisory basis, or other matters as the board may deem
31 necessary to protect the public safety and health.

1 (8)~~(7)~~(a) Any individual who holds a valid certificate
2 under the provisions of s. 553.795, or who has successfully
3 completed all requirements for certification pursuant to such
4 section, shall be deemed to have satisfied the requirements
5 for receiving a standard certificate prescribed by this part.

6 (b) Any individual who holds a valid certificate
7 issued by the Southern Building Code Congress International,
8 the Building Officials Association of Florida, the South
9 Florida Building Code (Dade and Broward), or the Council of
10 American Building Officials certification programs, or who has
11 been approved for certification under one of those programs
12 not later than October 1, 1995, shall be deemed to have
13 satisfied the requirements for receiving a standard
14 certificate in the corresponding category prescribed by this
15 part. Employees of counties with a population of less than
16 50,000, or employees of municipalities with a population of
17 less than 3,500, shall be deemed to have satisfied the
18 requirements for standard certification where such employee is
19 approved for certification under one of the programs set forth
20 in this paragraph not later than October 1, 1998.

21 (9)~~(8)~~ Any individual applying to the board may be
22 issued a certificate valid for multiple inspection classes, as
23 deemed appropriate by the board.

24 (10)~~(9)~~ Certification and training classes may be
25 developed in coordination with degree career education
26 centers, community colleges, the State University System, or
27 other entities offering certification and training classes.

28 (11)~~(10)~~ The board may by rule create categories of
29 certification in addition to those defined in s. 468.603(6)
30 and (7). Such certification categories shall not be mandatory
31

1 and shall not act to diminish the scope of any certificate
2 created by statute.

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

6 468.617 Joint inspection department; other
7 arrangements.--

8 (2) Nothing in this part shall prohibit local
9 governments from employing or authorizing persons certified
10 pursuant to or exempt from this part to perform inspections on
11 a contract basis.

12 Section 38. Subsection (1) of section 468.621, Florida
13 Statutes, is amended to read:

14 468.621 Prohibited acts;disciplinary proceedings.--

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

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

21 (b) Obtaining certification through fraud, deceit, or
22 perjury.

23 (c) Knowingly assisting any person practicing contrary
24 to the provisions of:

25 1. This part; ~~or~~

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

28 3. Chapter 455 or chapter 489.

29 (d) Having been convicted of a felony against this
30 state or the United States, or of a felony in another state

31

1 that would have been a felony had it been committed in this
2 state.

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

6 (f) Making or filing a report or record which the
7 certificateholder knows to be false, or knowingly inducing
8 another to file a false report or record, or knowingly failing
9 to file a report or record required by state or local law, or
10 knowingly impeding or obstructing such filing, or knowingly
11 inducing another person to impede or obstruct such filing.

12 (g) Committing willful misconduct, gross negligence,
13 gross misconduct, repeated negligence, or negligence resulting
14 in a significant danger to life or property by failure to
15 properly enforce applicable building codes.

16 Section 39. Subsection (1) of section 468.629, Florida
17 Statutes, is amended to read:

18 468.629 Prohibitions; penalties.--

19 (1) No person may:

20 (a) Falsely hold himself or herself out as a
21 certificateholder.

22 (b) Falsely impersonate a certificateholder.

23 (c) Present as his or her own the certificate of
24 another.

25 (d) Give false or forged evidence to the board or the
26 department, or a member, an employee, or an officer thereof,
27 for the purpose of obtaining a certificate.

28 (e) Use or attempt to use a certificate which has been
29 suspended or revoked.

30 (f) Threaten, coerce, trick, persuade, or otherwise
31 influence, or attempt to threaten, coerce, trick, persuade, or

1 otherwise influence, any certificateholder, through the
2 certificateholder's action or inaction, to commit, allow, or
3 assist in the commission of the violation of to violate any
4 provision of this part, chapter 455, or chapter 489, a local
5 building code or ordinance, or any other law of this state.

6 (g) Offer any compensation to a certificateholder in
7 order to induce a violation of this part, a local building
8 code or ordinance, or another law of this state.

9 (h) Engage in the duties or act in the capacity of a
10 building code administrator, plans examiner, or inspector
11 without possessing valid, active certificate issued under this
12 part.

13 Section 40. Subsection (1) of section 469.001, Florida
14 Statutes, is amended, present subsections (20) and (22) are
15 renumbered as subsections (21) and (23), respectively, present
16 subsection (21) is renumbered as subsection (22) and amended,
17 and a new subsection (20) is added to said section, to read:

18 469.001 Definitions.--As used in this chapter:

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

21 (20) "Project designer" means a person who works under
22 the direction of a licensed asbestos consultant and engages in
23 the design of project specifications for asbestos abatement
24 projects.

25 ~~(22)~~(21) "Survey" means the process of inspecting a
26 facility for the presence of asbestos-containing materials and
27 to determine the location and condition of asbestos-containing
28 materials prior to transfer of property, renovation,
29 demolition, or maintenance projects which may disturb
30 asbestos-containing materials.

1 Section 41. Paragraph (e) of subsection (1) of section
2 469.002, Florida Statutes, is amended to read:

3 469.002 Exemptions.--

4 (1) This chapter does not apply to:

5 (e) An authorized employee of the United States, this
6 state, or any municipality, county, or other political
7 subdivision who has completed all training required by NESHAP
8 and OSHA or by AHERA for the activities described in this
9 paragraph, while engaged in asbestos-related activities set
10 forth in s. 255.5535 and asbestos-related activities involving
11 the demolition of a ~~residential~~ building owned by that
12 governmental unit, where such activities are within the scope
13 of that employment and the employee does not hold out for hire
14 or otherwise engage in asbestos abatement, contracting, or
15 consulting.

16 Section 42. Subsection (3) of section 469.004, Florida
17 Statutes, is amended to read:

18 469.004 License; asbestos consultant; asbestos
19 contractor; exceptions.--

20 (3) Licensure as an asbestos contractor or asbestos
21 consultant is not required for the moving, removal, or
22 disposal of asbestos-containing roofing material by a roofing
23 contractor certified or registered under part I of chapter
24 489, if all such activities are performed under the direction
25 of an onsite roofing supervisor trained as provided in s.
26 469.012.

27 Section 43. Section 469.005, Florida Statutes, is
28 amended to read:

29 469.005 License requirements.--All applicants for
30 licensure as either asbestos consultants or asbestos
31 contractors shall:

1 (1) Pay the initial licensing fee.

2 (2) When applying for licensure as an asbestos
3 consultant, successfully complete the following
4 department-approved courses, as approved by the department:

5 (a) An asbestos contractor/supervisor ~~abatement~~
6 ~~project management and supervision~~ course. Such course shall
7 consist of not less than 5 ~~4~~ days of instruction ~~and shall~~
8 ~~cover the nature of the health risks, the medical effects of~~
9 ~~exposure, federal and state asbestos laws and regulations,~~
10 ~~legal and insurance considerations, contract specifications,~~
11 ~~sampling and analytical methodology, worker protection, and~~
12 ~~work area protection.~~

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

16 (c) An ~~A~~ ~~course in~~ asbestos management planning
17 course. Such course shall consist of not less than 2 days of
18 instruction.

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

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

23 (3) When applying for licensure as an asbestos
24 contractor, successfully complete the following
25 department-approved courses:

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

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

30 (4)~~(3)~~ Provide evidence of satisfactory work on 10
31 asbestos projects within the last 5 years.

1 ~~(5)(4)~~ Provide evidence of financial stability.

2 ~~(6)(5)~~ Pass a department-approved examination of
3 qualifications and knowledge relating to asbestos.

4 Section 44. Paragraph (a) of subsection (5) of section
5 469.006, Florida Statutes, is amended to read:

6 469.006 Licensure of business organizations;
7 qualifying agents.--

8 (5)(a) Each asbestos consultant or contractor shall
9 affix the consultant's or contractor's signature ~~seal, if any,~~
10 and license number to each construction document, plan, or any
11 other document prepared or approved for use by the licensee
12 which is related to any asbestos abatement project and filed
13 for public record with any governmental agency, and to any
14 offer, bid, or contract submitted to a client.

15 Section 45. Subsection (1) of section 469.013, Florida
16 Statutes, is amended to read:

17 469.013 Course requirements for asbestos surveyors,
18 management planners, and project monitors.--

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

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

26 (b) Asbestos surveyors must complete all requirements
27 of s. 469.005(2)(b).

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

31

1 Section 46. Section 469.015, Florida Statutes, is
2 repealed.

3 Section 47. Subsection (18) of section 470.002,
4 Florida Statutes, 1996 Supplement, is amended to read:

5 470.002 Definitions.--As used in this chapter:

6 (18) "Legally authorized person" means, in the
7 priority listed, the decedent, when written inter vivos
8 authorizations and directions are provided by the decedent,
9 the surviving spouse, son or daughter who is 18 years of age
10 or older, parent, brother or sister 18 years of age or over,
11 grandchild who is 18 years of age or older, or grandparent; or
12 any person in the next degree of kinship. In addition, the
13 term may include, if no family exists or is available, the
14 following: the guardian of the dead person at the time of
15 death; the personal representative of the deceased; the
16 attorney-in-fact of the dead person at the time of death; the
17 health surrogate of the dead person at the time of death;a
18 public health officer; the medical examiner, county commission
19 or administrator acting under chapter 245, or other public
20 administrator; a representative of a nursing home or other
21 health care institution in charge of final disposition; or a
22 friend or other person not listed in this subsection who is
23 willing to assume the responsibility as authorized person.

24 Section 48. Section 470.0085, Florida Statutes, is
25 amended to read:

26 470.0085 Establishment of embalmer apprentice
27 program.--The board may adopt rules establishing an embalmer
28 apprentice program. An embalmer apprentice may perform only
29 those tasks, functions, and duties relating to embalming which
30 are performed under the direct supervision of a licensed
31 embalmer. An embalmer apprentice shall be eligible to serve in

1 an apprentice capacity for a period not to exceed 1 year as
2 may be determined by board rule or for a period not to exceed
3 3 years if the apprentice is attending and enrolled in a
4 course in mortuary science or funeral service education at any
5 mortuary college or funeral service education college or
6 school. An embalmer apprentice shall be registered with the
7 board upon payment of a registration fee not to exceed \$50.

8 Section 49. Section 470.009, Florida Statutes, is
9 amended to read:

10 470.009 Licensure as a funeral director by
11 examination; provisional license.--

12 (1) Any person desiring to be licensed as a funeral
13 director shall apply to the department to take the licensure
14 examination. The department shall examine each applicant who
15 has remitted an examination fee set by the board not to exceed
16 \$200 plus the actual per applicant cost to the department for
17 portions of the examination and who the board certifies has:

18 (a) Completed the application form and remitted a
19 nonrefundable application fee set by the board not to exceed
20 \$50.

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

24 (c) Had no conviction or finding of guilt, regardless
25 of adjudication, for a crime which directly relates to the
26 ability to practice funeral directing or the practice of
27 funeral directing.

28 (d)1. Received an associate in arts degree, associate
29 in science degree, or an associate in applied science degree
30 in mortuary science approved by the board; or
31

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

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

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

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

12 (a) Passes an examination on the subjects of the
13 theory and practice of funeral directing, public health and
14 sanitation, and local, state, and federal laws and rules
15 relating to the disposition of dead human bodies; however, the
16 board by rule may adopt the use of a national examination,
17 such as the funeral service arts examination prepared by the
18 Conference of Funeral Service Examining Boards, in lieu of
19 part of this examination requirement.

20 (b) Completes a 1-year internship under a licensed
21 funeral director.

22 (3) Any applicant who has completed the required
23 1-year internship and has been approved for examination as a
24 funeral director may qualify for a provisional license to work
25 in a licensed funeral establishment, under the direct
26 supervision of a licensed funeral director for a limited
27 period of 6 months as provided by rule of the board. The fee
28 for provisional licensure shall be set by the board but may
29 not exceed \$125. The fee required in this subsection shall be
30 nonrefundable and in addition to the fee required by
31 subsection (1). This provisional license may be renewed no

1 more than one time. ~~An applicant may not be granted a license~~
2 ~~until that applicant has completed a 1-year internship as~~
3 ~~prescribed by rule of the board.~~

4 Section 50. Subsection (1) of section 470.015, Florida
5 Statutes, 1996 Supplement, is amended to read:

6 470.015 Renewal of funeral director and embalmer
7 licenses.--

8 (1) The department shall renew a funeral director or
9 embalmer license upon receipt of the renewal application and
10 fee set by the board not to exceed \$250. The board may
11 prescribe by rule continuing education requirements of up to
12 12 classroom hours, in addition to a board-approved course on
13 communicable diseases that includes the course on human
14 immunodeficiency virus and acquired immune deficiency syndrome
15 required by s. 455.2226, for the renewal of a funeral director
16 or embalmer license. The board may provide for the waiver of
17 continuing education requirements in circumstances that would
18 justify the waiver, such as hardship, disability, or illness.
19 The continuing education requirement is not required after
20 July 1, 1996, for a licensee who is over the age of 75 years
21 if the licensee does not qualify as the sole person in charge
22 of an establishment or facility.

23 Section 51. Subsection (2) of section 470.018, Florida
24 Statutes, is amended to read:

25 470.018 Renewal of registration of direct disposer.--

26 (2) The department shall adopt rules establishing a
27 procedure for the biennial renewal of registrations. The
28 board shall prescribe by rule continuing education
29 requirements of up to 3 classroom hours, in addition to a
30 board-approved course on communicable diseases that includes
31 the course on human immunodeficiency virus and acquired immune

1 deficiency syndrome required by s. 455.2226, for the renewal
2 of a registration.

3 Section 52. Section 470.024, Florida Statutes, 1996
4 Supplement, is amended to read:

5 470.024 Funeral establishment; licensure.--

6 (1) A funeral establishment shall be a place at a
7 specific street address or location consisting of at least
8 1,250 contiguous interior square feet and must maintain or
9 make arrangements for either suitable capacity for the
10 refrigeration and storage of dead human bodies handled and
11 stored by the establishment or a preparation room equipped
12 with necessary ventilation and drainage and containing
13 necessary instruments for embalming dead human bodies.

14 (2) Each licensed funeral establishment may operate a
15 visitation chapel at a location within the county in which the
16 funeral establishment is located. A visitation chapel must be
17 a facility of not less than 500 square feet and not more than
18 700 square feet, which may be operated only when a licensed
19 funeral director is present at the facility. A visitation
20 chapel may be used only for visitation of a deceased human
21 body and may not be used for any other activity permitted by
22 this chapter.

23 ~~(3)~~(2) No person may conduct, maintain, manage, or
24 operate a funeral establishment unless an establishment
25 operating license has been issued by the department for that
26 funeral establishment.

27 ~~(4)~~(3) Application for a funeral establishment license
28 shall be made on forms furnished by the department, shall be
29 accompanied by a nonrefundable fee not to exceed \$300 as set
30 by board rule, and shall include the name of the licensed
31 funeral director who is in charge of that establishment.

1 (5)(4) A funeral establishment license shall be
2 renewable biennially pursuant to procedures, and upon payment
3 of a nonrefundable fee not to exceed \$300, as set by board
4 rule. The board may also establish by rule a delinquency fee
5 not to exceed \$50.

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

9 (7)(6) Each licensed funeral establishment shall have
10 one full-time funeral director in charge and shall have a
11 licensed funeral director reasonably available to the public
12 during normal business hours for that establishment. The
13 full-time funeral director in charge must have an active
14 license and may not be the full-time funeral director in
15 charge of any other funeral establishment or of any other
16 direct disposal establishment.

17 (8)(7) The issuance of a license to operate a funeral
18 establishment to a person or entity who is not individually
19 licensed as a funeral director does not entitle the person to
20 practice funeral directing.

21 (9)(8) Each funeral establishment located at a
22 specific address shall be deemed to be a separate entity and
23 shall require separate licensing and compliance with the
24 requirements of this chapter. A No funeral establishment may
25 not shall be operated at the same location as any other
26 funeral establishment or direct disposal establishment unless
27 such establishments were licensed as colocated establishments
28 on July 1, 1997 ~~colocated on January 1, 1993~~. Each
29 establishment that was licensed as a colocated establishment
30 on July 1, 1997, may continue to renew its license in the same
31 manner as other licenses are renewed, but such license renewal

1 is restricted to the facilities of the establishment as they
2 existed on July 1, 1997. No other licensing of colocated
3 establishments is permitted.

4 (10)~~(9)~~ Every funeral establishment licensed under
5 this chapter shall at all times be subject to the inspection
6 of all its buildings, grounds, and vehicles used in the
7 conduct of its business, by the department or any of its
8 designated representatives or agents, or local or Department
9 of Health ~~and Rehabilitative Services~~ inspectors. The board
10 shall by rule establish requirements for inspection of funeral
11 establishments.

12 (11)~~(10)~~ The board shall set by rule an annual
13 inspection fee not to exceed \$100, payable upon application
14 for licensure and upon each renewal of such license.

15 (12)~~(11)~~ A change in ownership of a funeral
16 establishment shall be promptly reported to the department and
17 ~~<U>~~shall ~~may~~ require the relicensure of the funeral
18 establishment, including reinspection and payment of
19 applicable fees.

20 (13)~~(12)~~ Each application for a funeral establishment
21 license shall identify every person with the ability to direct
22 the management or policies of the establishment and must
23 identify every person having more than a 10-percent ownership
24 interest in the establishment or the business or corporation
25 which owns the establishment. The board may deny, suspend, or
26 revoke the license if any person identified in the application
27 has ever been disciplined by a regulatory agency in any
28 jurisdiction for any offense that would constitute a violation
29 of this chapter. The board may deny, suspend, or revoke the
30 license if any person identified in the application has ever
31 been convicted or found guilty of, or entered a plea of nolo

1 | contendere to, regardless of adjudication, a crime in any
2 | jurisdiction that directly relates to the ability to operate a
3 | funeral establishment.

4 | ~~(13)~~ (14) Each funeral establishment must display at
5 | the public entrance the name of the establishment and the name
6 | of the full-time funeral director in charge. A funeral
7 | establishment must transact its business under the name by
8 | which it is licensed.

9 | Section 53. Subsection (1) of section 470.029, Florida
10 | Statutes, is amended to read:

11 | 470.029 Reports of cases embalmed and bodies
12 | handled.--

13 | (1) Each funeral establishment, direct disposal
14 | establishment, cinerator facility, and centralized embalming
15 | facility shall report on a form prescribed and furnished by
16 | the department the name of the deceased and such other
17 | information as may be required with respect to each dead human
18 | body embalmed or otherwise handled by the establishment or
19 | facility. Such forms shall be signed by the embalmer who
20 | performs the embalming, if the body is embalmed, and the
21 | funeral director in charge of the establishment or facility or
22 | by the direct disposer who disposes of the body. The board
23 | shall prescribe by rule the procedures in submitting such
24 | documentation. Reports required by this subsection shall be
25 | filed by the 10th day of each month for final dispositions
26 | handled the preceding month.

27 | Section 54. Paragraphs (f) and (g) are added to
28 | subsection (2) of section 470.0301, Florida Statutes, 1996
29 | Supplement, to read:

30 | 470.0301 Removal services; refrigeration facilities;
31 | centralized embalming facilities.--In order to ensure that the

1 removal, refrigeration, and embalming of all dead human bodies
2 is conducted in a manner that properly protects the public's
3 health and safety, the board shall adopt rules to provide for
4 the registration of removal services, refrigeration
5 facilities, and centralized embalming facilities operated
6 independently of funeral establishments, direct disposal
7 establishments, and cinerator facilities.

8 (2) CENTRALIZED EMBALMING FACILITIES.--In order to
9 ensure that all funeral establishments have access to
10 embalming facilities that comply with all applicable health
11 and safety requirements, the board shall adopt rules to
12 provide for the registration of centralized embalming
13 facilities and shall require, at a minimum, the following:

14 (f) Application for registration of a centralized
15 embalming facility shall be made on forms furnished by the
16 department and shall be accompanied by a nonrefundable fee not
17 to exceed \$300 as set by board rule, and registration shall be
18 renewed biennially pursuant to procedures and upon payment of
19 a nonrefundable fee not to exceed \$300 as set by board rule.
20 The board may also establish by rule a late fee not to exceed
21 \$50. Any registration not renewed within 30 days after the
22 renewal date shall expire without further action by the
23 department.

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

27 Section 55. Section 470.0315, Florida Statutes, is
28 created to read:

29 470.0315 Storage, preservation, and transportation of
30 human remains.--

31

1 (1) No person may store or maintain human remains at
2 any establishment or facility, except an establishment or
3 facility licensed or registered under this chapter or a health
4 care facility, medical examiner's facility, morgue, or
5 cemetery holding facility.

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

12 (3) A dead human body transported by common carrier or
13 any agency or individual authorized to carry human bodies must
14 be placed in a carrying container adequate to prevent the
15 seepage of fluids and escape of offensive odors. A dead human
16 body shall be transported only when accompanied by a properly
17 completed burial-transit permit issued in accordance with the
18 provisions of chapter 382.

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

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

27 Section 56. Section 470.0355, Florida Statutes, is
28 created to read:

29 470.0355 Identification of human remains.--

30 (1) The licensee or registrant in charge of the final
31 disposition of dead human remains shall, prior to final

1 disposition of such dead human remains, affix on the ankle or
2 wrist of the deceased, or in the casket or alternative
3 container or cremation container, proper identification of the
4 dead human remains. The identification or tag shall be
5 encased in or consist of durable and long-lasting material
6 containing the name, date of birth, date of death, and social
7 security number of the deceased, if available. If the dead
8 human remains are cremated, proper identification shall be
9 placed in the container or urn containing the remains.

10 (2) Any licensee or registrant responsible for removal
11 of dead human remains to any establishment, facility, or
12 location shall ensure that the remains are identified by a tag
13 or other means of identification that is affixed to the ankle
14 or wrist of the deceased at the time the remains are removed
15 from the place of death or other location.

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

19 Section 57. Section 471.024, Florida Statutes, is
20 created to read:

21 471.024 Engineers performing building code inspector
22 duties.--A person currently licensed to practice as an
23 engineer under this chapter may provide building inspection
24 services described in s. 468.603(6) and (7) to a local
25 government or state agency upon its request, without being
26 certified by the Board of Building Code Administrators and
27 Inspectors under part XIII of chapter 468. When performing
28 these building inspection services, the engineer is subject to
29 the disciplinary guidelines of this chapter and s.
30 468.621(1)(c)-(g). The complaint processing, investigation,
31 and discipline shall be conducted by the board rather than the

1 Board of Building Code Administrators and Inspectors. An
2 engineer may not perform plans review, as set forth in s.
3 468.603(2), as an employee of a local government on any job
4 that the engineer or the engineer's company designed.

5 Section 58. Paragraphs (c), (d), (e), (g), and (m) of
6 subsection (1) of section 470.036, Florida Statutes, and
7 subsection (2) of said section are amended to read:

8 470.036 Disciplinary proceedings.--

9 (1) The following acts constitute grounds for which
10 the disciplinary actions in subsection (2) may be taken:

11 (c) Having a license or registration to practice
12 funeral directing or embalming, apprentice embalming, or to
13 operate a cinerator facility, funeral establishment, removal
14 service, centralized embalming facility, or refrigeration
15 service, revoked, suspended, or otherwise acted against,
16 including the denial of licensure or registration, by the
17 licensing or registering authority of another jurisdiction.

18 (d) Being convicted or found guilty of, or entering a
19 plea of nolo contendere to, regardless of adjudication, a
20 crime in any jurisdiction which directly relates to the
21 practice of embalming or funeral directing, apprentice
22 embalming, or operation of a cinerator facility, funeral
23 establishment, removal service, centralized embalming
24 facility, or refrigeration service, or the ability to practice
25 embalming or funeral directing, apprentice embalming, or
26 operate a cinerator facility, funeral establishment, removal
27 service, centralized embalming facility, or refrigeration
28 service.

29 (e) Making or filing a report or record which the
30 licensee knows to be false, intentionally or negligently
31 failing to file a report or record required by state, local,

1 or federal law, willfully impeding or obstructing such filing,
2 or inducing another person to impede or obstruct such filing.
3 Such reports or records shall include only those which are
4 signed in the capacity of a licensed funeral director,
5 embalmer, centralized embalming facility operator, or
6 cinerator facility operator.

7 (g) Fraud, deceit, negligence, incompetency, or
8 misconduct, in the practice of funeral directing or embalming,
9 apprentice embalming, funeral establishment operation,
10 centralized embalming facility operation, cinerator facility
11 operation, removal service operation, or refrigeration service
12 operation.

13 (m) Making any false or misleading statement, oral or
14 written, directly or indirectly, regarding the sale of
15 services or merchandise in connection with funeral directing,
16 embalming, funeral establishment operation, cinerator facility
17 operation, removal service operation, centralized embalming
18 service, or refrigeration operation on a preneed or at-need
19 basis.

20 (2) When the board finds any licensed embalmer,
21 apprentice embalmer, embalmer intern, funeral director,
22 funeral director intern, funeral establishment, centralized
23 embalming facility, removal service, refrigeration service,
24 cinerator facility, or cinerator facility operator guilty of
25 any of the grounds set forth in subsection (1), it may enter
26 an order imposing one or more of the following penalties:

27 (a) Denial of an application for licensure.

28 (b) Permanent revocation or suspension of a license.

29 (c) Imposition of an administrative fine not to exceed
30 \$5,000 for each count or separate offense.

31 (d) Issuance of a reprimand.

1 (e) Placement of the licensee on probation for a
2 period of time and subject to such conditions as the board may
3 specify, including requiring the licensee to attend continuing
4 education courses or to work under the supervision of another
5 licensee.

6 (f) Restriction of the authorized scope of practice.

7 (g) Assessment of costs associated with investigation
8 and prosecution.

9 Section 59. Subsection (5) of section 473.306, Florida
10 Statutes, is amended, and subsection (6) is added to said
11 section, to read:

12 473.306 Examinations.--

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

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

28 Section 60. Section 473.3065, Florida Statutes, is
29 created to read:

30 473.3065 Certified Public Accountant Education
31 Minority Assistance Program; advisory council.--

1 (1) The Certified Public Accountant Education Minority
2 Assistance Program for Florida residents is hereby established
3 in the division for the purpose of providing scholarships to
4 minority persons, as defined in s. 288.703(3), who are
5 students enrolled in their fifth year of an accounting
6 education program at institutions in this state approved by
7 the board by rule. A Certified Public Accountant Education
8 Minority Assistance Advisory Council shall assist the board in
9 administering the program.

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

25 (3) The board shall adopt rules as necessary for
26 administration of the program, including rules relating to the
27 following:

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

- 30 1. Financial need.
31

1 2. Ethnic, gender, or racial minority status pursuant
2 to s. 288.703(3).

3 3. Scholastic ability and performance.

4 (b) Scholarship application procedures.

5 (c) Amounts in which scholarships may be provided, the
6 total amount that may be provided, the timeframe for payments
7 or partial payments, and criteria for how scholarship funds
8 may be expended.

9 (d) The total amount of scholarships that can be made
10 each year.

11 (e) The minimum balance that must be maintained in the
12 program account.

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

16 (5) It is unlawful for any person or agent of such
17 person to knowingly file with the board any notice, statement,
18 or other document which is false or which contains any
19 material misstatement of fact. A person who violates any
20 provision of this subsection commits a misdemeanor of the
21 second degree, punishable as provided in s. 775.082 or s.
22 775.083.

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

28 (a) The council shall consist of five licensed
29 Florida-certified public accountants selected by the board, of
30 whom one shall be a board member who serves as chair of the
31 council, one shall be a representative of the National

1 Association of Black Accountants, one shall be a
2 representative of the Cuban American CPA Association, and two
3 shall be selected at large. At least one member of the
4 council must be a woman.

5 (b) The board shall determine the terms for initial
6 appointments and appointments thereafter.

7 (c) Any vacancy on the council shall be filled in the
8 manner provided for the selection of the initial member. Any
9 member appointed to fill a vacancy of an unexpired term shall
10 be appointed for the remainder of that term.

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

16 (e) The members of the council shall serve without
17 compensation, and any necessary and actual expenses incurred
18 by a member while engaged in the business of the council shall
19 be borne by such member or by the organization or agency such
20 member represents. However, the council member who is a
21 member of the board shall be compensated in accordance with
22 the provisions of ss. 455.207(4) and 112.061.

23 Section 61. Subsection (4) of section 473.308, Florida
24 Statutes, is amended to read:

25 473.308 Licensure.--

26 (4) If application for licensure is made prior to
27 August 1, 2000, and the applicant has 5 years of experience in
28 the practice of public accountancy, ~~either~~ in the United
29 States or in the practice of public accountancy or its
30 equivalent in a foreign country that the International
31 Qualifications Appraisal Board of the National Association of

1 State Boards of Accountancy has determined has licensure
2 standards that are substantially equivalent to those in the
3 United States ~~as a licensed chartered accountant in Canada,~~
4 the board shall waive the requirements of s. 473.306(2)(b)2.
5 that are in excess of a baccalaureate degree. All experience
6 that is used as a basis for waiving said requirements of s.
7 473.306(2)(b)2. must be experience outside this state.
8 Furthermore, said experience must be after licensure as a
9 certified public accountant by another state or territory of
10 the United States or after licensure in the practice of public
11 accountancy or its equivalent in a foreign country that the
12 International Qualifications Appraisal Board of the National
13 Association of State Boards of Accountancy has determined has
14 licensure standards that are substantially equivalent to those
15 in the United States. The board shall have the authority to
16 establish the standards for experience that meet this
17 requirement.

18 Section 62. Subsection (1) of section 473.309, Florida
19 Statutes, is amended to read:

20 473.309 Practice requirements for partnerships,
21 professional service corporations, and limited liability
22 companies.--

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

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

28 (b) Each partner is a certified public accountant in
29 some state; and

30 (c) The partnership is currently licensed as required
31 by s. 473.3101.

1 (d) It is a form of partnership recognized by Florida
2 law.

3 (e) It is in compliance with rules adopted by the
4 board pertaining to minimum capitalization and adequate public
5 liability insurance.

6 Section 63. Subsection (4) is added to section
7 473.312, Florida Statutes, to read:

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

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

26 Section 64. Section 474.203, Florida Statutes, is
27 amended to read:

28 474.203 Exemptions.--This chapter shall not apply to:

29 (1) Any faculty member practicing only in conjunction
30 with teaching duties at a school or college of veterinary
31 ~~medicine. Such school or college shall be~~ located in this

1 state and ~~be~~ accredited by the American Veterinary Medical
 2 Association Council on Education. However, this exemption
 3 shall only apply to such a faculty member who does not hold a
 4 valid license issued under this chapter but who is a graduate
 5 of a school or college of veterinary medicine accredited by
 6 the American Veterinary Medical Association Council on
 7 Education or a school or college recognized by the American
 8 Veterinary Medical Association Commission for Foreign
 9 Veterinary Graduates.The faculty member exemption shall
 10 automatically expire when such school or college terminates
 11 the faculty member from such teaching duties. On July 1
 12 ~~December 31~~ of each year, such school or college shall provide
 13 the board with a written list of all faculty who are exempt
 14 from this chapter. Such school or college shall also notify
 15 the board in writing of any additions or deletions to such
 16 list.

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

1 designated for this exemption, and the school or college shall
2 also notify the board of any additions to or deletions from
3 the list.

4 (3)~~(2)~~ A student in a school or college of veterinary
5 medicine while in the performance of duties assigned by his
6 instructor or when working as a preceptor under the immediate
7 supervision of a licensee, provided that such preceptorship is
8 required for graduation from an accredited school or college
9 of veterinary medicine. The licensed veterinarian shall be
10 responsible for all acts performed by a preceptor under his
11 supervision.

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

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

29 (6)~~(5)~~ State agencies, accredited schools,
30 institutions, foundations, business corporations or
31 associations, physicians licensed to practice medicine and

1 surgery in all its branches, graduate doctors of veterinary
 2 medicine, or persons under the direct supervision thereof,
 3 which or who conduct experiments and scientific research on
 4 animals in the development of pharmaceuticals, biologicals,
 5 serums, or methods of treatment, or techniques for the
 6 diagnosis or treatment of human ailments, or when engaged in
 7 the study and development of methods and techniques directly
 8 or indirectly applicable to the problems of the practice of
 9 veterinary medicine.

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

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

29 (9) For the purposes of chapters 465 and 893, persons
 30 exempt under subsection (1), subsection (2), or subsection (4)
 31 shall be deemed to be duly licensed practitioners authorized

1 by the laws of this state to prescribe drugs or medicinal
2 supplies.

3 Section 65. Section 474.2065, Florida Statutes, is
4 amended to read:

5 474.2065 Fees.--The board, by rule, shall establish
6 fees for application ~~and examination, reexamination~~, license
7 renewal, inactive status, renewal of inactive status, license
8 reactivation, periodic inspection of veterinary
9 establishments, and duplicate copies of licenses,
10 certificates, and permits. The fee for the initial application
11 ~~and examination~~ may not exceed \$150, and if an examination
12 cost is included in the application fee, the combined amount
13 may not exceed \$650 plus the actual per applicant cost to the
14 department for purchase of portions of the examination from
15 the Professional Examination Service for the American
16 Veterinary Medical Association or a similar national
17 organization, if the examination is purchased by the
18 department. The fee for licensure by endorsement may not
19 exceed \$500. The fee for temporary licensure may not exceed
20 \$200. The board shall establish fees that are adequate to
21 ensure its continued operation and to fund the proportionate
22 expenses incurred by the department which are allocated to the
23 regulation of veterinarians. Fees shall be based on
24 departmental estimates of the revenue required to administer
25 this chapter and the provisions relating to the regulation of
26 veterinarians.

27 Section 66. Section 474.207, Florida Statutes, is
28 amended to read:

29 474.207 Licensure by examination.--

30 (1) Any person desiring to be licensed as a
31 veterinarian shall apply to the department ~~to take a licensure~~

1 ~~examination~~. The board may by rule adopt use of a national
2 examination in lieu of part or all of the examination required
3 by this section, with a reasonable passing score to be set by
4 rule of the board.

5 (2) The department shall license each applicant who
6 the board certifies has:

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

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

12 2. Graduated from a college of veterinary medicine
13 listed in the American Veterinary Medical Association Roster
14 of Veterinary Colleges of the World and obtained a certificate
15 from the Education Commission for Foreign Veterinary
16 Graduates.

17 (c) Successfully completed the examination approved by
18 the board and certified ~~provided~~ by the department ~~for this~~
19 ~~purpose, or an examination determined by the board to be~~
20 ~~equivalent~~.

21 (d) Demonstrated knowledge of the laws and rules
22 governing the practice of veterinary medicine in Florida in a
23 manner designated by rules of the board.

24
25 The department shall not issue a license to any applicant who
26 is under investigation in any state or territory of the United
27 States or in the District of Columbia for an act which would
28 constitute a violation of this chapter until the investigation
29 is complete and disciplinary proceedings have been terminated,
30 at which time the provisions of s. 474.214 shall apply.

31

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

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

7 ~~(b) The applicant~~ immigrated to the United States
8 after leaving his home country because of political reasons,
9 provided such country is located in the Western Hemisphere and
10 lacks diplomatic relations with the United States, and:

11 (a)1. Was a Florida resident immediately preceding his
12 application for licensure;

13 (b)2. Demonstrates to the board, through submission of
14 documentation verified by his respective professional
15 association in exile, that he received a professional degree
16 in veterinary medicine from a college or university located in
17 the country from which he emigrated. However, the board may
18 not require receipt transcripts from the Republic of Cuba as a
19 condition of eligibility under this section; and

20 (c)3. Lawfully practiced his profession for at least 3
21 years.

22 (4) Applicants certified for examination or
23 reexamination under subsection (3) who fail or have failed the
24 examination three times ~~subsequent to October 1, 1989,~~ shall
25 be required to demonstrate to the board that they meet the
26 requirements of paragraph (2)(b) prior to any further
27 reexamination or certification for licensure.

28 (5) An unlicensed doctor of veterinary medicine who
29 has graduated from an approved college or school of veterinary
30 medicine and has completed all parts of the examination for
31 licensure is permitted, while awaiting the results of such

1 examination for licensure or while awaiting issuance of the
2 license, to practice under the immediate supervision of a
3 licensed veterinarian. A person who fails any part of the
4 examination may not continue to practice, except in the same
5 capacity as other nonlicensed veterinary employees, until he
6 passes the examination and is eligible for licensure.

7 Section 67. Subsection (3) of section 474.211, Florida
8 Statutes, is amended to read:

9 474.211 Renewal of license.--

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

15 Section 68. Subsection (1) of section 474.2125,
16 Florida Statutes, is amended to read:

17 474.2125 Temporary license.--

18 (1) The board shall adopt rules providing for the
19 issuance of a temporary license to a licensed veterinarian of
20 another state for the purpose of enabling him to provide
21 veterinary medical services in this state for the animals of a
22 specific owner or, as may be needed in an emergency as defined
23 in s. 252.34(3)~~(2)~~, for the animals of multiple owners,
24 provided the applicant would qualify for licensure by
25 endorsement under s. 474.217, except that the applicant is not
26 required to have demonstrated compliance with the requirements
27 of s. 474.217(1)(a) prior to issuance of the license. No
28 temporary license shall be valid for more than 30 days after
29 its issuance, and no license shall cover more than the
30 treatment of the animals of one owner except in an emergency
31

1 as defined in s. 252.34(3)~~(2)~~. After the expiration of 30
2 days, a new license is required.

3 Section 69. Paragraph (c) of subsection (2) of section
4 474.214, Florida Statutes, is amended to read:

5 474.214 Disciplinary proceedings.--

6 (2) When the board finds any applicant or veterinarian
7 guilty of any of the grounds set forth in subsection (1),
8 regardless of whether the violation occurred prior to
9 licensure, it may enter an order imposing one or more of the
10 following penalties:

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

13
14 In determining appropriate action, the board must first
15 consider those sanctions necessary to protect the public. Only
16 after those sanctions have been imposed may the disciplining
17 authority consider and include in its order requirements
18 designed to rehabilitate the veterinarian. All costs
19 associated with compliance with any order issued under this
20 subsection are the obligation of the veterinarian.

21 Section 70. Subsection (7) of section 474.215, Florida
22 Statutes, is amended, and subsections (8) and (9) are added to
23 said section, to read:

24 474.215 Premises permits; disciplinary actions.--

25 (7) The board by rule shall establish minimum
26 standards for the operation of limited service veterinary
27 medical practices. Such rules shall not restrict limited
28 service veterinary medical practices and shall be consistent
29 with the type of limited veterinary medical service provided.

30 (a) Any person that offers or provides limited service
31 veterinary medical practice shall obtain a biennial permit

1 from the board the cost of which shall not exceed \$250. The
2 limited service permittee shall register each location where
3 limited service clinics are held and shall pay a fee set by
4 rule not to exceed \$25 to register each such location.

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

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

23 (8) Any person who is not a veterinarian licensed
24 under this chapter but who desires to own and operate a
25 veterinary medical establishment shall apply to the board for
26 a premises permit. If the board certifies that the applicant
27 complies with the applicable laws and rules of the board, the
28 department shall issue a premises permit. No permit shall be
29 issued unless a licensed veterinarian is designated to
30 undertake the professional supervision of the veterinary
31 medical practice and the minimum standards set by rule of the

1 board for premises where veterinary medicine is practiced.
2 Upon application, the department shall submit for a statewide
3 criminal records correspondence check through the Department
4 of Law Enforcement. The permittee shall notify the board
5 within 10 days after any change of the licensed veterinarian
6 responsible for such duties. Any permittee under this
7 subsection is subject to the provisions of subsection (9) and
8 s. 474.214.

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

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

15 2. Attempted to procure, or has procured, a permit for
16 any other person by making, or causing to be made, any false
17 representation;

18 3. Violated any of the requirements of this chapter or
19 any rule of the board; or

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

23 (b) If the permit is revoked or suspended, the owner,
24 manager, or proprietor shall cease to operate the premises as
25 a veterinary medical practice as of the effective date of the
26 suspension or revocation. In the event of such revocation or
27 suspension, the owner, manager, or proprietor shall remove
28 from the premises all signs and symbols identifying the
29 premises as a veterinary medical practice. The period of any
30 such suspension shall be prescribed by rule of the board, but
31 in no case shall it exceed 1 year. If the permit is revoked,

1 the person owning or operating the establishment shall not be
2 entitled to make application for a permit to operate a
3 premises for a period of 1 year from the date of such
4 revocation. Upon the effective date of such revocation, the
5 permittee shall advise the board of the disposition of any and
6 all medicinal drugs and shall make the provision for ensuring
7 the security, confidentiality, and availability to clients of
8 all patient medical records.

9 Section 71. Section 474.217, Florida Statutes, is
10 amended to read:

11 474.217 Licensure by endorsement.--

12 (1) The department shall issue a license by
13 endorsement to any applicant who, upon applying to the
14 department and remitting a fee set by the board, demonstrates
15 to the board that he:

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

19 (b)1. Either holds, and has held for the 3 years
20 immediately preceding the application for licensure, a valid,
21 active license to practice veterinary medicine in another
22 state of the United States, the District of Columbia, or a
23 territory of the United States, provided that the requirements
24 for licensure in the issuing state, district, or territory are
25 equivalent to or more stringent than the requirements of this
26 chapter; or

27 2. Meets the qualifications of s. 474.207(2)(b) and
28 has successfully completed a state, regional, national, or
29 other examination which is equivalent to or more stringent
30 than the examination approved by the board and certified given
31 by the department and has passed the board's clinical

1 competency examination or another clinical competency
2 examination specified by rule of the board.

3 (2) The department shall not issue a license by
4 endorsement to any applicant who is under investigation in any
5 state, territory, or the District of Columbia for an act which
6 would constitute a violation of this chapter until the
7 investigation is complete and disciplinary proceedings have
8 been terminated, at which time the provisions of s. 474.214
9 shall apply.

10 Section 72. Subsection (1) of section 475.125, Florida
11 Statutes, is amended to read:

12 475.125 Fees.--

13 (1) The commission by rule may establish fees to be
14 paid for application, ~~examination, reexamination,~~licensing
15 and renewal, certification and recertification, reinstatement,
16 and recordmaking and recordkeeping. The fee for initial
17 application ~~and examination~~ may not exceed and if an
18 examination cost is included in the application fee, the
19 combined amount may not exceed \$100. The initial license fee
20 and the license renewal fee may not exceed \$50 for each year
21 of the duration of the license. The commission may also
22 establish by rule a late renewal penalty. The commission
23 shall establish fees which are adequate to ensure its
24 continued operation. Fees shall be based on estimates made by
25 the department of the revenue required to implement this
26 chapter and other provisions of law relating to the regulation
27 of real estate practitioners.

28 Section 73. Section 475.15, Florida Statutes, is
29 amended to read:

30 475.15 Registration and licensing of general partners,
31 members, officers, and directors of a firm.--Each partnership,

1 limited liability partnership, limited liability company, or
 2 corporation which acts as a broker shall register with the
 3 commission and shall renew the licenses or registrations of
 4 its members, officers, and directors for each license period.
 5 ~~The registration of a partnership is canceled automatically~~
 6 ~~during any period of time that the license or registration of~~
 7 ~~any one or more of its partners is not in force.~~ However, if
 8 the partnership is a limited partnership, only the general
 9 partners must be licensed brokers or brokerage corporations
 10 registered pursuant to this part. If the license or
 11 registration of any ~~at least one~~ active broker member is not
 12 in force, the registration of a corporation, limited liability
 13 company, limited liability partnership, or partnership is
 14 canceled automatically during that period of time.

15 Section 74. Paragraphs (c) and (d) are added to
 16 subsection (2) of section 475.17, Florida Statutes, to read:

17 475.17 Qualifications for practice.--

18 (2)

19 (c) A person who has been licensed as a real estate
 20 salesperson in Florida during the preceding 5 years may not be
 21 licensed as a real estate broker unless, in addition to the
 22 other requirements of law, he or she has completed the
 23 salesperson postlicensure educational requirements, if these
 24 requirements have been prescribed by the commission pursuant
 25 to paragraph (3)(a).

26 (d) The provisions of subsection (2)(b) do not apply
 27 to a person employed as a real estate investigator by the
 28 Division of Real Estate provided the person has been employed
 29 as a real estate investigator for at least 24 months. The
 30 person must be currently employed as a real estate
 31 investigator to sit for the real estate broker's examination

1 and have held a valid and current salesperson's license for at
2 least 12 months.

3 Section 75. Subsection (1) of section 475.175, Florida
4 Statutes, is amended to read:

5 475.175 Examinations.--

6 (1) A person applying to the department for licensure
7 by examination will receive an examination admissions card
8 issued by the commission upon the submission of ~~shall be~~
9 ~~entitled to take the license examination to practice in this~~
10 ~~state if he:~~

11 (a) ~~Submits to the department~~ The appropriate
12 notarized application and fee, two photographs of himself
13 taken within the preceding year, and fingerprints for
14 processing through appropriate law enforcement agencies; and

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

18 Section 76. Subsection (2) of section 475.183, Florida
19 Statutes, is amended to read:

20 475.183 Inactive status.--

21 (2) Any license which has been involuntarily inactive
22 for more than 2 ~~4~~ years shall automatically expire. Once a
23 license expires, it becomes null and void without any further
24 action by the commission or department. Ninety days ~~Two years~~
25 prior to expiration of the license, the department shall give
26 notice to the licensee. The commission shall prescribe by
27 rule a fee not to exceed \$100 for the late renewal of an
28 involuntarily inactive license. The department shall collect
29 the current renewal fee for each renewal period in which the
30 license was involuntarily inactive in addition to any
31 applicable late renewal fee.

1 Section 77. Subsection (1) of section 475.25, Florida
2 Statutes, is amended to read:

3 475.25 Discipline.--

4 (1) The commission may deny an application for
5 licensure, registration, or permit, or renewal thereof; may
6 place a licensee, registrant, or permittee on probation; may
7 suspend a license, registration, or permit for a period not
8 exceeding 10 years; may revoke a license, registration, or
9 permit; may impose an administrative fine not to exceed \$5,000
10 ~~\$1,000~~ for each count or separate offense; and may issue a
11 reprimand, and any or all of the foregoing, if it finds that
12 the licensee, registrant, permittee, or applicant:

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

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

1 victim was a customer or a person in confidential relation
2 with the licensee or was an identified member of the general
3 public.

4 (c) Has advertised property or services in a manner
5 which is fraudulent, false, deceptive, or misleading in form
6 or content.

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

30
31

1 a. Request that the commission issue an escrow
2 disbursement order determining who is entitled to the escrowed
3 property;

4 b. With the consent of all parties, submit the matter
5 to arbitration;

6 c. By interpleader or otherwise, seek adjudication of
7 the matter by a court; or

8 d. With the written consent of all parties, submit the
9 matter to mediation. The department may conduct mediation or
10 may contract with public or private entities for mediation
11 services. However, the mediation process must be successfully
12 completed within 90 days following the last demand or the
13 licensee shall promptly employ one of the other escape
14 procedures contained in this section. Payment for mediation
15 will be as agreed to in writing by the parties. The
16 department may adopt rules to implement this section.

17
18 If the licensee promptly employs one of the escape procedures
19 contained herein, and if he abides by the order or judgment
20 resulting therefrom, no administrative complaint may be filed
21 against the licensee for failure to account for, deliver, or
22 maintain the escrowed property.

23 2. Has failed to deposit money in an escrow account
24 when the licensee is the purchaser of real estate under a
25 contract where the contract requires the purchaser to place
26 deposit money in an escrow account to be applied to the
27 purchase price if the sale is consummated.

28 (e) Has violated any of the provisions of this chapter
29 or any lawful order or rule made or issued under the
30 provisions of this chapter or chapter 455.

31

1 (f) Has been convicted or found guilty of, or entered
2 a plea of nolo contendere to, regardless of adjudication, a
3 crime in any jurisdiction which directly relates to the
4 activities of a licensed broker or salesperson, or involves
5 moral turpitude or fraudulent or dishonest dealing. The record
6 of a conviction certified or authenticated in such form as to
7 be admissible in evidence under the laws of the state shall be
8 admissible as prima facie evidence of such guilt.

9 (g) Has had a broker's or salesperson's license
10 revoked, suspended, or otherwise acted against, or has had an
11 application for such licensure denied, by the real estate
12 licensing agency of another state, territory, or country.

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

27 (i) Has become temporarily incapacitated from acting
28 as a broker or salesperson with safety to investors or those
29 in a fiduciary relation with him because of drunkenness, use
30 of drugs, or temporary mental derangement; but suspension of a
31

1 license in such a case shall be only for the period of such
2 incapacity.

3 (j) Has rendered an opinion that the title to any
4 property sold is good or merchantable, except when correctly
5 based upon a current opinion of a licensed attorney at law, or
6 has failed to advise a prospective purchaser to consult his
7 attorney on the merchantability of the title or to obtain
8 title insurance.

9 (k) Has failed, if a broker, to immediately place,
10 upon receipt, any money, fund, deposit, check, or draft
11 entrusted to him by any person dealing with him as a broker in
12 escrow with a title company, banking institution, credit
13 union, or savings and loan association located and doing
14 business in this state, or to deposit such funds in a trust or
15 escrow account maintained by him with some bank, credit union,
16 or savings and loan association located and doing business in
17 this state, wherein the funds shall be kept until disbursement
18 thereof is properly authorized; or has failed, if a
19 salesperson, to immediately place with his registered employer
20 any money, fund, deposit, check, or draft entrusted to him by
21 any person dealing with him as agent of his registered
22 employer. The commission shall establish rules to provide for
23 records to be maintained by the broker and the manner in which
24 such deposits shall be made.

25 (l) Has made or filed a report or record which the
26 licensee knows to be false, has willfully failed to file a
27 report or record required by state or federal law, has
28 willfully impeded or obstructed such filing, or has induced
29 another person to impede or obstruct such filing; but such
30 reports or records shall include only those which are signed
31 in the capacity of a licensed broker or salesperson.

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

3 (n) Is confined in any county jail, postadjudication;
4 is confined in any state or federal prison or mental
5 institution; is under home confinement ordered in lieu of
6 institutional confinement; or, through mental disease or
7 deterioration, can no longer safely be entrusted to
8 competently deal with the public.

9 (o) Has been found guilty, for a second time, of any
10 misconduct that warrants his suspension or has been found
11 guilty of a course of conduct or practices which show that he
12 is so incompetent, negligent, dishonest, or untruthful that
13 the money, property, transactions, and rights of investors, or
14 those with whom he may sustain a confidential relation, may
15 not safely be entrusted to him.

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

19 (q)1. Has failed in a single agency to give written
20 notice to all parties to a sale, exchange, purchase, or lease
21 of real property or any interest in real property, revealing
22 the party or parties for whom the licensee is an agent.
23 Disclosure to the party for whom the licensee is an agent must
24 be made at or before the time an agreement for representation
25 is entered into. Disclosure to the party for whom the licensee
26 is not an agent must be made at the time of the first
27 substantive contact.

28 2. Has failed in a dual agency to obtain the informed
29 written consent of all parties to a sale, exchange, purchase,
30 or lease of real property or any interest in real property
31 that the licensee intends to operate as a disclosed dual

1 agent. Unless all parties to the transaction grant their
2 written informed consent prior to or at the time of
3 formalization of the dual agency by the licensee, the licensee
4 shall be deemed to be an undisclosed dual agent. The licensee
5 must inform all parties that the licensee is acting as agent
6 for all parties and of the effect of dual agency, including,
7 but not limited to, the fact that, by consenting to the dual
8 agency relationship, the parties are giving up their rights to
9 the undivided loyalty of the licensee, as required by the
10 rules of the commission. When single agency exists, the
11 licensee may change to a disclosed dual agent by making full
12 written disclosure to and obtaining the informed written
13 consent of all the parties. A disclosed dual agent may not
14 disclose among other items:

15 a. To the buyer that the seller will accept a price
16 less than the asking or listed price, unless otherwise
17 instructed in writing by the seller;

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

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

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

26 3. Has failed in a transaction brokerage capacity to
27 give written notice to all parties to a sale, exchange,
28 purchase, or lease of real property or an interest in real
29 property prior to or at the time of the licensee becoming a
30 transaction broker or first substantive contact, whichever
31 occurs first, of the licensee's role as a transaction broker.

1 Unless the buyer and seller are given written notice prior to
 2 the licensee's acting in a transaction brokerage capacity, the
 3 licensee is deemed to be an agent of either the buyer or
 4 seller, or both. The licensee shall treat the buyer and seller
 5 honestly and fairly and shall disclose all known facts
 6 materially affecting the value of the property in residential
 7 transactions to both the buyer and seller.

8
 9 For the purposes of this paragraph, the payment or promise of
 10 payment of compensation to a licensee does not determine
 11 whether an agency or transactional brokerage relationship has
 12 been created between any licensee and a seller, landlord,
 13 buyer, or tenant. The commission shall implement this
 14 paragraph by rule. For purposes of this paragraph, the
 15 commission shall also define by rule forms for agency
 16 disclosure. The forms provided for in this rule shall be
 17 written in plain language and shall provide to the buyer or
 18 seller or both, as appropriate, an explanation of the agency
 19 relationships and shall offer the buyer or seller or both the
 20 explicit right to choose or refuse among these agency
 21 relationships.

22 (r) Has failed in any written listing agreement to
 23 include a definite expiration date, description of the
 24 property, price and terms, fee or commission, and a proper
 25 signature of the principal(s); and has failed to give the
 26 principal(s) a legible, signed, true and correct copy of the
 27 listing agreement within 24 hours of obtaining the written
 28 listing agreement. The written listing agreement shall
 29 contain no provision requiring the person signing the listing
 30 to notify the broker of the intention to cancel the listing
 31 after such definite expiration date.

1 (s) Has had a registration suspended, revoked, or
2 otherwise acted against in any jurisdiction. The record of the
3 disciplinary action certified or authenticated in such form as
4 to be admissible in evidence under the laws of the state shall
5 be admissible as prima facie evidence of such disciplinary
6 action.

7 (t) Has violated any standard for the development or
8 communication of a real estate appraisal or other provision of
9 the Uniform Standards of Professional Appraisal Practice, as
10 defined in s. 475.611, as approved and adopted by the
11 Appraisal Standards Board of the Appraisal Foundation, as
12 defined in s. 475.611. This paragraph does not apply to a real
13 estate broker or salesperson who, in the ordinary course of
14 business, performs a comparative market analysis.

15 Section 78. For the purpose of incorporating the
16 amendment to section 475.25, Florida Statutes, in references
17 thereto, the sections or subdivisions of Florida Statutes set
18 forth below are reenacted to read:

19 475.180 Nonresident licenses.--

20 (2)

21 (b) Any resident licensee who becomes a nonresident
22 shall, within 60 days, notify the commission of the change in
23 residency and comply with nonresident requirements. Failure to
24 notify and comply is a violation of the license law, subject
25 to the penalties in s. 475.25.

26 475.181 Licensure.--

27 (2) The commission shall certify for licensure any
28 applicant who satisfies the requirements of ss. 475.17,
29 475.175, and 475.180. The commission may refuse to certify any
30 applicant who has violated any of the provisions of s. 475.42
31 or who is subject to discipline under s. 475.25. The

1 application shall expire 1 year from the date received if the
2 applicant fails to take the appropriate examination.

3 475.22 Broker to maintain office and sign at entrance
4 of office; registered office outside state; broker required to
5 cooperate in investigation.--

6 (2) If a broker's registered office is located outside
7 the State of Florida, prior to registering such office or
8 branch office, the broker shall agree in writing to cooperate
9 and shall cooperate with any investigation initiated in
10 accordance with this chapter or commission rules including,
11 but not limited to, the broker promptly supplying any
12 documents requested by any authorized representative of the
13 department and by personally appearing at any designated
14 office of the department or other location in the state or
15 elsewhere as reasonably requested by the department. If the
16 department sends, by certified mail to the broker at his last
17 known business address as registered with the department, a
18 notice or request to produce any documents or to appear for an
19 interview with an authorized representative of the department
20 and the broker fails to substantially comply with that request
21 or notice, then such failure by the broker is a violation of
22 the license law, subject to the penalties of s. 475.25.

23 475.422 Disclosure.--

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

26 475.482 Real Estate Recovery Fund.--There is created
27 the Florida Real Estate Recovery Fund as a separate account in
28 the Professional Regulation Trust Fund.

29 (1) The Florida Real Estate Recovery Fund shall be
30 disbursed as provided in s. 475.484, on order of the
31 commission, as reimbursement to any person, partnership, or

1 corporation adjudged by a court of competent civil
2 jurisdiction in this state to have suffered monetary damages
3 by reason of any act committed, as a part of any real estate
4 brokerage transaction involving real property in this state,
5 by any broker or salesperson who:

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

9 (b) Was neither the seller, buyer, landlord, or tenant
10 in the transaction nor an officer or a director of a
11 corporation or a member of a partnership which was the seller,
12 buyer, landlord, or tenant in the transaction; and

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

15
16 provided the act was a violation proscribed in s. 475.25 or s.
17 475.42.

18 Section 79. Subsection (2) of section 475.278, Florida
19 Statutes, as created in Section 3 of CS/1stENG/SB 82, during
20 the 1997 Regulation Session, is amended to read:

21 475.278 Authorized brokerage relationships; required
22 disclosures.--

23 (2) TRANSACTION BROKER RELATIONSHIP.--

24 (a) Transaction broker - duties of limited
25 representation.--A transaction broker provides a limited form
26 of representation to a buyer, a seller, or both in a real
27 estate transaction but does not represent either in a
28 fiduciary capacity or as a single agent. The duties of the
29 real estate licensee in this limited form of representation
30 include the following:

31 1. Dealing honestly and fairly;

- 1 2. Accounting for all funds;
2 3. Using skill, care, and diligence in the
3 transaction;
4 4. Disclosing all known facts that materially affect
5 the value of residential real property and are not readily
6 observable to the buyer;
7 5. Presenting all offers and counteroffers in a timely
8 manner, unless a party has previously directed the licensee
9 otherwise in writing;
10 6. Limited confidentiality, unless waived in writing
11 by a party. This limited confidentiality will prevent
12 disclosure that the seller will accept a price less than the
13 asking or listed price, that the buyer will pay a price
14 greater than the price submitted in a written offer, of the
15 motivation of any party for selling or buying property, that a
16 seller or buyer will agree to financing terms other than those
17 offered, or of any other information requested by a party to
18 remain confidential; and
19 7. Any additional duties that are mutually agreed to
20 with a party.
21 (b) Disclosure requirements.--Duties of a transaction
22 broker must be fully described and disclosed in writing to a
23 buyer or seller either as a separate and distinct disclosure
24 document or included as part of another document such as a
25 listing agreement or agreement for representation. The
26 disclosure must be made before, or at the time of, entering
27 into a listing agreement or an agreement for representation.
28 When incorporated into other documents the required notice
29 must be of the same size type, or larger, as other provisions
30 of the document and must be conspicuous in its placement so as
31 to advise customers of the duties of limited representation,

1 except that the first sentence of the information identified
2 in paragraph (c) must be printed in uppercase and bold type.

3 (c) Contents of disclosure.--The required notice given
4 under paragraph (b) must include the following information in
5 the following form:

6
7 FLORIDA LAW REQUIRES THAT REAL ESTATE LICENSEES OPERATING AS
8 TRANSACTION BROKERS DISCLOSE TO BUYERS AND SELLERS THEIR ROLE
9 AND DUTIES IN PROVIDING A LIMITED FORM OF REPRESENTATION.

10
11 As a transaction broker, (insert name of Real
12 Estate Firm and its Associates), provides to you a limited
13 form of representation that includes the following duties:

- 14 1. Dealing honestly and fairly;
- 15 2. Accounting for all funds;
- 16 3. Using skill, care, and diligence in the
17 transaction;
- 18 4. Disclosing all known facts that materially affect
19 the value of residential real property and are not readily
20 observable to the buyer;
- 21 5. Presenting all offers and counteroffers in a timely
22 manner, unless a party has previously directed the licensee
23 otherwise in writing;
- 24 6. Limited confidentiality, unless waived in writing
25 by a party. This limited confidentiality will prevent
26 disclosure that the seller will accept a price less than the
27 asking or listed price, that the buyer will pay a price
28 greater than the price submitted in a written offer, of the
29 motivation of any party for selling or buying property, that a
30 seller or buyer will agree to financing terms other than those

1 offered, or of any other information requested by a party to
2 remain confidential; and

3 7. Any additional duties that are entered into by this
4 or by separate written agreement.

5
6 Limited representation means that a buyer or seller is not
7 responsible for the acts of the licensee. Additionally,
8 parties are giving up their rights to the undivided loyalty of
9 the licensee. This aspect of limited representation allows a
10 licensee to facilitate a real estate transaction by assisting
11 both the buyer and the seller, but a licensee will not work to
12 represent one party to the detriment of the other party.

13
14

15 Date

.....

Signature

16

17

.....

18

Signature

19 Section 80. Subsections (1), (2), (3), (6), and (7) of
20 section 475.451, Florida Statutes, are amended to read:

21 475.451 Schools teaching real estate practice.--

22 (1) Each person, school, or institution, except
23 approved and accredited colleges, universities, community
24 colleges, and area technical centers in this state, which
25 offers or conducts any course of study in real estate
26 practice, teaches any course prescribed by the commission as a
27 condition precedent to licensure or renewal of licensure as a
28 broker or salesperson, or teaches any course designed or
29 represented to enable or assist applicants for licensure as
30 brokers or salespersons to pass examinations for such
31 licensure ~~conducted by the department~~ shall, before commencing

1 or continuing further to offer or conduct such course or
 2 courses, obtain a permit from the department and abide by the
 3 regulations imposed upon such person, school, or institution
 4 by this chapter and rules of the commission adopted pursuant
 5 to this chapter. The exemption for colleges, universities,
 6 community colleges, and area technical centers is limited to
 7 transferable college credit courses offered by such
 8 institutions.

9 (2) An applicant for a permit to operate a proprietary
 10 real estate school, to be a chief administrator of a
 11 proprietary real estate school or a state institution, or to
 12 be an instructor for a proprietary real estate school or a
 13 state institution must meet the qualifications for practice
 14 set forth in s. 475.17(1) and the following minimal
 15 requirements:

16 (a) "School permitholder" means the ~~is defined as that~~
 17 individual who is responsible for directing the overall
 18 operation of a proprietary real estate school. A school
 19 permitholder ~~He~~ must be the holder of a license as a broker,
 20 either active or voluntarily inactive, or must have passed an
 21 instructor's examination approved by the commission
 22 ~~administered by the department~~. A school permitholder must
 23 also meet the requirements of a school instructor if ~~he is~~
 24 actively engaged in teaching.

25 (b) "Chief administrative person" means the ~~is defined~~
 26 ~~as that~~ individual who is responsible for the administration
 27 of the overall policies and practices of the institution or
 28 proprietary real estate school. A chief administrative person
 29 ~~He~~ must also meet the requirements of a school instructor if
 30 ~~he is~~ actively engaged in teaching.

31

1 (c) "School instructor" means an ~~is defined as that~~
2 individual who ~~actively~~ instructs persons in the classroom in
3 noncredit college courses in a college, university, or
4 community college or courses in an area technical center or
5 proprietary real estate school.

6 1. Before commencing to provide such instruction, the
7 applicant ~~instruct noncredit college courses in a college,~~
8 ~~university, or community college, or courses in an area~~
9 ~~technical center or proprietary real estate school,~~ he must
10 certify the applicant's ~~his~~ competency and obtain an
11 instructor permit by meeting one of the following
12 requirements:

13 a. Hold a bachelor's degree in a business-related
14 subject, such as real estate, finance, accounting, business
15 administration, or its equivalent and hold a valid broker's
16 license in this state.

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

20 c. Pass an instructor's examination approved by the
21 commission ~~administered by the Division of Real Estate.~~

22 2. Any requirement by the commission for a teaching
23 demonstration or practical examination must apply to all
24 school instructor applicants.

25 3. The department shall renew an instructor permit
26 upon receipt of a renewal application and fee. The renewal
27 application shall include proof that the permit holder has,
28 since the issuance or renewal of the current permit, Every
29 ~~second year, each instructor must recertify his competency by~~
30 ~~presenting to the commission evidence of his having~~
31 successfully completed a minimum of 15 classroom hours of

1 instruction in real estate subjects or instructional
 2 techniques, as prescribed by the commission. The commission
 3 shall adopt rules providing for the renewal of instructor
 4 permits at least every 2 years. Any permit which is not
 5 renewed at the end of the permit period established by the
 6 department shall automatically revert to involuntarily
 7 inactive status.

8
 9 The department may require an applicant to submit names of
 10 persons having knowledge concerning the applicant and the
 11 enterprise; may propound interrogatories to such persons and
 12 to the applicant concerning the character of the applicant,
 13 including the taking of fingerprints for processing through
 14 the Federal Bureau of Investigation; and shall make such
 15 investigation of the applicant ~~him~~ or the school or
 16 institution as it may deem necessary to the granting of the
 17 permit. If an objection is filed, it shall be considered in
 18 the same manner as objections or administrative complaints
 19 against other applicants for licensure by the department.

20 (3) It is unlawful for any person, school, or
 21 institution to offer the courses described in subsection (1)
 22 or to conduct classes in such courses, regardless of the
 23 number of pupils, whether by correspondence or otherwise,
 24 without first procuring a permit, or to guarantee that its
 25 pupils will pass any examinations required for licensure ~~given~~
 26 ~~by the department~~, or to represent that the issuance of a
 27 permit is any recommendation or endorsement of the person,
 28 school, or institution to which it is issued or of any course
 29 of instruction given thereunder.

30 (6) Any course prescribed by the commission as a
 31 condition precedent to any person's becoming initially

1 licensed as a salesperson may be taught in any real estate
 2 school through the use of a video tape of instruction by a
 3 currently permitted ~~licensed~~ instructor from any such school.
 4 The commission may require that any such video tape course
 5 have a single session of live instruction by a currently
 6 permitted ~~licensed~~ instructor from any such school; however,
 7 this requirement shall not exceed 3 classroom hours. All
 8 other prescribed courses, except the continuing education
 9 course required by s. 475.182, shall be taught by a currently
 10 permitted ~~licensed~~ school instructor personally in attendance
 11 at such course. The continuing education course required by
 12 s. 475.182 may be taught by an equivalent correspondence
 13 course; however, any such course of correspondence shall be
 14 required to have a final examination, prepared and
 15 administered by the school issuing the correspondence course.
 16 The continuing education requirements provided in this section
 17 or provided in any other section in this chapter do not apply
 18 with respect to any attorney who is otherwise qualified under
 19 the provisions of this chapter.

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

25 Section 81. Subsection (6) is added to section
 26 475.452, Florida Statutes, to read:

27 475.452 Advance fees; deposit; accounting; penalty;
 28 damages.--

29 (6) This section does not apply to a real estate
 30 broker auctioning real property if in advance of the auction
 31 the broker and seller have entered into a written agreement

1 specifically providing for anticipated expenses to be incurred
2 and paid. However, any trust funds received by the broker in
3 advance of the auction may not be disbursed or otherwise used
4 as an advance commission or fee for services without first
5 having complied with the provisions of this subsection.

6 Section 82. Subsection (7) of section 475.484, Florida
7 Statutes, is amended to read:

8 475.484 Payment from the fund.--

9 (7) Upon the payment of any amount from the Real
10 Estate Recovery Fund in settlement of a claim in satisfaction
11 of a judgment against a broker or salesperson as described in
12 s. 475.482(1), the license of such broker or salesperson shall
13 be automatically suspended upon the date of payment from the
14 fund. The license of such broker or salesperson may not be
15 reinstated until the licensee has repaid in full, plus
16 interest, the amount paid from the fund. No further
17 administrative action is necessary. A discharge of bankruptcy
18 does not relieve a licensee from the penalties and
19 disabilities provided in this section, except to the extent
20 that this subsection conflicts with 11 U.S.C. s. 525, in which
21 case the commission may order the license not to be suspended
22 or otherwise discriminated against.

23 Section 83. Section 475.5016, Florida Statutes, is
24 created to read:

25 475.5016 Authority to inspect and audit.--Duly
26 authorized agents and employees of the department shall have
27 the power to inspect and audit in a lawful manner at all
28 reasonable hours any broker or brokerage office licensed
29 pursuant to this chapter, for the purpose of determining if
30 any of the provisions of this chapter, chapter 455, or any
31

1 rule promulgated under authority of either chapter is being
2 violated.

3 Section 84. Section 475.6145, Florida Statutes, is
4 created to read:

5 475.6145 Seal.--The board shall adopt a seal by which
6 it shall authenticate its proceedings, records, and acts.
7 Copies of the proceedings, records, and acts of the board, and
8 certificates purporting to relate the facts concerning such
9 proceedings, records, and acts, which are signed by the board
10 chair, the custodian of such records, or any other person
11 authorized to make such certification and which are
12 authenticated by such seal, shall be prima facie evidence of
13 such proceedings, records, and acts in all courts of this
14 state.

15 Section 85. Section 475.6147, Florida Statutes, is
16 created to read:

17 475.6147 Fees.--

18 (1) The board by rule may establish fees to be paid
19 for application, licensing and renewal, certification and
20 recertification, reinstatement, and recordmaking and
21 recordkeeping. The fee for initial application may not exceed
22 \$150, and, if an examination cost is included in the
23 application fee, the combined amount may not exceed \$300. The
24 initial license fee and the license renewal fee may not exceed
25 \$150 for each year of the duration of the license. The board
26 may also establish by rule a late renewal penalty. The board
27 shall establish fees which are adequate to ensure its
28 continued operation. Fees shall be based on estimates made by
29 the department of the revenue required to implement this part
30 and other provisions of law relating to the regulation of real
31 estate appraisers.

1 (2) Application and license fees shall be refunded
2 upon a determination by the board that the state is not
3 entitled to the fees or that only a portion of the resources
4 have been expended in the processing of the application or
5 shall be refunded if for any other reason the application is
6 not completely processed. The board shall implement this
7 subsection by rule.

8 Section 86. Section 475.615, Florida Statutes, is
9 amended to read:

10 475.615 Qualifications for registration, licensure, or
11 certification.--

12 (1) Any person desiring to act as a registered,
13 licensed, or certified appraiser must make application in
14 writing to the department in such form and detail as the board
15 shall prescribe. Each applicant must be at least 18 years of
16 age and hold a high school diploma or its equivalent. At the
17 time of application, a person must furnish evidence of
18 successful completion of required education and evidence of
19 required experience, if any.

20 (2) The board is authorized to waive or modify any
21 education, experience, or examination requirements established
22 in this section in order to conform with any such requirements
23 established by the Appraisal Qualifications Board of the
24 Appraisal Foundation and recognized by the Appraisal
25 Subcommittee or any successor body recognized by federal law.

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

29 (4) In the event that the applicant is currently a
30 registered, licensed, or certified appraiser and is making
31 application to obtain a different status of appraisal

1 licensure, should such application be received by the
 2 department within 180 days prior to through 180 days after the
 3 applicant's scheduled renewal, the charge for the application
 4 shall be established by the rules of the board pursuant to s.
 5 475.6147.

6 (5)~~(4)~~ At the time of filing a notarized application
 7 for registration, licensure, or certification, the applicant
 8 must sign a pledge to comply with the Uniform Standards of
 9 Professional Appraisal Practice upon registration, licensure,
 10 or certification, and must indicate in writing that he
 11 understands the types of misconduct for which disciplinary
 12 proceedings may be initiated. The application shall expire 1
 13 year from the date received, if the applicant for
 14 registration, licensure, or certification fails to take the
 15 appropriate examination.

16 (6)~~(5)~~ All applicants must be competent and qualified
 17 to make real estate appraisals with safety to those with whom
 18 they may undertake a relationship of trust and confidence and
 19 the general public. If any applicant has been denied
 20 registration, licensure, or certification, or has been
 21 disbarred, or his registration, license, or certificate to
 22 practice or conduct any regulated profession, business, or
 23 vocation has been revoked or suspended by this or any other
 24 state, any nation, or any possession or district of the United
 25 States, or any court or lawful agency thereof, because of any
 26 conduct or practices which would have warranted a like result
 27 under this section, or if the applicant has been guilty of
 28 conduct or practices in this state or elsewhere which would
 29 have been grounds for disciplining his registration, license,
 30 or certification under this section had the applicant then
 31 been registered, licensed, or certified, the applicant shall

1 be deemed not to be qualified unless, because of lapse of time
2 and subsequent good conduct and reputation, or other reason
3 deemed sufficient, it appears to the board that the interest
4 of the public is not likely to be endangered by the granting
5 of registration, licensure, or certification.

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

10 Section 87. Section 475.617, Florida Statutes, is
11 amended to read:

12 475.617 Education and experience requirements.--

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

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

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

30 (b) Has successfully completed at least 75 classroom
31 hours, inclusive of examination, of approved academic courses

1 in subjects related to real estate appraisal, which shall
2 include coverage of the Uniform Standards of Professional
3 Appraisal Practice from a nationally recognized or
4 state-recognized appraisal organization, area technical
5 center, accredited community college, college, or university,
6 state or federal agency or commission, or proprietary real
7 estate school that holds a permit pursuant to s. 475.451. A
8 classroom hour is defined as 50 minutes out of each 60-minute
9 segment. Past courses may be approved by the board and
10 substituted on an hour-for-hour basis.

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

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

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

28 (4) To be certified as a general appraiser, an
29 applicant must present evidence satisfactory to the board that
30 he:

31

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

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

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

20 Section 88. Subsection (1) of section 475.624, Florida
21 Statutes, is amended to read:

22 475.624 Discipline.--The board may deny an application
23 for registration, licensure, or certification; investigate the
24 actions of any appraiser registered, licensed, or certified
25 under this section; and may reprimand, fine, revoke, or
26 suspend, for a period not to exceed 10 years, the
27 registration, license, or certification of any such appraiser,
28 or place any such appraiser on probation if it finds that the
29 registrant, licensee, or certificateholder:

30
31

1 (1) Has violated any provisions of this part or of s.
2 455.227(1); however, licensees under this part are exempt from
3 the provisions of s. 455.227(1)(i).

4 Section 89. Section 475.6295, Florida Statutes, is
5 created to read:

6 475.6295 Authority to inspect.--Duly authorized agents
7 and employees of the department shall have the power to
8 inspect in a lawful manner at all reasonable hours any
9 appraiser or appraisal office licensed pursuant to this
10 chapter, for the purpose of determining if any of the
11 provisions of this chapter, chapter 455, or any rule
12 promulgated under authority of either chapter is being
13 violated.

14 Section 90. Section 476.114, Florida Statutes, is
15 amended to read:

16 476.114 Examination; prerequisites.--

17 (1) A person desiring to be licensed as a barber shall
18 apply to the department for licensure.

19 (2) An applicant shall be eligible for ~~entitled to~~
20 ~~take the licensure~~ by examination to practice barbering if the
21 applicant:

22 (a) Is at least 16 years of age;

23 (b) Pays the required application fee; and

24 (c)1. Holds an active valid license to practice
25 barbering in another state, has held the license for at least
26 1 year, and does not qualify for licensure by endorsement as
27 provided for in s. 476.144(5); or

28 2. Has received a minimum of 1,200 hours of training
29 as established by the board, which shall include, but shall
30 not be limited to, the equivalent of completion of services
31

1 directly related to the practice of barbering at one of the
2 following:

3 a. A school of barbering licensed pursuant to chapter
4 246;

5 b. A barbering program within the public school
6 system; or

7 c. A government-operated barbering program in this
8 state.

9

10 The board shall establish by rule procedures whereby the
11 school or program may certify that a person is qualified to
12 take the required examination after the completion of a
13 minimum of 1,000 actual school hours. If the person passes the
14 examination, he shall have satisfied this requirement; but if
15 he fails the examination, he shall not be qualified to take
16 the examination again until the completion of the full
17 requirements provided by this section.

18 (3) An applicant who meets the requirements set forth
19 in subparagraphs (2)(c)1. and 2. who fails to pass the
20 examination may take subsequent examinations as many times as
21 necessary to pass, except that the board may ~~shall~~ specify by
22 rule reasonable timeframes for rescheduling the examination
23 and ~~shall adopt rules specifying~~ additional training
24 requirements for applicants who, after the third attempt, fail
25 to pass the examination. Prior to reexamination, the applicant
26 must file any ~~the appropriate~~ form and ~~pay the reexamination~~
27 fee ~~as~~ required by rule.

28 Section 91. Section 476.124, Florida Statutes, is
29 amended to read:

30

31

1 476.124 Application for licensure by
2 examination.--Each applicant for licensure by ~~an~~ examination
3 shall:

4 (1) Make application to the department ~~at least 30~~
5 ~~days prior to the examination date~~ on forms prepared and
6 furnished by the department;

7 (2) Furnish to the department two signed photographs
8 of the applicant, of sufficient size to identify the
9 applicant, one photograph to accompany the application and one
10 photograph to be provided to the Bureau of Testing ~~returned to~~
11 ~~the applicant for presentation to the examiners when the~~
12 ~~applicant appears for examination;~~ and

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

14 Section 92. Section 476.134, Florida Statutes, is
15 repealed.

16 Section 93. Subsections (2) and (6) of section
17 476.144, Florida Statutes, are amended to read:

18 476.144 Licensure.--

19 (2) The board shall certify for licensure any
20 applicant who satisfies the requirements of s. 476.114, and
21 who passes the examination approved by the board and certified
22 ~~administered~~ by the department, achieving a passing grade as
23 established by board rule.

24 (6) A person may apply for a restricted license to
25 practice barbering. The board shall adopt rules specifying
26 procedures for an applicant to obtain a restricted license if
27 the applicant:

28 (a)1. Has successfully completed a restricted barber
29 course, as established by rule of the board, at a school of
30 barbering licensed pursuant to chapter 246, a barbering
31

1 program within the public school system, or a
2 government-operated barbering program in this state; or

3 2.a. Holds or has within the previous 5 years held
4 an active valid license to practice barbering in another state
5 or country or has held a Florida barbering license which has
6 been declared null and void for failure to renew the license
7 and the applicant fulfilled the requirements of s.
8 476.114(2)(c)2. for initial licensure; and

9 b.(b) Has not been disciplined relating to the
10 practice of barbering in the previous 5 ±5 years; and

11 (b)(c) Passes a written examination on the laws and
12 rules governing the practice of barbering in Florida, as
13 established by the board, and a practical examination approved
14 by the board and certified administered by the department.

15
16 The restricted license shall limit the licensee's practice to
17 those specific areas in which the applicant has demonstrated
18 competence pursuant to rules adopted by the board.

19 Section 94. Subsections (10) and (11) are added to
20 section 477.013, Florida Statutes, to read:

21 477.013 Definitions.--As used in this chapter:

22 (10) "Hair wrapping" means the wrapping of
23 manufactured materials around a strand of human hair, for
24 compensation, without cutting, coloring, permanent waving,
25 relaxing, removing, weaving, chemically treating, braiding,
26 using hair extensions, or performing any other function
27 defined as cosmetology services.

28 (11) "Photography studio salon" means an establishment
29 where the hair-arranging services and the application of
30 cosmetic products are performed solely for the purpose of
31 preparing the model or client for the photographic session

1 without shampooing, cutting, coloring, permanent waving,
2 relaxing, or removing of hair or performing any other service
3 defined as cosmetology.

4 Section 95. Section 477.0132, Florida Statutes, is
5 amended to read:

6 477.0132 Hair braiding and hair wrapping
7 registration.--Persons whose occupation or practice is
8 confined solely to hair braiding or hair wrapping must
9 register with the department, pay the applicable registration
10 fee, and take a two-day 16 hour course. The course shall be
11 board approved and consist of 5 hours of HIV/AIDS and other
12 communicable diseases, 5 hours of sanitation and
13 sterilization, 4 hours of disorders and diseases of the scalp,
14 and 2 hours of studies regarding laws affecting hair braiding
15 and hair wrapping ~~cosmetology~~. Hair braiding and hair
16 wrapping are not required to be practiced in a cosmetology
17 salon or specialty salon. When hair braiding or hair wrapping
18 is practiced outside a cosmetology salon or specialty salon,
19 disposable implements must be used or all implements must be
20 sanitized in a disinfectant approved for hospital use or
21 approved by the federal Environmental Protection Agency.

22 Section 96. Subsection (4) is added to section
23 477.0135, Florida Statutes, to read:

24 477.0135 Exemptions.--

25 (4) A photography studio salon is exempt from the
26 licensure provisions of this chapter. However, the
27 hair-arranging services of such salon must be performed under
28 the supervision of a licensed cosmetologist employed by the
29 salon. The salon must use disposable hair-arranging implements
30 or use a wet or dry sanitizing system approved by the federal
31 Environmental Protection Agency.

1 Section 97. Section 477.019, Florida Statutes, is
2 amended to read:

3 477.019 Cosmetologists; qualifications; licensure;
4 license renewal; endorsement; continuing education.--

5 (1) A person desiring to be licensed as a
6 cosmetologist shall apply to the department for licensure.

7 (2) The board may, by rule, require a written clinical
8 examination or a performance examination, or both, in addition
9 to a written theory examination.

10 (3)~~(2)~~ An applicant shall be eligible for ~~entitled~~
11 ~~to take the~~ licensure by examination to practice cosmetology
12 if the applicant:

13 (a) Is at least 16 years of age or has received a high
14 school diploma;

15 (b) Pays the required application fee; and

16 (c)1. Holds an active valid license to practice
17 cosmetology in another state or country, has held the license
18 for at least 1 year, and does not qualify for licensure by
19 endorsement as provided for in subsection (5); or

20 2. Has received a minimum of 1,200 hours of training
21 as established by the board, which shall include, but shall
22 not be limited to, the equivalent of completion of services
23 directly related to the practice of cosmetology at one of the
24 following:

25 a. A school of cosmetology licensed pursuant to
26 chapter 246.

27 b. A cosmetology program within the public school
28 system.

29 c. The Cosmetology Division of the Florida School for
30 the Deaf and the Blind, provided the division meets the
31 standards of this chapter.

1 d. A government-operated cosmetology program in this
2 state.

3
4 The board shall establish by rule procedures whereby the
5 school or program may certify that a person is qualified to
6 take the required examination after the completion of a
7 minimum of 1,000 actual school hours. If the person then
8 passes the examination, he shall have satisfied this
9 requirement; but if he fails the examination, he shall not be
10 qualified to take the examination again until the completion
11 of the full requirements provided by this section.

12 ~~(4)(3)~~ Upon an applicant receiving a passing grade,
13 as established by board rule, on the examination and paying
14 the initial licensing fee, the department shall issue a
15 license to practice cosmetology.

16 ~~(5)(4)~~ Renewal of license registration shall be
17 accomplished pursuant to rules adopted by the board.

18 ~~(6)(5)~~ The board shall adopt rules specifying
19 procedures for the licensure by endorsement of practitioners
20 desiring to be licensed in this state who hold a current
21 active license in another state and who have met
22 qualifications substantially similar to, equivalent to, or
23 greater than the qualifications required of applicants from
24 this state.

25 ~~(7)(a)~~ The board shall prescribe by rule continuing
26 education requirements intended to ensure protection of the
27 public through updated training of licensees and registered
28 specialists, not to exceed 16 hours biennially, as a condition
29 for renewal of a license or registration as a specialist under
30 this chapter. Continuing education courses shall include, but
31 not be limited to, the following subjects as they relate to

1 the practice of cosmetology: human immunodeficiency virus and
 2 acquired immune deficiency syndrome; Occupational Safety and
 3 Health Administration regulations; workers' compensation
 4 issues; state and federal laws and rules as they pertain to
 5 cosmetologists, cosmetology, salons, specialists, specialty
 6 salons, and booth renters; chemical makeup as it pertains to
 7 hair, skin, and nails; and environmental issues. Courses given
 8 at cosmetology conferences may be counted toward the number of
 9 continuing education hours required if approved by the board.

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

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

26 (d) Notwithstanding any provision of law to the
 27 contrary, enforcement of mandatory continuing education
 28 requirements pursuant to this chapter shall be accomplished
 29 only as a secondary action when a person is investigated for
 30 another violation. However, the board may, by rule, require
 31 any licensee in violation of a continuing education

1 requirement to take a refresher course or refresher course and
2 examination in addition to any other penalty. The number of
3 hours for the refresher course may not exceed 48 hours.

4 Section 98. Section 477.022, Florida Statutes, is
5 repealed.

6 Section 99. Paragraph (f) of subsection (1) of section
7 477.026, Florida Statutes, is amended to read:

8 477.026 Fees; disposition.--

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

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

13 Section 100. Subsection (3) of section 477.0263,
14 Florida Statutes, is amended to read:

15 477.0263 Cosmetology services to be performed in
16 licensed salon; exception.--

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

26 Section 101. Section 481.207, Florida Statutes, is
27 amended to read:

28 481.207 Fees.--The board, by rule, may establish
29 separate fees for architects and interior designers, to be
30 paid for applications, ~~examination, reexamination,~~licensing
31 and renewal, delinquency, reinstatement, and recordmaking and

1 recordkeeping. ~~The examination fee shall be in an amount that~~
2 ~~covers the cost of obtaining and administering the examination~~
3 ~~and shall be refunded if the applicant is found ineligible to~~
4 ~~sit for the examination.~~The application fee is nonrefundable.
5 The fee for initial application ~~and examination~~ for architects
6 and interior designers may not exceed \$225, and if an
7 examination cost is included in the application fee, the
8 combined amount may not exceed \$775 plus the actual per
9 applicant cost to the department for purchase of the
10 examination from the National Council of Architectural
11 Registration Boards or the National Council of Interior Design
12 Qualifications, respectively, or similar national
13 organizations, if the examination is purchased by the
14 department. The biennial renewal fee for architects may not
15 exceed \$200. The biennial renewal fee for interior designers
16 may not exceed \$500. The delinquency fee may not exceed the
17 biennial renewal fee established by the board for an active
18 license. The board shall establish fees that are adequate to
19 ensure the continued operation of the board and to fund the
20 proportionate expenses incurred by the department which are
21 allocated to the regulation of architects and interior
22 designers. Fees shall be based on department estimates of the
23 revenue required to implement this part and the provisions of
24 law with respect to the regulation of architects and interior
25 designers.

26 Section 102. Section 481.209, Florida Statutes, 1996
27 Supplement, is amended to read:

28 481.209 Eligibility for licensure; examinations.--

29 (1) A person desiring to be licensed as a registered
30 architect shall be certified by the board as eligible for
31 licensure and shall pass ~~apply to the department to take the~~

1 required licensure examination which has been approved by the
2 board and certified by the department. The board shall certify
3 as eligible for licensure by examination each applicant who
4 submits a complete application for licensure as a registered
5 architect demonstrating that the applicant ~~The department~~
6 ~~shall administer the licensure examination for architects to~~
7 ~~each applicant who the board certifies:~~

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

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

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

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

28 (2) A person desiring to be licensed as a registered
29 interior designer shall be certified by the board as eligible
30 for licensure and shall pass the required licensure
31 examination which has been approved by the board and certified

1 by the department. The board shall certify as eligible for
2 licensure by examination each applicant who has remitted the
3 application fee specified in s. 481.207 and has submitted a
4 complete application for licensure as a registered interior
5 designer demonstrating that the applicant ~~apply to the~~
6 ~~department for licensure. The department shall administer the~~
7 ~~licensure examination for interior designers to each applicant~~
8 ~~who has completed the application form and remitted the~~
9 ~~application and examination fees specified in s. 481.207 and~~
10 ~~who the board certifies:~~

11 (a) Is a graduate from an interior design program of 5
12 years or more and has completed 1 year of diversified interior
13 design experience;

14 (b) Is a graduate from an interior design program of 4
15 years or more and has completed 2 years of diversified
16 interior design experience;

17 (c) Has completed at least 3 years in an interior
18 design curriculum and has completed 3 years of diversified
19 interior design experience;

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

23 (e) Has completed 6 years of diversified interior
24 design experience, provided that at least 4 years were
25 accumulated prior to October 1, 1994. A person applying under
26 this paragraph must make application prior to April 30, 1998,
27 and may, in lieu of passage of the examination required by
28 this subsection, substitute passage of any of the following
29 examinations: a National Council of Interior Design
30 Qualifications examination, an American Institute of Design
31 examination, the building and barrier-free codes section of

1 the national examination as prepared by the National Council
2 of Interior Design Qualifications, or any other examination
3 approved by the board.

4
5 Subsequent to October 1, 2000, for the purpose of having the
6 educational qualification required under this subsection
7 accepted by the board, the applicant must complete his or her
8 education at a program, school, or college of interior design
9 whose curriculum has been approved by the board as of the time
10 of completion. Subsequent to October 1, 2003, all of the
11 required amount of educational credits shall have been
12 obtained in a program, school, or college of interior design
13 whose curriculum has been approved by the board, as of the
14 time each educational credit is gained. The board shall adopt
15 rules providing for the review and approval of programs,
16 schools, and colleges of interior design and courses of
17 interior design study based on a review and inspection by the
18 board of the curriculum of programs, schools, and colleges of
19 interior design in the United States, including those
20 programs, schools, and colleges accredited by the Foundation
21 for Interior Design Education Research. The board shall adopt
22 rules providing for the review and approval of diversified
23 interior design experience required by this subsection.

24 Section 103. Subsection (1) of section 481.213,
25 Florida Statutes, is amended to read:

26 481.213 Licensure.--

27 (1) The department shall license any applicant who the
28 board certifies is qualified for licensure, who has passed the
29 prescribed licensure examination, and who has paid the initial
30 licensure fee. Licensure as an architect under this section

31

1 shall be deemed to include all the rights and privileges of
2 licensure as an interior designer under this section.

3 Section 104. Section 481.2051, Florida Statutes, is
4 created to read:

5 481.2051 Architects performing building code inspector
6 duties.--A person currently licensed to practice as an
7 architect under this part may provide building inspection
8 services described in s. 468.603(6) and (7) to a local
9 government or state agency upon its request, without being
10 certified by the Board of Building Code Administrators and
11 Inspectors under part XIII of chapter 468. When performing
12 these building inspection services, the architect is subject
13 to the disciplinary guidelines of this chapter and s.
14 468.621(1)(c)-(g). The complaint processing, investigation,
15 and discipline shall be conducted by the board rather than the
16 Board of Building Code Administrators and Inspectors. An
17 architect may not perform plans review, as set forth in s.
18 468.603(2), as an employee of a local government on any job
19 that the architect or the architect's company designed.

20 Section 105. Subsection (15) of section 489.103,
21 Florida Statutes, 1996 Supplement, is amended, and subsection
22 (17) is added to said section, to read:

23 489.103 Exemptions.--This part does not apply to:

24 (15) The installation and maintenance of water
25 conditioning units for domestic, commercial, or industrial
26 purposes by operators of water conditioning services. No
27 municipality or county may adopt an ordinance, rule, or
28 regulation which requires such an operator to become licensed,
29 certified, or registered as a plumber to perform any activity
30 associated with installation or maintenance of a water
31 conditioning unit or which otherwise prevents the installation

1 and maintenance of such water conditioning units by an
2 operator.

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

9 Section 106. Paragraphs (a), (d), (f), (g), (i), and
10 (1) of subsection (3) of section 489.105, Florida Statutes,
11 1996 Supplement, are amended, and subsection (19) is added to
12 said section, to read:

13 489.105 Definitions.--As used in this part:

14 (3) "Contractor" means the person who is qualified
15 for, and shall only be responsible for, the project contracted
16 for and means, except as exempted in this part, the person
17 who, for compensation, undertakes to, submits a bid to, or
18 does himself or by others construct, repair, alter, remodel,
19 add to, demolish, subtract from, or improve any building or
20 structure, including related improvements to real estate, for
21 others or for resale to others; and whose job scope is
22 substantially similar to the job scope described in one of the
23 subsequent paragraphs of this subsection. For the purposes of
24 regulation under this part, "demolish" applies only to
25 demolition of steel tanks over 50 feet in height; towers over
26 50 feet in height; other structures over 50 feet in height,
27 other than buildings or residences over three stories tall;
28 and buildings or residences over three stories tall.

29 Contractors are subdivided into two divisions, Division I,
30 consisting of those contractors defined in paragraphs (a)-(c),
31

1 and Division II, consisting of those contractors defined in
2 paragraphs (d)-(q):

3 (a) "General contractor" means a contractor whose
4 services are unlimited as to the type of work which he may do,
5 who may contract for any activity requiring licensure under
6 this part, and who may perform any work requiring licensure
7 under this part, except as otherwise expressly provided in s.
8 489.113 this part.

9 (d) "Sheet metal contractor" means a contractor whose
10 services are unlimited in the sheet metal trade and who has
11 the experience, knowledge, and skill necessary for the
12 manufacture, fabrication, assembling, handling, erection,
13 installation, dismantling, conditioning, adjustment,
14 insulation, alteration, repair, servicing, or design, when not
15 prohibited by law, of ferrous or nonferrous metal work of U.S.
16 No. 10 gauge or its equivalent or lighter gauge and of other
17 materials, including, but not limited to, fiberglass, used in
18 lieu thereof and of air-handling systems, including the
19 setting of air-handling equipment and reinforcement of same,
20 ~~and including~~ the balancing of air-handling systems, and any
21 duct cleaning and equipment sanitizing which requires at least
22 partial disassembling of the system.

23 (f) "Class A air-conditioning contractor" means a
24 contractor whose services are unlimited in the execution of
25 contracts requiring the experience, knowledge, and skill to
26 install, maintain, repair, fabricate, alter, extend, or
27 design, when not prohibited by law, central air-conditioning,
28 refrigeration, heating, and ventilating systems, including
29 duct work in connection with a complete system only to the
30 extent such duct work is performed by the contractor as is
31 necessary to make complete an air-distribution system, boiler

1 and unfired pressure vessel systems, and all appurtenances,
2 apparatus, or equipment used in connection therewith, and any
3 duct cleaning and equipment sanitizing which requires at least
4 partial disassembling of the system; to install, maintain,
5 repair, fabricate, alter, extend, or design, when not
6 prohibited by law, piping, insulation of pipes, vessels and
7 ducts, pressure and process piping, and pneumatic control
8 piping; to replace, disconnect, or reconnect power wiring on
9 the load side of the dedicated existing electrical disconnect
10 switch; to install, disconnect, and reconnect low voltage
11 heating, ventilating, and air-conditioning control wiring; and
12 to install a condensate drain from an air-conditioning unit to
13 an existing safe waste or other approved disposal other than a
14 direct connection to a sanitary system. The scope of work for
15 such contractor shall also include any excavation work
16 incidental thereto, but shall not include any work such as
17 liquefied petroleum or natural gas fuel lines within
18 buildings, potable water lines or connections thereto,
19 sanitary sewer lines, swimming pool piping and filters, or
20 electrical power wiring.

21 (g) "Class B air-conditioning contractor" means a
22 contractor whose services are limited to 25 tons of cooling
23 and 500,000 Btu of heating in any one system in the execution
24 of contracts requiring the experience, knowledge, and skill to
25 install, maintain, repair, fabricate, alter, extend, or
26 design, when not prohibited by law, central air-conditioning,
27 refrigeration, heating, and ventilating systems, including
28 duct work in connection with a complete system only to the
29 extent such duct work is performed by the contractor as is
30 necessary to make complete an air-distribution system being
31 installed under this classification, and any duct cleaning and

1 equipment sanitizing which requires at least a partial
2 disassembling of the system; to install, maintain, repair,
3 fabricate, alter, extend, or design, when not prohibited by
4 law, piping and insulation of pipes, vessels, and ducts; to
5 replace, disconnect, or reconnect power wiring on the load
6 side of the dedicated existing electrical disconnect switch;
7 to install, disconnect, and reconnect low voltage heating,
8 ventilating, and air-conditioning control wiring; and to
9 install a condensate drain from an air-conditioning unit to an
10 existing safe waste or other approved disposal other than a
11 direct connection to a sanitary system. The scope of work for
12 such contractor shall also include any excavation work
13 incidental thereto, but shall not include any work such as
14 liquefied petroleum or natural gas fuel lines within
15 buildings, potable water lines or connections thereto,
16 sanitary sewer lines, swimming pool piping and filters, or
17 electrical power wiring.

18 (i) "Mechanical contractor" means a contractor whose
19 services are unlimited in the execution of contracts requiring
20 the experience, knowledge, and skill to install, maintain,
21 repair, fabricate, alter, extend, or design, when not
22 prohibited by law, central air-conditioning, refrigeration,
23 heating, and ventilating systems, including duct work in
24 connection with a complete system only to the extent such duct
25 work is performed by the contractor as is necessary to make
26 complete an air-distribution system, boiler and unfired
27 pressure vessel systems, lift station equipment and piping,
28 and all appurtenances, apparatus, or equipment used in
29 connection therewith, and any duct cleaning and equipment
30 sanitizing which requires at least a partial disassembling of
31 the system; to install, maintain, repair, fabricate, alter,

1 extend, or design, when not prohibited by law, piping,
2 insulation of pipes, vessels and ducts, pressure and process
3 piping, pneumatic control piping, gasoline tanks and pump
4 installations and piping for same, standpipes, air piping,
5 vacuum line piping, oxygen lines, nitrous oxide piping, ink
6 and chemical lines, fuel transmission lines, and natural gas
7 fuel lines within buildings; to replace, disconnect, or
8 reconnect power wiring on the load side of the dedicated
9 existing electrical disconnect switch; to install, disconnect,
10 and reconnect low voltage heating, ventilating, and
11 air-conditioning control wiring; and to install a condensate
12 drain from an air-conditioning unit to an existing safe waste
13 or other approved disposal other than a direct connection to a
14 sanitary system. The scope of work for such contractor shall
15 also include any excavation work incidental thereto, but shall
16 not include any work such as liquefied petroleum gas fuel
17 lines within buildings, potable water lines or connections
18 thereto, sanitary sewer lines, swimming pool piping and
19 filters, or electrical power wiring.

20 (1) "Swimming pool/spa servicing contractor" means a
21 contractor whose scope of work involves the servicing and
22 repair of any swimming pool or hot tub or spa, whether public
23 or private. The scope of such work may include any necessary
24 piping and repairs, replacement and repair of existing
25 equipment, or installation of new additional equipment as
26 necessary. The scope of such work includes the reinstallation
27 of tile and coping, repair and replacement of all piping,
28 filter equipment, and chemical feeders of any type,
29 replastering, reconstruction of decks, and reinstallation or
30 addition of pool heaters. The installation, construction,
31 modification, substantial or complete disassembly, or

1 replacement of equipment permanently attached to and
 2 associated with the pool or spa for the purpose of water
 3 treatment or cleaning of the pool or spa requires licensure;
 4 however, the usage of such equipment for the purposes of water
 5 treatment or cleaning shall not require licensure unless the
 6 usage involves construction, modification, substantial or
 7 complete disassembly, or replacement of such equipment. Water
 8 treatment that does not require such equipment does not
 9 require a license. In addition, a license shall not be
 10 required for the cleaning of the pool or spa in any way that
 11 does not affect the structural integrity of the pool or spa or
 12 its associated equipment.

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 107. 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 108. 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 \$150, and, if an examination cost is included in the
28 application fee, the combined amount may not exceed \$350., and
29 The initial certification fee and the renewal fee may not
30 exceed \$200. However, any applicant who seeks certification
31 under this part by taking a practical examination must pay as

1 an examination fee the actual cost incurred by the department
2 in developing, preparing, administering, scoring, score
3 reporting, and evaluating in conducting the examination, if
4 the examination is conducted by the department.

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

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

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

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

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

31

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

7 Section 109. Section 489.111, Florida Statutes, is
8 amended to read:

9 489.111 Licensure by examination ~~Examinations~~.--

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

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

17 (a) Is 18 years of age;

18 (b) Is of good moral character; and

19 (c) Meets eligibility requirements according to one of
20 the following criteria:

21 1. Has received a baccalaureate degree from an
22 accredited 4-year college in the appropriate field of
23 engineering, architecture, or building construction and has 1
24 year of proven experience in the category in which the person
25 seeks to qualify. For the purpose of this part, a minimum of
26 2,000 man-hours shall be used in determining full-time
27 equivalency.

28 2. Has a total of at least 4 years of active
29 experience as a workman who has learned his trade by serving
30 an apprenticeship as a skilled workman who is able to command
31 the rate of a mechanic in his particular trade or as a foreman

1 who is in charge of a group of workmen and usually is
2 responsible to a superintendent or a contractor or his
3 equivalent, provided, however, that at least 1 year of active
4 experience shall be as a foreman.

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

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

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

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

1 5.a. An active certified air-conditioning Class C
2 contractor is eligible to take the air-conditioning Class B
3 contractors' examination if he possesses a minimum of 3 years
4 of proven experience in the classification in which he is
5 certified.

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

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

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

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

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

31

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

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

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

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

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

20 Section 110. Subsections (1), (2), and (10) of section
21 489.113, Florida Statutes, are amended to read:

22 489.113 Qualifications for practice; restrictions.--

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

1 (2) ~~A No~~ person who is not certified or registered may
 2 not shall engage in the business of contracting in this state.
 3 However, for purposes of complying with the provisions of this
 4 chapter, a person who is not certified or registered may
 5 perform construction work under the supervision of a person
 6 who is certified or registered, provided that the work is
 7 within the scope of the supervisor's license and provided that
 8 the person being supervised is not engaged in construction
 9 work which would require a license as a contractor under any
 10 of the categories listed in s. 489.105(3)(d)-(o). However, if
 11 the person being supervised is engaged in construction work
 12 that would require a license as an underground utility and
 13 excavation contractor, such person may be engaged on a
 14 contract basis by the licensed underground utility and
 15 excavation contractor to perform such work, provided the
 16 person so employed is in compliance with the provisions of
 17 this subsection and provided the activities of such person are
 18 limited to a narrow specialty which does not have a separate
 19 corresponding state or local licensure category and the narrow
 20 scope of experience of which does not qualify the person to
 21 take the examination for any available state or local license
 22 which would allow the person to perform that activity.This
 23 subsection does not affect the application of any local
 24 construction licensing ordinances. To enforce this subsection:

25 (a) The department shall issue a cease and desist
 26 order to prohibit any person from engaging in the business of
 27 contracting who does not hold the required certification or
 28 registration for the work being performed under this part. For
 29 the purpose of enforcing a cease and desist order, the
 30 department may file a proceeding in the name of the state
 31

1 seeking issuance of an injunction or a writ of mandamus
2 against any person who violates any provision of such order.

3 (b) A county, municipality, or local licensing board
4 created by special act may issue a cease and desist order to
5 prohibit any person from engaging in the business of
6 contracting who does not hold the required certification or
7 registration for the work being performed under this part.

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

13 Section 111. Section 489.1136, Florida Statutes, is
14 created to read:

15 489.1136 Medical gas certification.--

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

1 required of medical gas installation, improvement, repair, or
2 maintenance work. Such course shall issue a certificate of
3 completion to the taker of the course, which certificate shall
4 be available for inspection by any entity or person seeking to
5 have such contractor engage in the business of installation,
6 improvement, repair, or maintenance of a medical gas system.

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

31

1 (c) Any other natural person who wishes to perform
 2 only brazing duties incidental to the installation,
 3 improvement, repair, or maintenance of a medical gas system
 4 shall pass an examination designed to show that person's
 5 familiarity with and practical ability in performing brazing
 6 duties required of medical gas installation, improvement,
 7 repair, or maintenance. Such examination shall be from a test
 8 approved by the board. Such examination must test for
 9 knowledge of National Fire Prevention Association Standard 99C
 10 (Standard on Gas and Vacuum Systems, latest edition). The
 11 person taking such examination must, upon passing such
 12 examination, be issued a certificate of completion by the
 13 giver of such examination, and such certificate shall be made
 14 available by the holder for inspection by any person or entity
 15 seeking to have or employ such person to perform brazing
 16 duties on a medical gas system.

17 (d) It is the responsibility of the licensed plumbing
 18 contractor to ascertain whether members of his or her
 19 workforce are in compliance with this subsection, and such
 20 contractor is subject to discipline pursuant to s. 489.129 for
 21 violation of this subsection.

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

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

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

3 (2)(a) On any job site where a medical gas system is
4 being installed, improved, repaired, or maintained, it is
5 required that a person qualified under paragraph (1)(a) or
6 paragraph (1)(b) must be present. When any brazing work is
7 performed by a person qualified under paragraph (1)(c), a
8 person qualified under paragraph (1)(a) or paragraph (1)(b)
9 must be present.

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

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

20 Section 112. Subsection (4) is added to section
21 553.06, Florida Statutes, to read:

22 553.06 State Plumbing Code.--

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

31

1 Section 113. Paragraph (b) of subsection (4) of
2 section 489.115, Florida Statutes, is amended, and subsection
3 (7) is added to said section, to read:

4 489.115 Certification and registration; endorsement;
5 renewals; continuing education.--

6 (4)

7 (b)1. Each certificateholder or registrant shall
8 provide proof, in a form established by rule of the board,
9 that the certificateholder or registrant has completed at
10 least 14 classroom hours of at least 50 minutes each of
11 continuing education courses during each biennium since the
12 issuance or renewal of the certificate or registration. The
13 board shall establish by rule that a portion of the required
14 14 hours must deal with the subject of workers' compensation,
15 business practices, and workplace safety. The board shall by
16 rule establish criteria for the approval of continuing
17 education courses and providers and may by rule establish
18 criteria for accepting alternative nonclassroom continuing
19 education on an hour-for-hour basis.

20 2. In addition, the board may approve specialized
21 continuing education courses on compliance with the wind
22 resistance provisions for one and two family dwellings
23 contained in the State Minimum Building Codes and any
24 alternate methodologies for providing such wind resistance
25 which have been approved for use by the Board of Building
26 Codes and Standards. Division I certificateholders or
27 registrants who demonstrate proficiency upon completion of
28 such specialized courses may certify plans and specifications
29 for one and two family dwellings to be in compliance with the
30 code or alternate methodologies, as appropriate, except for
31 dwellings located in floodways or coastal hazard areas as

1 defined in ss. 60.3D and E of the National Flood Insurance
2 Program.

3 (7) If a certificateholder or registrant holds a
4 license under both this part and part II and is required to
5 have continuing education courses under s. 489.517(3), the
6 certificateholder or registrant may apply those course hours
7 for workers' compensation, workplace safety, and business
8 practices obtained under part II to the requirements under
9 this part.

10 Section 114. Paragraph (a) of subsection (3) of
11 section 489.119, Florida Statutes, 1996 Supplement, is amended
12 to read:

13 489.119 Business organizations; qualifying agents.--

14 (3)(a) The qualifying agent shall be certified or
15 registered under this part in order for the business
16 organization to be certified or registered in the category of
17 the business conducted for which the qualifying agent is
18 certified or registered. If any qualifying agent ceases to be
19 affiliated with such business organization, he shall so inform
20 the department. In addition, if such qualifying agent is the
21 only certified or registered contractor affiliated with the
22 business organization, the business organization shall notify
23 the department of the termination of the qualifying agent and
24 shall have 60 days from the termination of the qualifying
25 agent's affiliation with the business organization in which to
26 employ another qualifying agent. The business organization
27 may not engage in contracting until a qualifying agent is
28 employed, unless the executive director or chair of the board
29 has granted a temporary nonrenewable certificate or
30 registration to the financially responsible officer, the
31 president, a partner, or, in the case of a limited

1 partnership, the general partner, who assumes all
2 responsibilities of a primary qualifying agent for the entity.
3 This temporary certificate or registration shall only allow
4 the entity to proceed with incomplete contracts ~~as defined in~~
5 ~~s. 489.121~~. For the purposes of this paragraph, an incomplete
6 contract is one which has been awarded to, or entered into by,
7 the business organization prior to the cessation of
8 affiliation of the qualifying agent with the business
9 organization or one on which the business organization was the
10 low bidder and the contract is subsequently awarded,
11 regardless of whether any actual work has commenced under the
12 contract prior to the qualifying agent ceasing to be
13 affiliated with the business organization.

14 Section 115. Subsections (1) and (2) of section
15 489.127, Florida Statutes, 1996 Supplement, are amended to
16 read:

17 489.127 Prohibitions; penalties.--

18 (1) No person shall:

19 (a) Falsely hold himself or a business organization
20 out as a licensee, certificateholder, or registrant;

21 (b) Falsely impersonate a certificateholder or
22 registrant;

23 (c) Present as his own the certificate or registration
24 of another;

25 (d) Knowingly give false or forged evidence to the
26 board or a member thereof;

27 (e) Use or attempt to use a certificate or
28 registration which has been suspended or revoked;

29 (f) Engage in the business or act in the capacity of a
30 contractor or advertise himself or a business organization as
31

1 available to engage in the business or act in the capacity of
2 a contractor without being duly registered or certified;

3 (g) Operate a business organization engaged in
4 contracting after 60 days following the termination of its
5 only qualifying agent without designating another primary
6 qualifying agent, except as provided in ss. 489.119 and
7 489.1195;

8 (h) Commence or perform work for which a building
9 permit is required pursuant to an adopted state minimum
10 building code without such building permit being in effect; or

11 (i) Willfully or deliberately disregard or violate any
12 municipal or county ordinance relating to uncertified or
13 unregistered contractors.

14

15 For purposes of this subsection, a person or business
16 organization operating on an inactive or suspended certificate
17 or registration, ~~or operating beyond the scope of work or~~
18 ~~geographical scope of the registration,~~ is not duly certified
19 or registered and is considered to be unlicensed.

20 (2)(a) Any unlicensed person who violates any of the
21 provisions of subsection (1) commits a misdemeanor of the
22 first degree, punishable as provided in s. 775.082 or s.
23 775.083.

24 (b) Any unlicensed person who performs, offers to
25 perform, or contracts to perform work which requires licensure
26 under this part, the value of which exceeds \$1,000, commits a
27 felony of the third degree, punishable as provided in s.
28 775.082 or s. 775.083.

29 (c)(b) Any unlicensed person who commits a violation
30 of paragraphs (a) through (f) of subsection (1) after having
31 been previously found guilty of such a violation, regardless

1 of adjudication thereof, commits a felony of the third degree,
2 punishable as provided in s. 775.082 or s. 775.083.

3 ~~(d)(c)~~ Any unlicensed person who commits a violation
4 of paragraphs (a) through (f) of subsection (1) during the
5 existence of a state of emergency declared by executive order
6 of the Governor commits a felony of the third degree,
7 punishable as provided in s. 775.082 or s. 775.083.

8 ~~(e)(d)~~ Any person who operates as a pollutant storage
9 systems contractor, precision tank tester, or internal
10 pollutant storage tank lining applicator in violation of
11 subsection (1) commits a felony of the third degree,
12 punishable as provided in s. 775.082 or s. 775.083.

13 (f) Any licensed contractor who willfully operates
14 outside the geographical scope of the contractor's
15 registration, or who operates outside the scope of the
16 contractor's certificate or registration, commits a
17 misdemeanor of the first degree, punishable as provided in s.
18 775.082 or s. 775.083.

19
20 The remedies set forth in this subsection are not exclusive
21 and may be imposed in addition to the remedies set forth in s.
22 489.129(2). Moreover, prosecution under this part does not
23 preclude prosecution under other applicable criminal statutes.

24 Section 116. Section 489.140, Florida Statutes, is
25 amended to read:

26 489.140 Construction Industries Recovery Fund.--There
27 is created the Florida Construction Industries Recovery Fund
28 as a separate account in the Professional Regulation Trust
29 Fund.

30 (1) The Florida Construction Industries Recovery Fund
31 shall be disbursed as provided in s. 489.143, on order of the

1 board, as reimbursement to any natural person adjudged by a
2 court of competent jurisdiction to have suffered monetary
3 damages, or to whom the licensee has been ordered to pay
4 restitution by the board, where the judgment or restitution
5 order is based on a violation of s. 489.129(1)(d), (h), (k),
6 or (l), committed by any contractor, financially responsible
7 officer, or business organization licensed under the
8 provisions of this part at the time the violation was
9 committed, and providing that the violation occurs after July
10 1, 1993.

11 (2) The Construction Industries Recovery Fund shall be
12 funded out of the receipts deposited in the Professional
13 Regulation Trust Fund from the one-half cent per square foot
14 surcharge on building permits collected and disbursed pursuant
15 to s. 468.631.

16 ~~(3) In addition, any surplus of moneys collected from~~
17 ~~the fines imposed by the board and collected by the department~~
18 ~~shall be transferred into the Construction Industries Recovery~~
19 ~~Fund.~~

20 Section 117. Section 489.141, Florida Statutes, is
21 amended to read:

22 489.141 Conditions for recovery; eligibility.--

23 (1) Any person is eligible to seek recovery from the
24 Construction Industries Recovery Fund after having made a
25 claim and exhausting the limits of any available bond, cash
26 bond, surety, guarantee, warranty, letter of credit, or policy
27 of insurance, if:

28 (a) Such person has received final judgment in a court
29 of competent jurisdiction in this state in any action wherein
30 the cause of action was based on a construction contract or
31 the Construction Industry Licensing Board has issued a final

1 order directing the licensee to pay restitution to the
2 claimant based upon a violation of s. 489.129(1)(d), (h), (k),
3 or (l), where the contract was executed and the violation
4 occurred on or after July 1, 1993, and provided that:

5 ~~1. At the time the action was commenced, such person~~
6 ~~gave notice thereof to the board by certified mail; except~~
7 ~~that, if no notice has been given to the board, the claim may~~
8 ~~still be honored if the board finds good cause to waive the~~
9 ~~notice requirement;~~

10 1.a.2. Such person has caused to be issued a writ of
11 execution upon such judgment, and the officer executing the
12 writ has made a return showing that no personal or real
13 property of the judgment debtor or licensee liable to be
14 levied upon in satisfaction of the judgment can be found or
15 that the amount realized on the sale of the judgment debtor's
16 or licensee's property pursuant to such execution was
17 insufficient to satisfy the judgment; or

18 b.3. If such person is unable to comply with
19 sub-subparagraph a. subparagraph 2. for a valid reason to be
20 determined by the board, such person has made all reasonable
21 searches and inquiries to ascertain whether the judgment
22 debtor or licensee is possessed of real or personal property
23 or other assets subject to being sold or applied in
24 satisfaction of the judgment and by his search he has
25 discovered no property or assets or he has discovered property
26 and assets and has taken all necessary action and proceedings
27 for the application thereof to the judgment but the amount
28 thereby realized was insufficient to satisfy the judgment; or

29 2.(b) The claimant has made a diligent attempt, as
30 defined by board rule, to collect the restitution awarded by
31 the board; ~~and~~

1 **(b)**~~(c)~~ A claim for recovery is made within 2 years
2 from the time of the act giving rise to the claim or within 2
3 years from the time the act is discovered or should have been
4 discovered with the exercise of due diligence; however, in no
5 event may a claim for recovery be made more than 4 years after
6 the date of the act giving rise to the claim or more than 1
7 year after the conclusion of any civil or administrative
8 action based on the act, whichever is later; and

9 **(c)**~~(d)~~ Any amounts recovered by such person from the
10 judgment debtor or licensee, or from any other source, have
11 been applied to the damages awarded by the court or the amount
12 of restitution ordered by the board; and

13 **(d)**~~(e)~~ Such person is not a person who is precluded by
14 this act from making a claim for recovery.

15 (2) A person is not qualified to make a claim for
16 recovery from the Construction Industries Recovery Fund, if:

17 (a) The claimant is the spouse of the judgment debtor
18 or licensee or a personal representative of such spouse;

19 (b) The claimant is a licensee ~~certificateholder or~~
20 ~~registrant~~ who acted as the contractor in the transaction
21 which is the subject of the claim;

22 (c) Such person's claim is based upon a construction
23 contract in which the licensee ~~certificateholder or registrant~~
24 was acting with respect to the property owned or controlled by
25 the licensee ~~certificateholder or registrant~~;

26 (d) Such person's claim is based upon a construction
27 contract in which the contractor did not hold a valid and
28 current license at the time of the construction contract; or

29 (e) Such person was associated in a business
30 relationship with the licensee ~~certificateholder or registrant~~
31 other than the contract at issue.

1 (f) Such person has suffered damages as the result of
2 making improper payments to a contractor as defined in chapter
3 713, part I.

4 Section 118. Section 489.142, Florida Statutes, is
5 amended to read:

6 489.142 Board powers relating to recovery ~~upon~~
7 ~~notification of commencement of action.--With respect to~~
8 actions for recovery from the Construction Industries Recovery
9 Fund ~~when the board receives certified notice of any action,~~
10 ~~as required by s. 489.141(1)(a),~~ the board may intervene,
11 enter an appearance, file an answer, defend the action, or
12 take any action it deems appropriate and may take recourse
13 through any appropriate method of review on behalf of the
14 State of Florida.

15 Section 119. Section 489.143, Florida Statutes, 1996
16 Supplement, is amended to read:

17 489.143 Payment from the fund.--

18 (1) Any person who meets all of the conditions
19 prescribed in s. 489.141(1) may apply to the board to cause
20 payment to be made to such person from the Construction
21 Industries Recovery Fund in an amount equal to the judgment or
22 restitution order, exclusive of postjudgment interest, against
23 the licensee certificateholder or \$25,000, whichever is less,
24 or an amount equal to the unsatisfied portion of such person's
25 judgment or restitution order, exclusive of postjudgment
26 interest, or \$25,000, whichever is less, but only to the
27 extent and amount reflected in the judgment or restitution
28 order as being actual or compensatory damages. The fund is not
29 obligated to pay ~~any portion of any judgment, or any judgment~~
30 or restitution order, or any portion thereof, which is not
31

1 expressly based on one of the grounds for recovery set forth
2 in s. 489.140(1).

3 (2) Upon receipt by a claimant under subsection (1) of
4 payment from the Construction Industries Recovery Fund, the
5 claimant shall assign his additional right, title, and
6 interest in the judgment or restitution order, to the extent
7 of such payment, to the board, and thereupon the board shall
8 be subrogated to the right, title, and interest of the
9 claimant; and any amount subsequently recovered on the
10 judgment or restitution order by the board, to the extent of
11 the right, title, and interest of the board therein, shall be
12 for the purpose of reimbursing the Construction Industries
13 Recovery Fund.

14 (3) Payments for claims arising out of the same
15 transaction shall be limited, in the aggregate, to \$25,000,
16 regardless of the number of claimants involved in the
17 transaction.

18 (4) Payments for claims against any one licensee
19 ~~certificateholder or registrant~~ shall not exceed, in the
20 aggregate, \$100,000.

21 (5) Claims shall be paid in the order filed, up to the
22 aggregate limits for each transaction and licensee and to the
23 limits of the amount appropriated to pay claims against the
24 fund for the fiscal year in which the claims were filed.

25 (6) If the annual appropriation is exhausted with
26 claims pending, such claims shall be carried forward to the
27 next fiscal year. Any moneys in excess of pending claims
28 remaining in the Construction Industries Recovery Fund at the
29 end of the fiscal year shall be paid as provided in s.
30 468.631.

31

1 ~~(5) If at any time the claims pending against the fund~~
2 ~~exceed 80 percent of the fund balance plus anticipated revenue~~
3 ~~for the next two quarters, the board shall accept no further~~
4 ~~claims until such time as the board is given express~~
5 ~~authorization and funding from the Legislature.~~

6 (7)~~(6)~~ Upon the payment of any amount from the
7 Construction Industries Recovery Fund in settlement of a claim
8 in satisfaction of a judgment or restitution order against a
9 licensee certificateholder as described in s. 489.141(1), the
10 license of such licensee certificateholder shall be
11 automatically suspended, without further administrative
12 action, upon the date of payment from the fund. The license
13 of such licensee certificateholder shall not be reinstated
14 until he has repaid in full, plus interest, the amount paid
15 from the fund. A discharge of bankruptcy does not relieve a
16 person from the penalties and disabilities provided in this
17 section.

18 Section 120. Section 489.1455, Florida Statutes, is
19 created to read:

20 489.1455 Journeyman; reciprocity; standards.--

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

27 (a) Has scored at least 70 percent, or after October
28 1, 1997, at least 75 percent, on a proctored journeyman Block
29 and Associates examination or other proctored examination
30 approved by the board for the trade in which he is licensed;
31

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

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

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

11 Section 118. Section 489.5335, Florida Statutes, is
12 created to read:

13 489.5335 Journeyman; reciprocity; standards.--

14 (1) An individual who holds a valid, active journeyman
15 license in the electrical trade issued by any county or
16 municipality in this state may work as a journeyman in any
17 other county or municipality of this state without taking an
18 additional examination or paying an additional license fee, if
19 he or she:

20 (a) Has scored at least 70 percent, or after October
21 1, 1997, at least 75 percent, on a proctored journeyman Block
22 and Associates examination or other proctored examination
23 approved by the board for the electrical trade;

24 (b) Has completed an apprenticeship program registered
25 with the Department of Labor and Employment Security and
26 demonstrates 4 years' verifiable practical experience in the
27 electrical trade, or demonstrates 6 years' verifiable
28 practical experience in the electrical trade; and

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

31

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

3 Section 121. Subsections (4) and (14) of section
4 489.503, Florida Statutes, 1996 Supplement, are amended, and
5 subsections (17), (18), and (19) are added to said section, to
6 read:

7 489.503 Exemptions.--This part does not apply to:

8 (4) Public utilities, on construction, maintenance,
9 and development work performed by their forces and incidental
10 to their facilities or incidental to the business of a
11 telecommunications company licensed under chapter 364.

12 (14) The installation of, repair of, alteration of,
13 addition to, or design of electrical wiring, fixtures,
14 appliances, thermostats, apparatus, raceways, and conduit, or
15 any part thereof, when those items are for the purpose of
16 transmitting data, voice communications, or commands as part
17 of:

18 (a) A system of telecommunications, including
19 computers, telephone customer premises equipment, or premises
20 wiring; or

21 (b) A cable television, community antenna television,
22 or radio distribution system.

23
24 The scope of this exemption is limited to electrical circuits
25 and equipment governed by the applicable provisions of
26 Articles 725 (Classes 2 and 3 circuits only), 770, 800, 810,
27 and 820 of the National Electrical Code, current edition, or
28 47 C.F.R. part 68. Additionally, a company certified under
29 chapter 364 is not subject to any local ordinance that
30 requires a permit for work performed by its employees related
31 to low voltage electrical work, including related technical

1 codes and regulations. This exemption shall apply only if such
2 work is requested by the company's customer, is required in
3 order to complete phone service, is incidental to provision of
4 telecommunication service as required by chapter 364, and is
5 not actively competitive in nature or the subject of a
6 competitive bid. The definition of "employee" established in
7 subsection (1) applies to this exemption and does not include
8 subcontractors.

9 (17) The monitoring of an alarm system without fee by
10 a direct employee of a law enforcement agency or of a county,
11 municipal, or special-district fire department or by a law
12 enforcement officer or fire official acting in an official
13 capacity.

14 (18) The monitoring of an alarm system by a direct
15 employee of any state or federally chartered financial
16 institution, as defined in s. 655.005(1)(h), or any parent,
17 affiliate, or subsidiary thereof, so long as:

18 (a) The institution is subject to, and in compliance
19 with, s. 3 of the Federal Bank Protection Act of 1968, 12
20 U.S.C. s. 1882;

21 (b) The alarm system is in compliance with all
22 applicable firesafety standards as set forth in chapter 633;
23 and

24 (c) The monitoring is limited to an alarm system
25 associated with:

26 1. The commercial property where banking operations
27 are housed or where other operations are conducted by a state
28 or federally chartered financial institution, as defined in s.
29 655.005(1)(h), or any parent, affiliate, or subsidiary
30 thereof; or

31

1 2. The private property occupied by the institution's
2 executive officers, as defined in s. 655.005(1)(f),
3
4 and does not otherwise extend to the monitoring of residential
5 systems.

6 (19) The monitoring of an alarm system of a business
7 by the direct employees of that business, so long as:

8 (a) The alarm system is the exclusive property of, or
9 is leased by, the business;

10 (b) The alarm system complies with all applicable
11 firesafety standards as set forth in chapter 633; and

12 (c) The alarm system is designed to protect only the
13 commercial premises leased by the business endeavor or
14 commercial premises owned by the business endeavor and not
15 leased to another.

16
17 This exemption is intended to allow businesses to monitor
18 their own alarm systems and is not limited to monitoring a
19 single location of that business. However, it is not intended
20 to enable the owner of any apartment complex, aggregate
21 housing, or commercial property to monitor alarm systems on
22 property leased or rented to the residents, clients, or
23 customers thereof.

24 Section 122. Subsection (24) of section 489.505,
25 Florida Statutes, 1996 Supplement, is repealed, subsections
26 (1) and (7) are amended, subsection (26) is renumbered as
27 subsection (25) and amended, present subsections (25) and (27)
28 are renumbered as subsections (24) and (26), respectively, and
29 a new subsection (27) is added to said section, to read:

30 489.505 Definitions.--As used in this part:

1 (1) "Alarm system" means any electrical device,
 2 signaling device, or combination of electrical devices used to
 3 signal or detect a situation which causes an alarm in the
 4 event of a burglary, fire, robbery, or medical emergency, ~~or~~
 5 ~~equipment failure.~~

6 (7) "Certified alarm system contractor" means an alarm
 7 system contractor who possesses a certificate of competency
 8 issued by the department. The scope of certification is
 9 limited to alarm circuits originating in the alarm control
 10 panel and equipment governed by the applicable provisions of
 11 Articles 725, 760, 770, 800, and 810 of the National
 12 Electrical Code, Current Edition, and National Fire Protection
 13 Association Standard 72, Current Edition. The scope of
 14 certification for alarm system contractors also includes the
 15 installation, repair, fabrication, erection, alteration,
 16 addition, or design of electrical wiring, fixtures,
 17 appliances, thermostats, apparatus, raceways, and conduit, or
 18 any part thereof not to exceed 77 volts, when those items are
 19 for the purpose of transmitting data or proprietary video
 20 (satellite systems that are not part of a community antenna
 21 television or radio distribution system) or providing central
 22 vacuum capability or electric locks; however, this provision
 23 governing the scope of certification does not create any
 24 mandatory licensure requirement.

25 ~~(24) "Limited burglar alarm system contractor" means~~
 26 ~~an alarm system contractor whose business is limited to the~~
 27 ~~installation of burglar alarms in single-family homes and~~
 28 ~~two-family homes, mobile homes, and small commercial buildings~~
 29 ~~having a square footage of not more than 5,000 square feet and~~
 30 ~~who is registered with the department pursuant to s. 489.513~~
 31 ~~or s. 489.537(8).~~

1 ~~(24)(25)~~ "Licensure" means any type of certification
2 or registration provided for in this part.

3 ~~(25)(26)~~ "Alarm system agent" means a person:

4 (a) Who is employed by a licensed alarm system
5 contractor or licensed electrical contractor;

6 (b) Who is performing duties which are an element of
7 an activity which constitutes alarm system contracting
8 requiring licensure under this part; and

9 (c) Whose specific duties include any of the
10 following: altering, installing, maintaining, moving,
11 repairing, replacing, servicing, selling onsite, or monitoring
12 an alarm system for compensation.

13 ~~(26)(27)~~ "Personal emergency response system" means
14 any device which is simply plugged into a telephone jack or
15 electrical receptacle and which is designed to initiate a
16 telephone call to a person who responds to, or has a
17 responsibility to determine the proper response to, personal
18 emergencies.

19 (27) "Monitoring" means to receive electrical or
20 electronic signals, originating from any building within the
21 state, produced by any security, medical, fire, or burglar
22 alarm, closed circuit television camera, or related or similar
23 protective system and to initiate a response thereto. A
24 person shall not have committed the act of monitoring if:

25 (a) The person is an occupant of, or an employee
26 working within, protected premises;

27 (b) The person initiates emergency action in response
28 to hearing or observing an alarm signal;

29 (c) The person's action is incidental to his or her
30 primary responsibilities; and

31

1 (d) The person is not employed in a proprietary
2 monitoring facility, as defined by the National Fire
3 Protection Association pursuant to rule adopted under chapter
4 633.

5 Section 123. Subsection (5) of section 489.507,
6 Florida Statutes, is amended to read:

7 489.507 Electrical Contractors' Licensing Board.--

8 (5) The Electrical Contractors' Licensing Board and
9 the Construction Industry Licensing Board shall each appoint a
10 committee to meet jointly ~~in joint session~~ at least twice a
11 year.

12 Section 124. Section 489.509, Florida Statutes, is
13 amended to read:

14 489.509 Fees.--

15 (1) The board, by rule, shall establish fees to be
16 paid for applications, examination, reexamination, transfers,
17 licensing and renewal, reinstatement, and recordmaking and
18 recordkeeping. The examination fee shall be in an amount that
19 covers the cost of obtaining and administering the examination
20 and shall be refunded if the applicant is found ineligible to
21 sit for the examination. The application fee is
22 nonrefundable. The fee for initial application and
23 examination for certification of electrical contractors may
24 not exceed \$400. The initial application fee for registration
25 may not exceed \$150. The biennial renewal fee may not exceed
26 \$400 for certificateholders and \$200 for registrants, ~~and~~
27 ~~shall be paid by June 30 of each biennial period.~~ The fee for
28 initial application and examination for certification of alarm
29 system contractors may not exceed \$400. The biennial renewal
30 fee for certified alarm system contractors may not exceed
31 \$450. The board may establish a fee for a temporary

1 certificate as an alarm system contractor not to exceed \$75.
 2 The board may also establish by rule a delinquency fee not to
 3 exceed \$50. Failure to renew an active or inactive
 4 certificate or registration within 90 days after the date of
 5 renewal will result in the certificate or registration
 6 becoming delinquent. The fee to transfer a certificate or
 7 registration from one business organization to another may not
 8 exceed \$200. The fee for reactivation of an inactive license
 9 may not exceed \$50. The board shall establish fees that are
 10 adequate to ensure the continued operation of the board. Fees
 11 shall be based on department estimates of the revenue required
 12 to implement this part and the provisions of law with respect
 13 to the regulation of electrical contractors and alarm system
 14 contractors.

15 (2) A person who is registered or holds a valid
 16 certificate from the board may go on inactive status during
 17 which time he shall not engage in contracting, but may retain
 18 his certificate or registration on an inactive basis, on
 19 payment of a renewal fee during the inactive period, not to
 20 exceed \$50 per renewal period.

21 (3) Four dollars of each fee under subsection (1) paid
 22 to the department at the time of application or renewal shall
 23 be transferred at the end of each licensing period to the
 24 Department of Education to fund projects relating to the
 25 building construction industry or continuing education
 26 programs offered to persons engaged in the building
 27 construction industry in Florida. The board shall, at the time
 28 the funds are transferred, advise the Department of Education
 29 on the most needed areas of research or continuing education
 30 based on significant changes in the industry's practices or on
 31 the most common types of consumer complaints or on problems

1 costing the state or local governmental entities substantial
 2 waste. The board's advice is not binding on the Department of
 3 Education. The Department of Education must allocate 50
 4 percent of the funds to a graduate program in building
 5 construction in a Florida university and 50 percent of the
 6 funds to all accredited private and state universities and
 7 community colleges within the state offering approved courses
 8 in building construction, with each university or college
 9 receiving a pro rata share of such funds based upon the number
 10 of full-time building construction students enrolled at the
 11 institution. The Department of Education shall ensure the
 12 distribution of research reports and the availability of
 13 continuing education programs to all segments of the building
 14 construction industry to which they relate. The Department of
 15 Education shall report to the board in October of each year,
 16 summarizing the allocation of the funds by institution and
 17 summarizing the new projects funded and the status of
 18 previously funded projects. The Commissioner of Education is
 19 directed to appoint one electrical contractor and one
 20 certified alarm system contractor to the Building Construction
 21 Industry Advisory Committee.

22 Section 125. Paragraph (a) of subsection (2) and
 23 paragraph (b) of subsection (5) of section 489.511, Florida
 24 Statutes, are amended to read:

25 489.511 Certification; application; examinations;
 26 endorsement.--

27 (2)(a) A person shall be entitled to take the
 28 certification examination for the purpose of determining
 29 whether he is qualified to engage in contracting throughout
 30 the state as a contractor if the person:

- 31 1. Is at least 18 years of age;

- 1 2. Is of good moral character; and
- 2 3. Meets eligibility requirements according to one of
- 3 the following criteria:
- 4 a. Has, within the 6 years immediately preceding the
- 5 filing of the application, at least 3 years' proven management
- 6 experience in the trade or education equivalent thereto, or a
- 7 combination thereof, but not more than one-half of such
- 8 experience may be educational equivalent;
- 9 b. Has, within the 8 years immediately preceding the
- 10 filing of the application, at least 4 years' experience as a
- 11 ~~foreman, supervisor, or contractor~~ in the trade for which he
- 12 is making application;
- 13 c. Has, within the 12 years immediately preceding the
- 14 filing of the application, at least 6 years of comprehensive
- 15 training, technical education, or supervisory broad experience
- 16 associated with an electrical or alarm system contracting
- 17 business, or at least 6 years of technical experience in
- 18 electrical or alarm system work with the Armed Forces or a
- 19 governmental entity installation or servicing endeavor; or
- 20 d. Has, within the 12 years immediately preceding the
- 21 filing of the application, been licensed for 3 years as a
- 22 professional an engineer who is qualified by education,
- 23 training, or experience to practice electrical engineering; or
- 24 e. Has any combination of qualifications under
- 25 sub-subparagraphs a.-c. totaling 6 years of experience.
- 26 (5)
- 27 (b) For those specialty electrical or alarm system
- 28 contractors applying for certification under this part who
- 29 work in jurisdictions that do not require local licensure for
- 30 those activities for which the applicant desires to be
- 31 certified, the experience requirement may be met by

1 demonstrating at least 6 years of comprehensive training,
 2 technical education, or supervisory broad experience, within
 3 the 12 years immediately preceding the filing of the
 4 application, in the type of specialty electrical or alarm
 5 system work for which certification is desired. An affidavit
 6 signed by the applicant's employer stating that the applicant
 7 performed the work required under this paragraph shall be
 8 sufficient to demonstrate to the board that the applicant has
 9 met the experience requirement.

10 Section 126. Subsection (3) of section 489.513,
 11 Florida Statutes, is amended to read:

12 489.513 Registration; application; requirements.--

13 ~~(3)(a) To be registered as an electrical contractor,~~
 14 ~~the applicant shall file evidence of holding a current~~
 15 ~~occupational license or a current license issued by any~~
 16 ~~municipality or county of the state for the type of work for~~
 17 ~~which registration is desired, on a form provided by the~~
 18 ~~department, together with evidence of successful compliance~~
 19 ~~with the local examination and licensing requirements, if any,~~
 20 ~~in the area for which registration is desired, accompanied by~~
 21 ~~the registration fee fixed pursuant to this part. No~~
 22 ~~examination may be required for registration as an electrical~~
 23 ~~contractor except for any examination required by a local~~
 24 ~~government to obtain the local licensure.~~

25 ~~(b)~~ To be registered as an electrical contractor, an
 26 alarm system contractor I, an alarm system contractor II, or a
 27 residential alarm system contractor, the applicant shall file
 28 evidence of holding a current occupational license or a
 29 current license issued by any municipality or county of the
 30 state for the type of work for which registration is desired,
 31 on a form provided by the department, if such a license is

1 required by that municipality or county, together with
 2 evidence of having passed an appropriate local examination,
 3 written or oral, designed to test skills and knowledge
 4 relevant to the technical performance of the profession,
 5 accompanied by the registration fee fixed pursuant to this
 6 part. For any person working or wishing to work in any local
 7 jurisdiction which does not issue a local license as an
 8 electrical or alarm system contractor or does not require an
 9 examination for its license, the applicant may apply and shall
 10 be considered qualified to be issued a registration in the
 11 appropriate electrical or alarm system category, provided that
 12 he shows that he has scored at least 75 percent on an
 13 examination which is substantially equivalent to the
 14 examination approved by the board for certification in the
 15 category and that he has had at least 3 years' technical
 16 experience in the trade. The requirement to take and pass an
 17 examination in order to obtain a registration shall not apply
 18 to persons making application prior to the effective date of
 19 this act.

20 Section 127. Subsection (4) is added to section
 21 489.517, Florida Statutes, to read:

22 489.517 Renewal of certificate or registration;
 23 continuing education.--

24 (4)(a) If a certificateholder or registrant holds a
 25 license under both this part and part I and is required to
 26 have continuing education courses under s. 489.115(4)(b)1.,
 27 the certificateholder or registrant may apply those course
 28 hours for workers' compensation, workplace safety, and
 29 business practices obtained under part I to the requirements
 30 under this part.

31

1 (b) Of the 14 classroom hours of continuing education
2 required, at least 7 hours must be on technical subjects, 1
3 hour on workers' compensation, 1 hour on workplace safety, and
4 1 hour on business practices.

5 Section 128. Subsection (2) of section 489.519,
6 Florida Statutes, is renumbered as subsection (3) and a new
7 subsection (2) is added to said section to read:

8 489.519 Inactive status.--

9 (2) Notwithstanding any provision of s. 455.271 to the
10 contrary, a certificateholder or registrant may apply to the
11 department for voluntary inactive status at any time during
12 the period of certification or registration.

13 Section 129. Subsection (8) of section 489.521,
14 Florida Statutes, is amended to read:

15 489.521 Business organizations; qualifying agents.--

16 (8) Each qualifying agent shall pay the department an
17 amount equal to the original fee for certification or
18 registration to qualify any additional business organizations.
19 If the qualifying agent for a business organization desires to
20 qualify additional business organizations, the board shall
21 require him to present evidence of supervisory ability and
22 financial responsibility of each such organization. Allowing
23 a licensee to qualify more than one business organization
24 shall be conditioned upon the licensee showing that the
25 licensee has both the capacity and intent to adequately
26 supervise each business organization. The board shall not
27 limit the number of business organizations which the licensee
28 may qualify except upon the licensee's failing to provide such
29 information as is required under this subsection or upon a
30 finding that such information or evidence as is supplied is
31 incomplete or unpersuasive in showing the licensee's ability

1 or intent to comply with the requirements of this subsection.
2 A qualification for an additional business organization may be
3 revoked or suspended upon a finding by the board that the
4 licensee has failed in the licensee's responsibility to
5 adequately supervise the operations of that business
6 organization. Failure of the responsibility to adequately
7 supervise the operations of a business organization shall be
8 grounds for denial to qualify additional business
9 organizations.~~The issuance of such certification or~~
10 ~~registration is discretionary with the board.~~

11 Section 130. Subsection (1) of section 489.525,
12 Florida Statutes, is amended to read:

13 489.525 Reports of certified contractors to local
14 building officials.--

15 (1) The department shall inform all local boards or
16 building officials prior to December 31 ~~October~~ of each year
17 of the names of all certificateholders and the status of the
18 certificates.

19 Section 131. Section 489.529, Florida Statutes, 1996
20 Supplement, is amended to read:

21 489.529 Alarm verification calls required.--All
22 residential or commercial intrusion/burglary alarms that have
23 central monitoring must have a central monitoring verification
24 call made to the premises generating the alarm signal, prior
25 to alarm monitor personnel contacting a law enforcement agency
26 for alarm dispatch. However, if the alarms have properly
27 operating visual or auditory sensors that enable the
28 monitoring personnel to verify the alarm signal, verification
29 calling is not required.

30 Section 132. Subsection (2) of section 489.531,
31 Florida Statutes, is amended to read:

1 489.531 Prohibitions; penalties.--

2 (2)(a) Any unlicensed person who commits a violation
3 ~~violates any provision~~ of subsection (1) commits a misdemeanor
4 of the first degree, punishable as provided in s. 775.082 or
5 s. 775.083.

6 (b) Any unlicensed person who commits a violation of
7 subsection (1) and the value of the contracting exceeds \$1,000
8 commits a felony of the third degree, punishable as provided
9 in s. 775.082, s. 775.083, or s. 775.084.

10 (c) Any unlicensed person who commits a violation of
11 subsection (1) after having been previously found guilty of
12 such a violation, regardless of adjudication thereof, commits
13 a felony of the third degree, punishable as provided in s.
14 775.082, s. 775.083, or s. 775.084.

15 (d) Any unlicensed person who commits a violation of
16 subsection (1) during the existence of a state of emergency
17 declared by executive order of the Governor commits a felony
18 of the third degree, punishable as provided in s. 775.082, s.
19 775.083, or s. 775.084.

20
21 The remedies set forth in this subsection are not exclusive
22 and may be imposed in addition to the remedies set forth in s.
23 489.533(2).

24 Section 133. For the purpose of incorporating the
25 amendment to section 489.531, Florida Statutes, in a reference
26 thereto, paragraph (a) of subsection (1) and subsection (2) of
27 section 489.533, Florida Statutes, 1996 Supplement, are
28 reenacted to read:

29 489.533 Disciplinary proceedings.--

30 (1) The following acts shall constitute grounds for
31 disciplinary actions as provided in subsection (2):

1 (a) Violating any provision of s. 489.531 or chapter
2 455.

3
4 For the purposes of this subsection, construction is
5 considered to be commenced when the contract is executed and
6 the contractor has accepted funds from the customer or lender.

7 (2) When the board finds any applicant, contractor, or
8 business organization for which the contractor is a primary
9 qualifying agent or secondary qualifying agent responsible
10 under s. 489.522 guilty of any of the grounds set forth in
11 subsection (1), it may enter an order imposing one or more of
12 the following penalties:

13 (a) Denial of an application for certification or
14 registration.

15 (b) Revocation or suspension of a certificate or
16 registration.

17 (c) Imposition of an administrative fine not to exceed
18 \$5,000 for each count or separate offense.

19 (d) Issuance of a reprimand.

20 (e) Placement of the contractor on probation for a
21 period of time and subject to such conditions as the board may
22 specify, including requiring the contractor to attend
23 continuing education courses or to work under the supervision
24 of another contractor.

25 (f) Restriction of the authorized scope of practice by
26 the contractor.

27 Section 134. Paragraph (b) of subsection (2) of
28 section 489.537, Florida Statutes, is amended to read:

29 489.537 Application of this part.--

30 (2)

31

1 (b) A registered electrical contractor may bid on
2 electrical contracts which include alarm systems contracting
3 as a part of the contract, provided that the individual shall
4 subcontract such alarm systems contracting, except raceway
5 systems, to a properly certified or registered alarm system
6 contractor. However, if the registered electrical contractor
7 is properly certified or registered as an alarm system
8 contractor, the individual is not required to subcontract out
9 the alarm system contracting.

10 Section 135. Section 489.539, Florida Statutes, is
11 amended to read:

12 489.539 Adoption of electrical and alarm
13 standards.--For the purpose of establishing minimum electrical
14 and alarm standards in this state, the following standards are
15 adopted:

16 (1) "National Electrical Code 1990," NFPA No. 70-1990.

17 (2) Underwriters' Laboratories, Inc., "Standards for
18 Safety, Electrical Lighting Fixtures, and Portable Lamps," UL
19 57-1982, and UL 153-1983.

20 (3) Underwriters' Laboratories, Inc., "Standard for
21 Electric Signs," UL 48-1982.

22 (4) The provisions of the following which prescribe
23 minimum electrical and alarm standards:

24 (a) NFPA No. 56A-1978, "Inhalation Anesthetics 1978."

25 (b) NFPA No. 56B-1982, "Respiratory Therapy 1982."

26 (c) NFPA No. 56C-1980, "Laboratories in Health-related
27 Institutions 1980."

28 (d) NFPA No. 56D-1982, "Hyperbaric Facilities."

29 (e) NFPA No. 56F-1983, "Nonflammable Medical Gas
30 Systems 1983."

31 (f) NFPA No. 72-1993, "National Fire Alarm Code."

1 ~~(g)(f)~~ NFPA No. 76A-1984, "Essential Electrical
2 Systems for Health Care Facilities 1984."

3 (5) Chapter 10D-29 of the rules of the Department of
4 Health and Rehabilitative Services, entitled "Nursing Homes
5 and Related Facilities Licensure."

6 (6) The minimum standards for grounding of portable
7 electric equipment, chapter 8C-27, as recommended by the
8 Industrial Standards Section of the Division of Workers'
9 Compensation of the Department of Labor and Employment
10 Security.

11 Section 136. Subsection (4) and paragraph (a) of
12 subsection (5) of section 489.553, Florida Statutes, 1996
13 Supplement, are amended to read:

14 489.553 Administration of part; registration
15 qualifications; examination.--

16 (4) To be eligible for registration by the department
17 as a septic tank contractor, the applicant must:

18 (a) Be of good moral character. In considering good
19 moral character, the department may consider any matter that
20 has a substantial connection between the good moral character
21 of the applicant and the professional responsibilities of the
22 registered contractor, including, but not limited to, the
23 applicant being found guilty of, or entering a plea of nolo
24 contendere to, regardless of adjudication, a crime in any
25 jurisdiction that directly relates to the practice of
26 contracting or the ability to practice contracting, and any
27 previous disciplinary action involving septic tank contracting
28 where all judicial reviews are complete.

29 (b) Pass an examination approved by the department
30 which demonstrates that the applicant has a fundamental
31

1 knowledge of the state laws relating to the installation and
2 maintenance of onsite sewage treatment and disposal systems.

3 (c) Be at least 18 years of age.

4 (d) Have a total of at least 3 years of active
5 experience as a worker who has learned a trade by serving an
6 apprenticeship as a skilled worker under the supervision and
7 control of a registered septic tank contractor or a person
8 licensed under s. 489.105(3)(m) who has provided septic tank
9 contracting services. Related work experience or educational
10 experience may be substituted for no more than 2 years of such
11 active contracting experience. For purposes of this paragraph,
12 each 30 hours of coursework approved by the department is
13 equal to 6 months of work experience.

14 (e) Have not had a registration revoked in the last 5
15 years, as determined from the effective date of the
16 revocation.

17 (5) To be eligible for registration by the department
18 as a master septic tank contractor, the applicant must:

19 (a) Have been a registered septic tank contractor in
20 Florida for at least 3 years or a certified plumber licensed
21 under s. 489.105(3)(m) who has provided septic tank
22 contracting services for at least 3 years.

23 Section 137. Section 501.935, Florida Statutes, is
24 created to read:

25 501.935 Home-inspection reports; required disclosures
26 prior to inspection; report on inspection results; prohibited
27 acts; failure to comply.--

28 (1) INTENT.--The Legislature recognizes that the
29 performance of a home inspection requires certain skills and
30 that a home inspection should not be confused with an
31 engineering analysis. Therefore, it is necessary in the

1 interest of the public health, safety, and welfare to require
2 the disclosure of information useful to assist consumers in
3 choosing a qualified home inspector, to inform them of the
4 limitations of a home inspection, and to prohibit actions that
5 conflict with the best interests of a home inspector's client.

6 (2) DEFINITIONS.--For the purposes of this section:

7 (a) "Home inspector" means any person who provides or
8 offers to provide a home inspection on residential real
9 property for a fee.

10 (b) "Home inspection" means an examination of the
11 mechanical and physical components of residential real
12 property through visual means and operation of normal user
13 controls, without necessarily the use of any mathematical or
14 engineering science. The inspection may include, but is not
15 limited to, examination of the electrical, heating, and
16 central air-conditioning systems; the interior plumbing; the
17 roof and visible insulation therefor; walls, ceilings, floors,
18 windows, and doors; the foundation; and the basement or crawl
19 space.

20 (3) EXEMPTIONS.--A person licensed as a construction
21 contractor under chapter 489, an architect under chapter 481,
22 or an engineer under chapter 471 shall not be required to
23 comply with this section with regard to any report, survey,
24 evaluation, or estimate rendered within the scope of practice
25 authorized by such license.

26 (4) DISCLOSURE.--Prior to performing any home
27 inspection, a home inspector shall provide the following to
28 any person who has entered into a contract to have a home
29 inspection and who, as a client of the inspector, has
30 requested the inspection:

31

1 (a) A written list of the home inspector's
2 credentials.

3 (b) A caveat in 10-point or larger boldfaced type that
4 states: AN INSPECTION IS INTENDED TO ASSIST IN EVALUATION OF
5 THE OVERALL CONDITION OF A BUILDING. THE INSPECTION IS BASED
6 ON OBSERVATION OF THE VISIBLE AND APPARENT CONDITION OF THE
7 BUILDING AND ITS COMPONENTS ON THE DATE OF THE INSPECTION.
8 THE RESULTS OF THIS HOME INSPECTION ARE NOT INTENDED TO MAKE
9 ANY REPRESENTATION REGARDING LATENT OR CONCEALED DEFECTS THAT
10 MAY EXIST, AND NO WARRANTY OR GUARANTEE IS EXPRESSED OR
11 IMPLIED. IF YOUR HOME INSPECTOR IS NOT A LICENSED STRUCTURAL
12 ENGINEER OR OTHER PROFESSIONAL WHOSE LICENSE AUTHORIZES THE
13 RENDERING OF AN OPINION AS TO THE STRUCTURAL INTEGRITY OF A
14 BUILDING OR ITS OTHER COMPONENT PARTS, YOU MAY BE ADVISED TO
15 SEEK A PROFESSIONAL OPINION AS TO ANY DEFECTS OR CONCERNS
16 MENTIONED IN THIS REPORT.

17 (c) A written disclosure to the client of any conflict
18 of interest or relationship of the home inspector which may
19 affect the client.

20 (d) A written statement or agreement declaring the
21 home inspector's scope, limitations, terms, and conditions
22 regarding the home inspection.

23 (5) REPORT.--A home inspector shall provide to the
24 client, within 3 working days after the date of the home
25 inspection or at any other time agreed upon by both parties, a
26 written report of the results of the home inspection.

27 (6) PROHIBITIONS.--A home inspector is prohibited
28 from:

29 (a) Accepting commissions or allowances from another
30 party dealing with a client of the inspector which relate to
31 the inspection.

1 (b) Offering commissions or allowances to another
2 party dealing with a client of the inspector which relate to
3 the inspection.

4 (c) Performing, or offering to perform, remedial work
5 on a property which the inspector has inspected in the
6 preceding 12 months.

7 (d) Disclosing, without the client's consent, a home
8 inspection report to any person other than the client.

9 (7) FAILURE TO COMPLY.--Failure to comply with this
10 section constitutes a deceptive and unfair trade practice.

11 Section 138. Section 501.937, Florida Statutes, is
12 created to read:

13 501.937 Industrial hygienists and safety
14 professionals; use of professional titles; failure to
15 comply.--

16 (1) Any person representing himself or herself as a
17 "safety professional" or "industrial hygienist" shall
18 accurately disclose his or her credentials.

19 (2) No person shall represent himself or herself as a
20 "certified safety professional," "associate safety
21 professional," "certified occupational health and safety
22 technologist," "industrial hygienist in training," or
23 "certified industrial hygienist" unless he or she holds a
24 current valid certificate in the field of safety or industrial
25 hygiene from either the American Board of Industrial Hygiene
26 or the Board of Certified Safety Professionals, or unless the
27 Department of Business and Professional Regulation has, upon
28 request, examined another certification program and has
29 formally concluded that the certification standards of that
30 certification program are substantially equivalent to the
31 standards for certificates issued by those organizations; nor

1 shall the person mislead or deceive anyone by the unauthorized
 2 use of any certification mark that has been awarded by the
 3 U.S. Patent and Trademark Office.

4 (3)(a) A "safety professional" is a person having a
 5 baccalaureate degree in safety, engineering, chemistry,
 6 physics, or a closely related physical or biological science
 7 who has acquired competency in the field of safety. The
 8 studies and training necessary to acquire such competency
 9 should have been sufficient in all of the above cognate
 10 sciences to provide the abilities for anticipating,
 11 identifying, and evaluating hazardous conditions and
 12 practices; developing hazard control designs, methods,
 13 procedures, and programs; implementing, administering, and
 14 advising others on hazard controls and hazard control
 15 programs; and measuring, auditing, and evaluating the
 16 effectiveness of hazard controls and hazard control programs.

17 (b) An "industrial hygienist" is a person having a
 18 baccalaureate degree in engineering, chemistry, physics, or a
 19 closely related physical or biological science who has
 20 acquired competency in the field of industrial hygiene. The
 21 studies and training necessary to acquire such competency
 22 should have been sufficient in all of the above cognate
 23 sciences to provide the abilities to anticipate and recognize
 24 the environmental factors and stresses associated with work
 25 and work operations and to understand their effects on people
 26 and their well-being; to evaluate, on the basis of training
 27 and experience and with the aid of quantitative measurement
 28 techniques, the magnitude of these factors and stresses in
 29 terms of ability to impair human health and well-being; and to
 30 prescribe methods to eliminate, control, or reduce such

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1 factors and stresses when necessary to alleviate their
2 effects.

3 (4) Failure to comply with this section constitutes a
4 deceptive and unfair trade practice.

5 Section 139. Subsection (1) of section 553.06, Florida
6 Statutes, is amended to read:

7 553.06 State Plumbing Code.--

8 (1) The Board of Building Codes and Standards shall,
9 in accordance with the provisions of chapter 120 and ss.
10 553.70-553.895, adopt all or part of the Standard Plumbing
11 Code 1997 edition or the International Plumbing Code, 1997
12 edition, 1994 edition, as adopted at the October 1993 annual
13 meeting of the Southern Building Code Congress International,
14 as the State Plumbing Code which shall be the minimum
15 requirements statewide for all installations, repairs, and
16 alterations to plumbing. The board may, in accordance with
17 the requirements of chapter 120, adopt all or part of updated
18 or revised editions of the State Plumbing Code to keep abreast
19 of latest technological advances in plumbing and installation
20 techniques. Where testing of water treatment units is
21 required by the Standard Plumbing Code, the board shall
22 approve alternative testing standards, upon receipt of a
23 request for adoption of alternative testing standards, if the
24 board receives competent evidence that such standards
25 adequately measure the efficacy of such units for their
26 intended use. Local governments which have adopted the South
27 Florida, One and Two Family Dwelling or EPCOT Plumbing Codes
28 may continue their use provided the requirements contained
29 therein meet or exceed the requirements of the State Plumbing
30 Code. ~~Provided, however,~~ Nothing in this section shall alter
31 or diminish the authority of the Department of Business and

1 Professional Regulation to conduct plan reviews, issue
2 variances, and adopt rules regarding sanitary facilities in
3 public lodging and public food service establishments pursuant
4 to chapter 509, providing that such actions do not conflict
5 with the requirements for public restrooms in s. 553.141.

6 Section 140. Section 553.19, Florida Statutes, is
7 amended to read:

8 553.19 Adoption of electrical and alarm
9 standards.--For the purpose of establishing minimum electrical
10 and alarm standards in this state, the following standards are
11 adopted:

12 (1) "National Electrical Code 1990," NFPA No. 70-1990.

13 (2) Underwriters' Laboratories, Inc., "Standards for
14 Safety, Electrical Lighting Fixtures, and Portable Lamps," UL
15 57-1982 and UL 153-1983.

16 (3) Underwriters' Laboratories, Inc., "Standard for
17 Electric Signs," UL 48-1982.

18 (4) The provisions of the following which prescribe
19 minimum electrical and alarm standards:

20 (a) NFPA No. 56A-1978, "Inhalation Anesthetics 1978."

21 (b) NFPA No. 56B-1982, "Respiratory Therapy 1982."

22 (c) NFPA No. 56C-1980, "Laboratories in Health-related
23 Institutions 1980."

24 (d) NFPA No. 56D-1982, "Hyperbaric Facilities."

25 (e) NFPA No. 56F-1983, "Nonflammable Medical Gas
26 Systems 1983."

27 (f) NFPA No. 72-1993, "National Fire Alarm Code."

28 (g)~~(f)~~ NFPA No. 76A-1984, "Essential Electrical
29 Systems for Health Care Facilities 1984."

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1 (5) Chapter 10D-29 of the rules and regulations of the
2 Department of Health and Rehabilitative Services, entitled
3 "Nursing Homes and Related Facilities Licensure."

4 (6) The minimum standards for grounding of portable
5 electric equipment, chapter 8C-27 as recommended by the
6 Industrial Standards Section, Division of Workers'
7 Compensation, Department of Labor and Employment Security.

8 Section 141. Section 553.63, Florida Statutes, is
9 amended to read:

10 553.63 Trench excavations in excess of 5 feet deep;
11 required information.--On all specific contracts for trench
12 excavation in which such excavation will exceed a depth of 5
13 feet, +

14 ~~(1) The contract bid submitted by the contractor who~~
15 ~~will perform such excavation shall include:~~

16 ~~(a) A reference to the trench safety standards that~~
17 ~~will be in effect during the period of construction of the~~
18 ~~project.~~

19 ~~(b) Written assurance by the contractor performing the~~
20 ~~trench excavation that such contractor will comply with the~~
21 ~~applicable trench safety standards.~~

22 ~~(c) A separate item identifying the cost of compliance~~
23 ~~with the applicable trench safety standards.~~

24 ~~(2)~~ a contractor performing trench excavation shall:

25 (1)(a) ~~At~~ ~~As~~ a minimum, comply with the excavation
26 safety standards which are applicable to such a project.

27 (2)(b) Adhere to any special shoring requirements, if
28 any, of the state or other political subdivisions which may be
29 applicable to such a project.

30 (3)(c) ~~If any geotechnical information is available~~
31 ~~from the owner, the contractor, or otherwise, the contractor~~

1 ~~performing trench excavation shall~~ Consider geotechnical ~~this~~
2 information, if available, in the contractor's design of the
3 trench safety system which the contractor ~~it~~ will employ on
4 the project. This subsection ~~paragraph~~ shall not require the
5 owner to obtain geotechnical information.

6 Section 142. Section 553.64, Florida Statutes, is
7 repealed.

8 Section 143. Section 553.991, Florida Statutes, is
9 amended to read:

10 553.991 Purpose.--The purpose of this part is to
11 provide for a statewide uniform system for rating the energy
12 efficiency of buildings ~~and to ensure that those ratings are~~
13 ~~disclosed to prospective purchasers at their request.~~ It is
14 in the interest of the state to encourage the consideration of
15 the energy-efficiency rating system in the market so as to
16 provide market rewards for energy-efficient buildings and to
17 those persons or companies designing, building, or selling
18 energy-efficient buildings.

19 Section 144. Section 553.994, Florida Statutes, is
20 amended to read:

21 553.994 Applicability.--The rating system shall apply
22 to all public, commercial, and ~~existing~~ residential buildings
23 in the state. ~~and may be applied to new residential buildings,~~
24 ~~except as identified by the department by rule in accordance~~
25 ~~with the procedures of chapter 120, according to the following~~
26 ~~schedule:~~

27 ~~(1) For new residential buildings, by January 1, 1994.~~

28 ~~(2) For existing residential buildings, by January 1,~~
29 ~~1995.~~

30 ~~(3) For new public buildings, by January 1, 1994.~~

31 ~~(4) For existing public buildings, by July 1, 1994.~~

1 ~~(5) For new commercial buildings, by January 1, 1995.~~

2 ~~(6) For existing commercial buildings, by January 1,~~
3 ~~1996.~~

4 Section 145. Effective upon this act becoming a law,
5 section 553.996, Florida Statutes, is amended to read:

6 553.996 Energy-efficiency ~~rating disclosure~~
7 information brochure.--

8 ~~(1)(a) In accordance with the schedules in s. 553.994,~~
9 ~~the prospective purchaser of real property with a building for~~
10 ~~occupancy located thereon shall be provided written~~
11 ~~notification that the purchaser may have the building's~~
12 ~~energy-efficiency rating determined. Such notice shall be~~
13 ~~provided at the time of, or prior to, the purchaser's~~
14 ~~execution of the contract for sale and purchase.~~

15 ~~(b) The energy-efficiency rating of a residential or~~
16 ~~commercial building shall be provided upon request of the~~
17 ~~prospective purchaser, in writing, at the time of, or prior~~
18 ~~to, the purchaser's execution of the contract for sale and~~
19 ~~purchase.~~

20 ~~(2) A prospective purchaser of real property with a~~
21 ~~building for occupancy located thereon Concurrent with the~~
22 ~~provisions of subsection (1), the prospective purchaser shall~~
23 ~~be provided with a copy of an information brochure, at the~~
24 ~~time of or prior to the purchaser's execution of the contract~~
25 ~~for sale and purchase, notifying the purchaser of the option~~
26 ~~for an energy-efficiency rating on the building. Such~~
27 ~~brochure shall be prepared, made available for distribution,~~
28 ~~and provided at no cost by the department. Such brochure~~
29 ~~shall contain information relevant to that class of building,~~
30 ~~including, but not limited to:~~

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1 ~~(1)(a)~~ How to analyze the building's energy-efficiency
2 rating.

3 ~~(2)(b)~~ Comparisons to statewide averages for new and
4 existing construction of that class.

5 ~~(3)(c)~~ Information concerning methods to improve the
6 building's energy-efficiency rating.

7 ~~(4)(d)~~ A notice to residential purchasers that the
8 energy-efficiency rating may qualify the purchaser for an
9 energy-efficient mortgage from lending institutions.

10 Section 146. The Office of Program Policy Analysis and
11 Government Accountability shall review existing studies, and
12 perform any necessary reviews of records, of the Department of
13 Business and Professional Regulation and its boards to
14 determine whether there is evidence that mandatory continuing
15 education is the most effective method of ensuring
16 professional competence and to identify and analyze alternate
17 methods of ensuring professional competence. The department
18 shall prepare a report documenting such review and analysis
19 which report may focus on a subset of the professions
20 regulated by the department but should attempt to choose a
21 representative selection of professions. The report must be
22 provided to the Legislature by January 31, 1998.

23 Section 147. Except as otherwise provided herein, this
24 act shall take effect July 1, 1997.

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