

Bill No. CS for SB 2210

Amendment No. Barcode 855262

<u>Senate</u>	CHAMBER ACTION	<u>House</u>
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Senator Sullivan moved the following amendment to amendment (690828):

Senate Amendment (with title amendment)

On page 193, between lines 28 and 29,

insert:

Section 145. Subsection (1) of section 455.213, Florida Statutes, is amended, and subsection (11) is added to that section, to read:

455.213 General licensing provisions.--

(1) Any person desiring to be licensed shall apply to the department in writing. The application for licensure shall be made on a form prepared and furnished by the department and include the applicant's social security number.

Notwithstanding any other provision of law, the department is the sole authority for determining the contents of any documents to be submitted for initial licensure and licensure renewal. Such documents may contain information including, as appropriate: demographics, education, work history, personal background, criminal history, finances, business information,

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1 complaints, inspections, investigations, discipline, bonding,
2 signature notarization, photographs, performance periods,
3 reciprocity, local government approvals, supporting
4 documentation, periodic reporting requirements, fingerprint
5 requirements, continuing education requirements, and ongoing
6 education monitoring.The application shall be supplemented as
7 needed to reflect any material change in any circumstance or
8 condition stated in the application which takes place between
9 the initial filing of the application and the final grant or
10 denial of the license and which might affect the decision of
11 the department. In order to further the economic development
12 goals of the state, and notwithstanding any law to the
13 contrary, the department may enter into an agreement with the
14 county tax collector for the purpose of appointing the county
15 tax collector as the department's agent to accept applications
16 for licenses and applications for renewals of licenses. The
17 agreement must specify the time within which the tax collector
18 must forward any applications and accompanying application
19 fees to the department. In cases where a person applies or
20 schedules directly with a national examination organization or
21 examination vendor to take an examination required for
22 licensure, any organization- or vendor-related fees associated
23 with the examination may be paid directly to the organization
24 or vendor.

25 (11) Any submission required to be in writing may be
26 made by electronic means.

27 Section 146. Section 455.2281, Florida Statutes, is
28 amended to read:

29 455.2281 Unlicensed activities; fees; disposition.--In
30 order to protect the public and to ensure a consumer-oriented
31 department, it is the intent of the Legislature that vigorous

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1 enforcement of regulation for all professional activities is a
2 state priority. All enforcement costs should be covered by
3 professions regulated by the department. Therefore, the
4 department shall impose, upon initial licensure and each
5 renewal thereof, a special fee of \$5 per licensee. Such fee
6 shall be in addition to all other fees collected from each
7 licensee and shall fund efforts to combat unlicensed activity.
8 Any profession regulated by the department which offers
9 services that are not subject to regulation when provided by
10 an unlicensed person may use funds in its unlicensed activity
11 account to inform the public of such situation.The board with
12 concurrence of the department, or the department when there is
13 no board, may earmark \$5 of the current licensure fee for this
14 purpose, if such board, or profession regulated by the
15 department, is not in a deficit and has a reasonable cash
16 balance. A board or profession regulated by the department may
17 authorize the transfer of funds from the operating fund
18 account to the unlicensed activity account of that profession
19 if the operating fund account is not in a deficit and has a
20 reasonable cash balance.The department shall make direct
21 charges to this fund by profession and shall not allocate
22 indirect overhead. The department shall seek board advice
23 regarding enforcement methods and strategies prior to
24 expenditure of funds; however, the department may, without
25 board advice, allocate funds to cover the costs of continuing
26 education compliance monitoring under s. 455.2177. The
27 department shall directly credit, by profession, revenues
28 received from the department's efforts to enforce licensure
29 provisions, including revenues received from fines collected
30 under s. 455.2177. The department shall include all financial
31 and statistical data resulting from unlicensed activity

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1 enforcement and from continuing education compliance
2 monitoring as separate categories in the quarterly management
3 report provided for in s. 455.219. The department shall not
4 charge the account of any profession for the costs incurred on
5 behalf of any other profession. For an unlicensed activity
6 account, a balance which remains at the end of a renewal cycle
7 may, with concurrence of the applicable board and the
8 department, be transferred to the operating fund account of
9 that profession.

10 Section 147. Subsection (1) of section 481.209,
11 Florida Statutes, is amended to read:

12 481.209 Examinations.--

13 (1) A person desiring to be licensed as a registered
14 architect shall apply to the department to take the licensure
15 examination. The department shall administer the licensure
16 examination for architects to each applicant who the board
17 certifies:

18 (a) Has completed the application form and remitted a
19 nonrefundable application fee and an examination fee which is
20 refundable if the applicant is found to be ineligible to take
21 the examination;

22 (b)1. ~~Has successfully completed all architectural~~
23 ~~curriculum courses required by and~~ Is a graduate of a school
24 or college of architecture accredited by the National
25 Architectural Accreditation Board; or

26 2. Is a graduate of an approved architectural
27 curriculum, evidenced by a degree from an unaccredited school
28 or college of architecture approved by the board. The board
29 shall adopt rules providing for the review and approval of
30 unaccredited schools and colleges of architecture and courses
31 of architectural study based on a review and inspection by the

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1 board of the curriculum of accredited schools and colleges of
2 architecture in the United States, ~~including those schools and~~
3 ~~colleges accredited by the National Architectural~~
4 ~~Accreditation Board~~; and

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

7 Section 148. Section 481.223, Florida Statutes, is
8 amended to read:

9 481.223 Prohibitions; penalties; injunctive relief.--

10 (1) A person may not knowingly:

11 (a) Practice architecture unless the person is an
12 architect or a registered architect;

13 (b) Practice interior design unless the person is a
14 registered interior designer unless otherwise exempted herein;

15 (c) Use the name or title "architect" or "registered
16 architect," or "interior designer" or "registered interior
17 designer," or words to that effect, when the person is not
18 then the holder of a valid license issued pursuant to this
19 part;

20 (d) Present as his or her own the license of another;

21 (e) Give false or forged evidence to the board or a
22 member thereof;

23 (f) Use or attempt to use an architect or interior
24 designer license that has been suspended, revoked, or placed
25 on inactive or delinquent status;

26 (g) Employ unlicensed persons to practice architecture
27 or interior design; or

28 (h) Conceal information relative to violations of this
29 part.

30 (2) Any person who violates any provision of
31 subsection (1) ~~this section~~ commits a misdemeanor of the first

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1 degree, punishable as provided in s. 775.082 or s. 775.083.

2 (3)(a) Notwithstanding chapter 455 or any other law to
3 the contrary, an affected person may maintain an action for
4 injunctive relief to restrain or prevent a person from
5 violating paragraph (1)(a), paragraph (1)(b), or paragraph
6 (1)(c). The prevailing party is entitled to actual costs and
7 attorney's fees.

8 (b) For purposes of this subsection, the term
9 "affected person" means a person directly affected by the
10 actions of a person suspected of violating paragraph (1)(a),
11 paragraph (1)(b), or paragraph (1)(c) and includes, but is not
12 limited to, the department, any person who received services
13 from the alleged violator, or any private association composed
14 primarily of members of the profession the alleged violator is
15 practicing or offering to practice or holding himself or
16 herself out as qualified to practice.

17 Section 149. Subsection (4) is added to section
18 473.313, Florida Statutes, to read:

19 473.313 Inactive status.--

20 (4) Notwithstanding the provisions of s. 455.271, the
21 board may, at its discretion, reinstate the license of an
22 individual whose license has become null and void if the
23 individual has made a good-faith effort to comply with this
24 section but has failed to comply because of illness or unusual
25 hardship. The individual shall apply to the board for
26 reinstatement in a manner prescribed by rules of the board and
27 shall pay an application fee in an amount determined by rule
28 of the board. The board shall require that such an individual
29 meet all continuing education requirements as provided in s.
30 473.312, pay appropriate licensing fees, and otherwise be
31 eligible for renewal of licensure under this chapter.

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2 (Redesignate subsequent sections.)

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5 ===== T I T L E A M E N D M E N T =====

6 And the title is amended as follows:

7 On page 204, line 7, after the semicolon,

8
9 insert:

10 amending s. 455.213, F.S.; providing for the
11 content of licensure and renewal documents;
12 provides for electronic submission; amending s.
13 455.2281, F.S.; authorizing any profession
14 regulated by the department which offers
15 services that are not subject to regulation
16 when provided by an unlicensed person to use
17 funds in its unlicensed activity account to
18 inform the public of such situation;
19 authorizing a board or profession regulated by
20 the department to transfer funds in its
21 operating fund account to its unlicensed
22 activity account under certain circumstances;
23 amending s. 481.209, F.S.; revising
24 requirements relating to education for
25 licensure as an architect; amending s. 481.223,
26 F.S.; providing for injunctive relief for
27 certain violations relating to architecture and
28 interior design; amending s. 473.313, F.S.;
29 providing authority for the reinstatement of
30 certain licensees in public accountancy whose
31 licenses have become void;