

Bill No. CS for SB 2210

Amendment No. Barcode 912932

<u>Senate</u>	CHAMBER ACTION	<u>House</u>
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Senator Sullivan moved the following amendment:

Senate Amendment (with title amendment)

On page 172, between lines 26 and 27,

insert:

Section 116. 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, complaints, inspections, investigations, discipline, bonding,

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

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

26 Section 117. Section 455.2281, Florida Statutes, is
27 amended to read:

28 455.2281 Unlicensed activities; fees; disposition.--In
29 order to protect the public and to ensure a consumer-oriented
30 department, it is the intent of the Legislature that vigorous
31 enforcement of regulation for all professional activities is a

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

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

9 Section 118. Subsection (1) of section 481.209,
10 Florida Statutes, is amended to read:

11 481.209 Examinations.--

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

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

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

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

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

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

6 Section 119. Section 481.223, Florida Statutes, is
7 amended to read:

8 481.223 Prohibitions; penalties; injunctive relief.--

9 (1) A person may not knowingly:

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

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

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

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

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

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

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

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

29 (2) Any person who violates any provision of
30 subsection (1) ~~this section~~ commits a misdemeanor of the first
31 degree, punishable as provided in s. 775.082 or s. 775.083.

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

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

16 Section 120. Subsection (4) is added to section
17 473.313, Florida Statutes, to read:

18 473.313 Inactive status.--

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

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1 (Redesignate subsequent sections.)

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

5 And the title is amended as follows:

6 On page 7, line 12, after the semicolon.

7

8 insert:

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

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