

Bill No. SB 2398

Barcode 232404

CHAMBER ACTION

Senate

House

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31

Comm: RCS  
03/27/2007 11:48 AM

.  
. .  
. .  
. .  
. .  
. .

---

The Committee on Regulated Industries (Wise) recommended the following amendment:

**Senate Amendment (with title amendment)**

Delete everything after the enacting clause

and insert:

Section 1. Subsection (5) of section 450.31, Florida Statutes, is amended, present subsection (6) of that section is redesignated as subsection (7), and a new subsection (6) is added to that section, to read:

450.31 Issuance, revocation, and suspension of, and refusal to issue or renew, certificate of registration.--

(5) The department may permanently revoke or refuse to issue or renew a certificate of registration if such applicant or certificateholder has been convicted within the preceding 5 years of:

(a) A crime under state or federal law:

1. Relating to gambling, or to the sale, distribution, or possession of alcoholic beverages.

2. Committed in connection with, or incident to, any

Bill No. SB 2398

Barcode 232404

1 farm labor contracting activities; or

2 (b) Any felony under state or federal law involving  
3 robbery, bribery, extortion, embezzlement, grand larceny,  
4 burglary, or arson, ~~violation of narcotics laws, murder, rape,~~  
5 ~~assault with intent to kill, assault that inflicts grievous~~  
6 ~~bodily injury, prostitution, peonage, or smuggling or~~  
7 ~~harboring individuals who have entered the country illegally.~~

8 (6) The department may permanently revoke or refuse to  
9 issue or renew a certificate of registration if such applicant  
10 or certificateholder has been convicted of a violation of  
11 narcotics laws, murder, rape, assault with intent to kill,  
12 assault that inflicts grievous bodily injury, prostitution,  
13 peonage, smuggling, or harboring individuals who have entered  
14 the country illegally.

15 (7)(6) Receipt and acceptance of a certificate of  
16 registration as a farm labor contractor constitutes  
17 unconditional permission for and acquiescence by the  
18 contractor to the inspection by department personnel of books,  
19 ledgers, and all other documents that are related to the  
20 performance of the contractor's farm labor activities.

21 Section 2. Subsection (11) of section 455.213, Florida  
22 Statutes, is amended to read:

23 455.213 General licensing provisions.--

24 (11) Any submission required to be in writing may be  
25 required by the department to be made by electronic means. The  
26 department may contract with private vendors, or enter into  
27 interagency agreements for the purpose of collecting  
28 electronic fingerprints if fingerprints are required for  
29 registration, certification, or the licensure process, or if  
30 criminal history record checks are required.

31 Section 3. Subsection (1) of section 455.2178, Florida

Bill No. SB 2398

Barcode 232404

1 Statutes, is amended to read:

2 455.2178 Continuing education providers.--

3 (1) Each continuing education provider shall provide  
4 to the department such information regarding the continuing  
5 education status of licensees as the department determines is  
6 necessary to carry out its duties under s. 455.2177, in an  
7 electronic format determined by the department. After a  
8 licensee's completion of a course, the information must be  
9 submitted to the department electronically no later than 30  
10 calendar days thereafter ~~or prior to the licensee's renewal~~  
11 ~~date, whichever occurs sooner.~~ However, the continuing  
12 education provider shall electronically report to the  
13 department regarding the completion of a licensee's course  
14 within 10 business days beginning on the 30th day before the  
15 renewal deadline or before the renewal date, whichever occurs  
16 sooner. The foregoing applies only if the profession has not  
17 been granted a waiver from the monitoring requirements under  
18 s. 455.2177. Upon the request of a licensee, the provider must  
19 also furnish to the department information regarding courses  
20 completed by the licensee.

21 Section 4. Subsection (1) of section 475.182, Florida  
22 Statutes, is amended to read:

23 475.182 Renewal of license; continuing education.--

24 (1)(a) The department shall renew a license upon  
25 receipt of the renewal application and fee. The renewal  
26 application for an active license as broker, broker associate,  
27 or sales associate shall include proof satisfactory to the  
28 commission that the licensee has, since the issuance or  
29 renewal of her or his current license, satisfactorily  
30 completed at least 14 classroom hours of 50 minutes each of a  
31 continuing education course during each biennium of a license

Bill No. SB 2398

Barcode 232404

1 | period, as prescribed by the commission. Approval or denial of  
 2 | a specialty course must be based on the extent to which the  
 3 | course content focuses on real estate issues relevant to the  
 4 | modern practice of real estate by a real estate licensee,  
 5 | including technology used in the real estate industry. The  
 6 | commission may accept as a substitute for such continuing  
 7 | education course, on a classroom-hour-for-classroom-hour  
 8 | basis, any satisfactorily completed education course that the  
 9 | commission finds is adequate to educate licensees within the  
 10 | intent of this section, including an approved distance  
 11 | learning course. However, the commission may not require, for  
 12 | the purpose of satisfactorily completing an approved  
 13 | correspondence or distance learning course, a written  
 14 | examination that is to be taken at a centralized location and  
 15 | is to be monitored.

16 |       (b) The commission may accept as a substitute for 3  
 17 | classroom hours, one time per renewal cycle, attendance at one  
 18 | legal agenda session of the commission. In order to obtain  
 19 | credit, the licensee must notify the division at least 7 days  
 20 | before such legal agenda session of his or her intent to  
 21 | attend. A licensee may not earn any continuing education  
 22 | credit for attending a legal agenda session of the commission  
 23 | as a party to a disciplinary action.

24 |       Section 5. Subsection (3) of section 475.6175, Florida  
 25 | Statutes, is amended to read:

26 |       475.6175 Registered trainee appraiser; postlicensure  
 27 | education required.--

28 |       (3) The division ~~board~~ may allow an additional 6-month  
 29 | period after the second renewal following initial licensure or  
 30 | the effective date of this act for completing the  
 31 | postlicensure education courses for registered trainee

Bill No. SB 2398

Barcode 232404

1 appraisers who have not completed or cannot complete, due to  
2 individual ~~physical~~ hardship, ~~as defined by rule, complete~~ the  
3 courses within the required time.

4 Section 6. Paragraph (b) of subsection (4) and  
5 paragraph (b) of subsection (5) of section 489.115, Florida  
6 Statutes, are amended, and subsection (8) is added to that  
7 section, to read:

8 489.115 Certification and registration; endorsement;  
9 reciprocity; renewals; continuing education.--

10 (4)

11 (b)1. Each certificateholder or registrant shall  
12 provide proof, in a form established by rule of the board,  
13 that the certificateholder or registrant has completed at  
14 least 14 classroom hours of at least 50 minutes each of  
15 continuing education courses during each biennium since the  
16 issuance or renewal of the certificate or registration. The  
17 board shall establish by rule that a portion of the required  
18 14 hours must deal with the subject of workers' compensation,  
19 business practices, and workplace safety, and 1 hour must deal  
20 with laws and rules. The board shall by rule establish  
21 criteria for the approval of continuing education courses and  
22 providers, including requirements relating to the content of  
23 courses and standards for approval of providers, and may by  
24 rule establish criteria for accepting alternative nonclassroom  
25 continuing education on an hour-for-hour basis. The board  
26 shall prescribe by rule the continuing education, if any,  
27 which is required during the first biennium of initial  
28 licensure. A person who has been licensed for less than an  
29 entire biennium must not be required to complete the full 14  
30 hours of continuing education.

31 2. In addition, the board may approve specialized

Bill No. SB 2398

Barcode 232404

1 continuing education courses on compliance with the wind  
 2 resistance provisions for one and two family dwellings  
 3 contained in the Florida Building Code and any alternate  
 4 methodologies for providing such wind resistance which have  
 5 been approved for use by the Florida Building Commission.  
 6 Division I certificateholders or registrants who demonstrate  
 7 proficiency upon completion of such specialized courses may  
 8 certify plans and specifications for one and two family  
 9 dwellings to be in compliance with the code or alternate  
 10 methodologies, as appropriate, except for dwellings located in  
 11 floodways or coastal hazard areas as defined in ss. 60.3D and  
 12 E of the National Flood Insurance Program.

13           3. Each certificateholder or registrant shall provide  
 14 to the board proof of completion of the core curriculum  
 15 courses, or passing the equivalency test of the Building Code  
 16 Training Program established under s. 553.841, specific to the  
 17 licensing category sought, within 2 years after commencement  
 18 of the program or of initial certification or registration,  
 19 whichever is later. Classroom hours spent taking core  
 20 curriculum courses shall count toward the number required for  
 21 renewal of certificates or registration. A certificateholder  
 22 or registrant who passes the equivalency test in lieu of  
 23 taking the core curriculum courses shall receive full credit  
 24 for core curriculum course hours.

25           4. The board shall require, by rule adopted pursuant  
 26 to ss. 120.536(1) and 120.54, a specified number of hours in  
 27 specialized or advanced module courses, approved by the  
 28 Florida Building Commission, on any portion of the Florida  
 29 Building Code, adopted pursuant to part VII of chapter 553,  
 30 relating to the contractor's respective discipline.

31           (5)

Bill No. SB 2398

Barcode 232404

1           (b) In addition to the affidavit of insurance, as a  
2 prerequisite to the initial issuance of a certificate, the  
3 applicant shall furnish a credit report from a nationally  
4 recognized credit agency that reflects the financial  
5 responsibility of the applicant and evidence of financial  
6 responsibility, credit, and business reputation of either  
7 himself or herself or the business organization he or she  
8 desires to qualify. The board shall adopt rules defining  
9 financial responsibility based upon the applicant's credit  
10 history, ability to be bonded, and any history of bankruptcy  
11 or assignment of receivers. The board may also adopt rules  
12 that would allow applicants to demonstrate financial  
13 responsibility, as an alternative to the foregoing, by  
14 providing minimum credit scores or bonds payable as prescribed  
15 for financially responsible officers. Such rules shall specify  
16 the financial responsibility grounds on which the board may  
17 refuse to qualify an applicant for certification.

18           (8) An initial applicant must submit, along with the  
19 application, a complete set of fingerprints in a form and  
20 manner required by the department. The fingerprints shall be  
21 submitted to the Department of Law Enforcement for state  
22 processing, and the Department of Law Enforcement shall  
23 forward them to the Federal Bureau of Investigation for the  
24 purpose of conducting a level 2 background check pursuant to  
25 s. 435.04. The department shall and the board may review the  
26 background results to determine if an applicant meets  
27 licensure requirements. The cost of the fingerprint processing  
28 shall be borne by the person subject to the background  
29 screening, and all applicable fees shall be collected by the  
30 authorized agencies or vendors. The authorized agencies or  
31 vendors are responsible for paying the processing costs to the

Bill No. SB 2398

Barcode 232404

1 Department of Law Enforcement.

2 Section 7. This act shall take effect upon becoming a  
3 law.

4

5

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

7 And the title is amended as follows:

8 Delete everything before the enacting clause

9

10 and insert:

11 A bill to be entitled

12 An act relating to the Department of Business  
13 and Professional Regulation; amending s.  
14 450.31, F.S.; authorizing the department to  
15 revoke or refuse to issue or renew a person's  
16 certificate of registration as a farm labor  
17 contractor if the person has been convicted of  
18 certain felonies within any period; amending s.  
19 455.213, F.S.; authorizing the department to  
20 contract with certain vendors or enter into  
21 interagency agreements to collect electronic  
22 fingerprints of fingerprints are required for  
23 purposes of certification or licensure;  
24 amending s. 455.2178, F.S.; requiring that  
25 information concerning continuing education be  
26 submitted electronically within a specified  
27 period beginning on the 30th day before the  
28 licensee's renewal date; amending s. 475.182,  
29 F.S.; providing that the Florida Real Estate  
30 Commission may accept one legal agenda session  
31 of the commission as a substitute for 3



Bill No. SB 2398

Barcode 232404

1 classroom hours toward license renewal;  
2 requiring the licensee to notify the division  
3 at least 7 days before such session of his or  
4 her intent to attend; amending s. 475.6175,  
5 F.S.; authorizing the Division of Real Estate,  
6 rather than the Florida Real Estate Appraisal  
7 Board, to extend the time within which certain  
8 registered trainee appraisers may complete the  
9 required postlicensure education; amending s.  
10 489.115, F.S.; requiring that at least 1 of the  
11 hours required for continuing education  
12 encompass laws and rules; authorizing the  
13 Construction Industry Licensing Board to adopt  
14 rules allowing applicants to demonstrate  
15 financial responsibility by providing minimum  
16 credit scores or bonds payable as prescribed  
17 for financially responsible officers; providing  
18 requirements relating to the submission of  
19 fingerprints by initial applicants; providing  
20 an effective date.

21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31