

By Senator Posey

24-1630B-07

1 A bill to be entitled

2 An act relating to the Department of Business

3 and Professional Regulation; amending s.

4 455.213, F.S.; authorizing the department to

5 contract with certain vendors or enter into

6 interagency agreements to collect electronic

7 fingerprints if fingerprints are required for

8 purposes of certification or licensure;

9 amending s. 455.2178, F.S.; requiring that

10 information concerning continuing education be

11 submitted electronically within a specified

12 period beginning on the 30th day before the

13 licensee's renewal date; amending s. 489.115,

14 F.S.; requiring that at least 1 of the hours

15 required for continuing education encompass

16 laws and rules; authorizing the Construction

17 Industry Licensing Board to adopt rules

18 allowing applicants to demonstrate financial

19 responsibility by providing minimum credit

20 scores or bonds payable as prescribed for

21 financially responsible officers; amending s.

22 450.31, F.S.; authorizing the department to

23 revoke or refuse to issue or renew a person's

24 certificate of registration as a farm labor

25 contractor if the person has been convicted of

26 certain felonies within any period; amending s.

27 468.529, F.S.; providing that an employee

28 leasing company is responsible for providing

29 workers' compensation coverage pursuant to ch.

30 440, F.S., unless coverage is provided by the

31 client; amending s. 475.182, F.S.; providing

1 that the Florida Real Estate Commission may
2 accept one full disciplinary case session as a
3 substitute for 3 classroom hours toward license
4 renewal; requiring the licensee to notify the
5 division 7 days in advance of his or her intent
6 to attend and identify the continuing education
7 requirement to be satisfied; amending s.
8 475.6175, F.S.; authorizing the Division of
9 Real Estate to extend the time within which
10 certain registered trainee appraisers may
11 complete the required postlicensure education;
12 providing an effective date.

13
14 Be It Enacted by the Legislature of the State of Florida:

15
16 Section 1. Subsection (11) of section 455.213, Florida
17 Statutes, is amended to read:

18 455.213 General licensing provisions.--

19 (11) Any submission required to be in writing may be
20 made by electronic means. The department is authorized to
21 contract with private vendors, or enter into interagency
22 agreements, to collect electronic fingerprints where
23 fingerprints are required for registration, certification, or
24 the licensure process, or where criminal history record checks
25 are required.

26 Section 2. Subsection (1) of section 455.2178, Florida
27 Statutes, is amended to read:

28 455.2178 Continuing education providers.--

29 (1) Each continuing education provider shall provide
30 to the department such information regarding the continuing
31 education status of licensees as the department determines is

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

16 Section 3. Paragraph (b) of subsection (4) and
17 paragraph (b) of subsection (5) of section 489.115, Florida
18 Statutes, are amended to read:

19 489.115 Certification and registration; endorsement;
20 reciprocity; renewals; continuing education.--

21 (4)

22 (b)1. Each certificateholder or registrant shall
23 provide proof, in a form established by rule of the board,
24 that the certificateholder or registrant has completed at
25 least 14 classroom hours of at least 50 minutes each of
26 continuing education courses during each biennium since the
27 issuance or renewal of the certificate or registration. The
28 board shall establish by rule that a portion of the required
29 14 hours must deal with the subject of workers' compensation,
30 business practices, and workplace safety and 1 hour of laws
31 and rules. The board shall by rule establish criteria for the

1 approval of continuing education courses and providers,
2 including requirements relating to the content of courses and
3 standards for approval of providers, and may by rule establish
4 criteria for accepting alternative nonclassroom continuing
5 education on an hour-for-hour basis. The board shall
6 prescribe by rule the continuing education, if any, which is
7 required during the first biennium of initial licensure. A
8 person who has been licensed for less than an entire biennium
9 must not be required to complete the full 14 hours of
10 continuing education.

11 2. In addition, the board may approve specialized
12 continuing education courses on compliance with the wind
13 resistance provisions for one and two family dwellings
14 contained in the Florida Building Code and any alternate
15 methodologies for providing such wind resistance which have
16 been approved for use by the Florida Building Commission.
17 Division I certificateholders or registrants who demonstrate
18 proficiency upon completion of such specialized courses may
19 certify plans and specifications for one and two family
20 dwellings to be in compliance with the code or alternate
21 methodologies, as appropriate, except for dwellings located in
22 floodways or coastal hazard areas as defined in ss. 60.3D and
23 E of the National Flood Insurance Program.

24 3. Each certificateholder or registrant shall provide
25 to the board proof of completion of the core curriculum
26 courses, or passing the equivalency test of the Building Code
27 Training Program established under s. 553.841, specific to the
28 licensing category sought, within 2 years after commencement
29 of the program or of initial certification or registration,
30 whichever is later. Classroom hours spent taking core
31 curriculum courses shall count toward the number required for

1 renewal of certificates or registration. A certificateholder
2 or registrant who passes the equivalency test in lieu of
3 taking the core curriculum courses shall receive full credit
4 for core curriculum course hours.

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

11 (5)

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

29 Section 4. Section 450.31, Florida Statutes, is
30 amended to read:
31

1 450.31 Issuance, revocation, and suspension of, and
2 refusal to issue or renew, certificate of registration.--

3 (1) The department shall not issue to any person a
4 certificate of registration as a farm labor contractor, nor
5 shall it renew such certificate, until:

6 (a) Such person has executed a written application
7 therefor in a form and pursuant to regulations prescribed by
8 the department and has submitted such information as the
9 department may prescribe.

10 (b) Such person has obtained and holds a valid federal
11 certificate of registration as a farm labor contractor, or a
12 farm labor contractor employee, unless exempt by federal law.

13 (c) Such person pays to the department, by cashier's
14 check, certified check, or money order, a nonrefundable
15 application fee of \$125. Fees collected by the department
16 under this subsection shall be deposited in the State Treasury
17 into the Professional Regulation Trust Fund.

18 (d) Such person has successfully taken and passed the
19 farm labor contractor examination.

20 (e) Such person has designated an agent to receive
21 service of process and other official or legal documents. The
22 agent must be available during regular business hours, Monday
23 through Friday, to accept service on behalf of the farm labor
24 contractor.

25 (2) The department may revoke, suspend, or refuse to
26 issue or renew any certificate of registration when it is
27 shown that the farm labor contractor has:

28 (a) Violated or failed to comply with any provision of
29 this part or the rules adopted pursuant to this part;

30 (b) Made any misrepresentation or false statement in
31 his or her application for a certificate of registration;

1 (c) Given false or misleading information concerning
2 terms, conditions, or existence of employment to persons who
3 are recruited or hired to work on a farm;

4 (d) Been assessed a civil fine by the department for
5 which payment is overdue;

6 (e) Failed to pay unemployment compensation taxes as
7 determined by the Agency for Workforce Innovation;

8 (f) Been denied, or had suspended or revoked, a
9 federal certificate of registration as a farm labor
10 contractor; or

11 (g) Failed to pay federal employee taxes as determined
12 by the Internal Revenue Service.

13 (3) The revocation, suspension of, or refusal to renew
14 any permit hereunder will not render any then-current and
15 valid contract invalid nor affect the terms of such contract
16 for the duration of the growing season then in progress.

17 (4) The department may refuse to issue or renew, or
18 may suspend or revoke, a certificate of registration if the
19 applicant or holder is not the real party in interest in the
20 application or certificate of registration and the real party
21 in interest is a person who has been refused issuance or
22 renewal of a certificate, has had a certificate suspended or
23 revoked, or does not qualify under this section for a
24 certificate.

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

29 (a) A crime under state or federal law:

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

1 2. Committed in connection with, or incident to, any
2 farm labor contracting activities; or

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

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

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

22 Section 5. Subsection (1) of section 468.529, Florida
23 Statutes, is amended to read:

24 468.529 Licensee's insurance; employment tax; benefit
25 plans.--

26 (1) A licensed employee leasing company is the
27 employer of the leased employees, except that this provision
28 is not intended to affect the determination of any issue
29 arising under Pub. L. No. 93-406, the Employee Retirement
30 Income Security Act, as amended from time to time. An employee
31 leasing company shall be responsible for timely payment of

1 | unemployment taxes pursuant to chapter 443, and shall be
2 | responsible for providing workers' compensation coverage
3 | pursuant to chapter 440 unless coverage is currently provided
4 | by the client to the contracted employees of the leasing
5 | company. However, no licensed employee leasing company shall
6 | sponsor a plan of self-insurance for health benefits, except
7 | as may be permitted by the provisions of the Florida Insurance
8 | Code or, if applicable, by Pub. L. No. 93-406, the Employee
9 | Retirement Income Security Act, as amended from time to time.
10 | For purposes of this section, a "plan of self-insurance" shall
11 | exclude any arrangement where an admitted insurance carrier
12 | has issued a policy of insurance primarily responsible for the
13 | obligations of the health plan.

14 | Section 6. Section 475.182, Florida Statutes, is
15 | amended to read:

16 | 475.182 Renewal of license; continuing education.--

17 | (1) The department shall renew a license upon receipt
18 | of the renewal application and fee. The renewal application
19 | for an active license as broker, broker associate, or sales
20 | associate shall include proof satisfactory to the commission
21 | that the licensee has, since the issuance or renewal of her or
22 | his current license, satisfactorily completed at least 14
23 | classroom hours of 50 minutes each of a continuing education
24 | course during each biennium of a license period, as prescribed
25 | by the commission. Approval or denial of a specialty course
26 | must be based on the extent to which the course content
27 | focuses on real estate issues relevant to the modern practice
28 | of real estate by a real estate licensee, including technology
29 | used in the real estate industry. The commission may accept as
30 | a substitute for such continuing education course, on a
31 | classroom-hour-for-classroom-hour basis, any satisfactorily

1 completed education course that the commission finds is
2 adequate to educate licensees within the intent of this
3 section, including an approved distance learning course.
4 However, the commission may not require, for the purpose of
5 satisfactorily completing an approved correspondence or
6 distance learning course, a written examination that is to be
7 taken at a centralized location and is to be monitored.

8 (2) The commission may accept one full disciplinary
9 case session as a substitute for 3 classroom hours once per
10 renewal cycle. In order to obtain credit, the licensee must
11 notify the division 7 days in advance of his or her intent to
12 attend and identify the continuing education requirement to be
13 satisfied.

14 ~~(3)(2)~~ The department shall adopt rules establishing a
15 procedure for the renewal of licenses at least every 4 years.

16 ~~(4)(3)~~ Any license that is not renewed at the end of
17 the license period prescribed by the department shall
18 automatically revert to involuntarily inactive status. Such
19 license may subsequently be renewed only if the licensee meets
20 the other qualifications specified in s. 475.183.

21 ~~(5)(4)~~ Sixty days before the end of the license period
22 and automatic reversion of a license to inactive status, the
23 department shall mail a notice of renewal and possible
24 reversion to the last known address of the licensee.

25 Section 7. Subsection (3) of section 475.6175, Florida
26 Statutes, is amended to read:

27 475.6175 Registered trainee appraiser; postlicensure
28 education required.--

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

1 postlicensure education courses for registered trainee
2 appraisers who have not or cannot, due to individual ~~physical~~
3 hardship, ~~as defined by rule~~, complete the courses within the
4 required time.

5 Section 8. This act shall take effect upon becoming a
6 law.

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9 SENATE SUMMARY

10 Provides that the Department of Business and Professional
11 Regulation may contract with certain vendors or enter
12 into interagency agreements to collect electronic
13 fingerprints if fingerprints are required for certain
14 reasons. Amends a requirement for information to be
15 submitted within 10 business days starting on the 30th
16 day before the licensee's renewal date. Provides that at
17 least 1 of the hours required for continuing education
18 must encompass laws and rules. Allows the Construction
19 Industry Licensing Board to adopt rules that would allow
20 applicants to demonstrate financial responsibility by
21 providing minimum credit scores or bonds payable as
22 prescribed for financially responsible officers. Allows
23 for permanent revocation of a certificate as a farm labor
24 contractor for certain felonies. Provides that an
25 employee leasing company is responsible for providing
26 workers' compensation coverage pursuant to ch. 440, F.S.,
27 unless coverage is provided by the client. Provides that
28 the Florida Real Estate Commission may accept one full
29 disciplinary case session as a substitute for 3 classroom
30 hours toward license renewal. Requires the licensee to
31 notify the division 7 days in advance of his or her
intent to attend and identify the continuing education
requirement to be satisfied. Authorizes the Division of
Real Estate to extend the time within which certain
trainee appraisers may complete the required
postlicensure education.