

By the Committee on Regulated Industries; and Senator Posey

580-2211-07

1                                   A bill to be entitled  
2           An act relating to the Department of Business  
3           and Professional Regulation; amending s.  
4           450.31, F.S.; authorizing the department to  
5           revoke or refuse to issue or renew a person's  
6           certificate of registration as a farm labor  
7           contractor if the person has been convicted of  
8           certain felonies within any period; amending s.  
9           455.213, F.S.; authorizing the department to  
10          contract with certain vendors or enter into  
11          interagency agreements to collect electronic  
12          fingerprints of fingerprints are required for  
13          purposes of certification or licensure;  
14          amending s. 455.2178, F.S.; requiring that  
15          information concerning continuing education be  
16          submitted electronically within a specified  
17          period beginning on the 30th day before the  
18          licensee's renewal date; amending s. 475.182,  
19          F.S.; providing that the Florida Real Estate  
20          Commission may accept one legal agenda session  
21          of the commission as a substitute for 3  
22          classroom hours toward license renewal;  
23          requiring the licensee to notify the division  
24          at least 7 days before such session of his or  
25          her intent to attend; amending s. 475.6175,  
26          F.S.; authorizing the Division of Real Estate,  
27          rather than the Florida Real Estate Appraisal  
28          Board, to extend the time within which certain  
29          registered trainee appraisers may complete the  
30          required postlicensure education; amending s.  
31          489.115, F.S.; requiring that at least 1 of the

1 hours required for continuing education  
2 encompass laws and rules; authorizing the  
3 Construction Industry Licensing Board to adopt  
4 rules allowing applicants to demonstrate  
5 financial responsibility by providing minimum  
6 credit scores or bonds payable as prescribed  
7 for financially responsible officers; providing  
8 requirements relating to the submission of  
9 fingerprints by initial applicants; providing  
10 an effective date.

11  
12 Be It Enacted by the Legislature of the State of Florida:

13  
14 Section 1. Subsection (5) of section 450.31, Florida  
15 Statutes, is amended, present subsection (6) of that section  
16 is redesignated as subsection (7), and a new subsection (6) is  
17 added to that section, to read:

18 450.31 Issuance, revocation, and suspension of, and  
19 refusal to issue or renew, certificate of registration.--

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

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

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

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

29 (b) Any felony under state or federal law involving  
30 robbery, bribery, extortion, embezzlement, grand larceny,  
31 burglary, or arson, ~~violation of narcotics laws, murder, rape,~~

1 ~~assault with intent to kill, assault that inflicts grievous~~  
2 ~~bodily injury, prostitution, peonage, or smuggling or~~  
3 ~~harboring individuals who have entered the country illegally.~~

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

11 ~~(7)(6)~~ Receipt and acceptance of a certificate of  
12 registration as a farm labor contractor constitutes  
13 unconditional permission for and acquiescence by the  
14 contractor to the inspection by department personnel of books,  
15 ledgers, and all other documents that are related to the  
16 performance of the contractor's farm labor activities.

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

19 455.213 General licensing provisions.--

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

27 Section 3. Subsection (1) of section 455.2178, Florida  
28 Statutes, is amended to read:

29 455.2178 Continuing education providers.--

30 (1) Each continuing education provider shall provide  
31 to the department such information regarding the continuing

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

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

19 475.182 Renewal of license; continuing education.--

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

1 including technology used in the real estate industry. The  
2 commission may accept as a substitute for such continuing  
3 education course, on a classroom-hour-for-classroom-hour  
4 basis, any satisfactorily completed education course that the  
5 commission finds is adequate to educate licensees within the  
6 intent of this section, including an approved distance  
7 learning course. However, the commission may not require, for  
8 the purpose of satisfactorily completing an approved  
9 correspondence or distance learning course, a written  
10 examination that is to be taken at a centralized location and  
11 is to be monitored.

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

20 Section 5. Subsection (3) of section 475.6175, Florida  
21 Statutes, is amended to read:

22 475.6175 Registered trainee appraiser; postlicensure  
23 education required.--

24 (3) The division ~~board~~ may allow an additional 6-month  
25 period after the second renewal following initial licensure or  
26 the effective date of this act for completing the  
27 postlicensure education courses for registered trainee  
28 appraisers who have not completed or cannot complete, due to  
29 individual ~~physical~~ hardship, ~~as defined by rule, complete~~ the  
30 courses within the required time.  
31

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

5           489.115 Certification and registration; endorsement;  
6 reciprocity; renewals; continuing education.--

7           (4)

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

28           2. In addition, the board may approve specialized  
29 continuing education courses on compliance with the wind  
30 resistance provisions for one and two family dwellings  
31 contained in the Florida Building Code and any alternate

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

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

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

28 |         (5)

29 |         (b) In addition to the affidavit of insurance, as a  
30 | prerequisite to the initial issuance of a certificate, the  
31 | applicant shall furnish a credit report from a nationally

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

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

30 Section 7. This act shall take effect upon becoming a  
31 law.



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STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN  
COMMITTEE SUBSTITUTE FOR  
Senate Bill 2398

The Committee Substitute deletes the amendments to s. 468.529(1), F.S., that relieved employee leasing companies from being responsible for providing workers' compensation coverage for the lease employees if the company leasing the employees provides the coverage.

It clarifies that when real estate licenses obtain continuing education credits for attendance at a Florida Real Estate Commission disciplinary meeting, it cannot be at a meeting where the licensee is a party to a disciplinary action.

It creates s. 489.115(8), F.S., to require an initial applicant to submit a complete set of fingerprints in a manner required by the department. The fingerprints must be submitted to the Department of Law Enforcement who then must forward them to the Federal Bureau of Investigation for a level 2 background check. The applicant must pay for the fingerprint processing.