

ENROLLED  
HB 7163

2007 Legislature

1                                   A bill to be entitled  
2           An act relating to the Department of Business and  
3           Professional Regulation; amending s. 455.213, F.S.;  
4           authorizing the department to contract with certain  
5           vendors or enter into interagency agreements to collect  
6           electronic fingerprints if fingerprints are required for  
7           purposes of certification or licensure; amending s.  
8           455.2178, F.S.; requiring that information concerning  
9           continuing education be submitted electronically within a  
10          specified period beginning on the 30th day before the  
11          licensee's renewal date; amending s. 489.115, F.S.;  
12          requiring that at least 1 of the hours required for  
13          continuing education encompass laws and rules; authorizing  
14          the Construction Industry Licensing Board to adopt rules  
15          allowing applicants to demonstrate financial  
16          responsibility by providing minimum credit scores or bonds  
17          payable as prescribed for financially responsible  
18          officers; providing requirements relating to the  
19          submission of fingerprints by initial applicants; amending  
20          s. 450.31, F.S.; authorizing the department to revoke or  
21          refuse to issue or renew a person's certificate of  
22          registration as a farm labor contractor if the person has  
23          been convicted of certain felonies within any period;  
24          amending s. 475.182, F.S.; providing that the Florida Real  
25          Estate Commission may accept one legal agenda session of  
26          the commission as a substitute for 3 classroom hours  
27          toward license renewal; requiring the licensee to notify  
28          the division at least 7 days in advance of his or her

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CODING: Words ~~stricken~~ are deletions; words underlined are additions.

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29 | intent to attend; amending s. 475.6175, F.S.; authorizing  
 30 | the Division of Real Estate, rather than the Florida Real  
 31 | Estate Appraisal Board, to extend the time within which  
 32 | certain registered trainee appraisers may complete the  
 33 | required postlicensure education; providing an effective  
 34 | date.

36 | Be It Enacted by the Legislature of the State of Florida:

38 | Section 1. Subsection (11) of section 455.213, Florida  
 39 | Statutes, is amended to read:

40 | 455.213 General licensing provisions.--

41 | (11) Any submission required to be in writing may  
 42 | otherwise be required by the department to be made by electronic  
 43 | means. The department is authorized to contract with private  
 44 | vendors, or enter into interagency agreements, to collect  
 45 | electronic fingerprints where fingerprints are required for  
 46 | registration, certification, or the licensure process or where  
 47 | criminal history record checks are required.

48 | Section 2. Subsection (1) of section 455.2178, Florida  
 49 | Statutes, is amended to read:

50 | 455.2178 Continuing education providers.--

51 | (1) Each continuing education provider shall provide to  
 52 | the department such information regarding the continuing  
 53 | education status of licensees as the department determines is  
 54 | necessary to carry out its duties under s. 455.2177, in an  
 55 | electronic format determined by the department. After a  
 56 | licensee's completion of a course, the information must be

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57 | submitted to the department electronically no later than 30  
 58 | calendar days thereafter ~~or prior to the licensee's renewal~~  
 59 | ~~date, whichever occurs sooner.~~ However, the continuing education  
 60 | provider shall electronically report to the department  
 61 | completion of a licensee's course within 10 business days  
 62 | beginning on the 30th day before the renewal deadline or prior  
 63 | to the renewal date, whichever occurs sooner. The foregoing  
 64 | applies only if the profession has not been granted a waiver  
 65 | from the monitoring requirements under s. 455.2177. Upon the  
 66 | request of a licensee, the provider must also furnish to the  
 67 | department information regarding courses completed by the  
 68 | licensee.

69 | Section 3. Paragraph (b) of subsection (4) and paragraph  
 70 | (b) of subsection (5) of section 489.115, Florida Statutes, are  
 71 | amended, and subsection (8) is added to that section, to read:

72 | 489.115 Certification and registration; endorsement;  
 73 | reciprocity; renewals; continuing education.--

74 | (4)

75 | (b)1. Each certificateholder or registrant shall provide  
 76 | proof, in a form established by rule of the board, that the  
 77 | certificateholder or registrant has completed at least 14  
 78 | classroom hours of at least 50 minutes each of continuing  
 79 | education courses during each biennium since the issuance or  
 80 | renewal of the certificate or registration. The board shall  
 81 | establish by rule that a portion of the required 14 hours must  
 82 | deal with the subject of workers' compensation, business  
 83 | practices, and workplace safety and 1 hour of which must deal  
 84 | with laws and rules. The board shall by rule establish criteria

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85 | for the approval of continuing education courses and providers,  
86 | including requirements relating to the content of courses and  
87 | standards for approval of providers, and may by rule establish  
88 | criteria for accepting alternative nonclassroom continuing  
89 | education on an hour-for-hour basis. The board shall prescribe  
90 | by rule the continuing education, if any, which is required  
91 | during the first biennium of initial licensure. A person who has  
92 | been licensed for less than an entire biennium must not be  
93 | required to complete the full 14 hours of continuing education.

94 |         2. In addition, the board may approve specialized  
95 | continuing education courses on compliance with the wind  
96 | resistance provisions for one and two family dwellings contained  
97 | in the Florida Building Code and any alternate methodologies for  
98 | providing such wind resistance which have been approved for use  
99 | by the Florida Building Commission. Division I  
100 | certificateholders or registrants who demonstrate proficiency  
101 | upon completion of such specialized courses may certify plans  
102 | and specifications for one and two family dwellings to be in  
103 | compliance with the code or alternate methodologies, as  
104 | appropriate, except for dwellings located in floodways or  
105 | coastal hazard areas as defined in ss. 60.3D and E of the  
106 | National Flood Insurance Program.

107 |         3. Each certificateholder or registrant shall provide to  
108 | the board proof of completion of the core curriculum courses, or  
109 | passing the equivalency test of the Building Code Training  
110 | Program established under s. 553.841, specific to the licensing  
111 | category sought, within 2 years after commencement of the  
112 | program or of initial certification or registration, whichever

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113 is later. Classroom hours spent taking core curriculum courses  
 114 shall count toward the number required for renewal of  
 115 certificates or registration. A certificateholder or registrant  
 116 who passes the equivalency test in lieu of taking the core  
 117 curriculum courses shall receive full credit for core curriculum  
 118 course hours.

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

125 (5)

126 (b) In addition to the affidavit of insurance, as a  
 127 prerequisite to the initial issuance of a certificate, the  
 128 applicant shall furnish a credit report from a nationally  
 129 recognized credit agency that reflects the financial  
 130 responsibility of the applicant and evidence of financial  
 131 responsibility, credit, and business reputation of either  
 132 himself or herself or the business organization he or she  
 133 desires to qualify. The board shall adopt rules defining  
 134 financial responsibility based upon the applicant's credit  
 135 history, ability to be bonded, and any history of bankruptcy or  
 136 assignment of receivers. The board may also adopt rules that  
 137 would allow applicants to demonstrate financial responsibility,  
 138 as an alternative to the foregoing, by providing minimum credit  
 139 scores or bonds payable as prescribed for financially  
 140 responsible officers. Such rules shall specify the financial

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141 responsibility grounds on which the board may refuse to qualify  
 142 an applicant for certification.

143 (8) An initial applicant shall submit, along with the  
 144 application, a complete set fingerprints in a form and manner  
 145 required by the department. The fingerprints shall be submitted  
 146 to the Department of Law Enforcement for state processing, and  
 147 the Department of Law Enforcement shall forward them to the  
 148 Federal Bureau of Investigation for the purpose of conducting a  
 149 level 2 background check pursuant to s. 435.04. The department  
 150 shall and the board may review the background results to  
 151 determine if an applicant meets licensure requirements. The cost  
 152 for the fingerprint processing shall be borne by the person  
 153 subject to the background screening. These fees are to be  
 154 collected by the authorized agencies or vendors. The authorized  
 155 agencies or vendors are responsible for paying the processing  
 156 costs to the Department of Law Enforcement.

157 Section 4. Section 450.31, Florida Statutes, is amended to  
 158 read:

159 450.31 Issuance, revocation, and suspension of, and  
 160 refusal to issue or renew, certificate of registration.--

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

164 (a) Such person has executed a written application  
 165 therefor in a form and pursuant to regulations prescribed by the  
 166 department and has submitted such information as the department  
 167 may prescribe.

168 (b) Such person has obtained and holds a valid federal

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169 certificate of registration as a farm labor contractor, or a  
170 farm labor contractor employee, unless exempt by federal law.

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

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

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

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

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

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

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

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

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

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

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

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

205 (4) The department may refuse to issue or renew, or may  
 206 suspend or revoke, a certificate of registration if the  
 207 applicant or holder is not the real party in interest in the  
 208 application or certificate of registration and the real party in  
 209 interest is a person who has been refused issuance or renewal of  
 210 a certificate, has had a certificate suspended or revoked, or  
 211 does not qualify under this section for a certificate.

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

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

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

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

221 (b) Any felony under state or federal law involving  
 222 robbery, bribery, extortion, embezzlement, grand larceny,  
 223 burglary, or arson, ~~violation of narcotics laws, murder, rape,~~  
 224 ~~assault with intent to kill, assault that inflicts grievous~~



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225 ~~bodily injury, prostitution, peonage, or smuggling or harboring~~  
 226 ~~individuals who have entered the country illegally.~~

227 (6) The department may permanently revoke or refuse to  
 228 issue or renew a certificate of registration if such applicant  
 229 or certificateholder has been convicted of a violation of  
 230 narcotics laws, murder, rape, assault with intent to kill,  
 231 assault that inflicts grievous bodily injury, prostitution,  
 232 peonage, smuggling, or harboring individuals who have entered  
 233 the country illegally.

234 (7)~~(6)~~ Receipt and acceptance of a certificate of  
 235 registration as a farm labor contractor constitutes  
 236 unconditional permission for and acquiescence by the contractor  
 237 to the inspection by department personnel of books, ledgers, and  
 238 all other documents that are related to the performance of the  
 239 contractor's farm labor activities.

240 Section 5. Subsection (1) of section 475.182, Florida  
 241 Statutes, is amended to read:

242 475.182 Renewal of license; continuing education.--

243 (1) (a) The department shall renew a license upon receipt  
 244 of the renewal application and fee. The renewal application for  
 245 an active license as broker, broker associate, or sales  
 246 associate shall include proof satisfactory to the commission  
 247 that the licensee has, since the issuance or renewal of her or  
 248 his current license, satisfactorily completed at least 14  
 249 classroom hours of 50 minutes each of a continuing education  
 250 course during each biennium of a license period, as prescribed  
 251 by the commission. Approval or denial of a specialty course must  
 252 be based on the extent to which the course content focuses on

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253 real estate issues relevant to the modern practice of real  
 254 estate by a real estate licensee, including technology used in  
 255 the real estate industry. The commission may accept as a  
 256 substitute for such continuing education course, on a classroom-  
 257 hour-for-classroom-hour basis, any satisfactorily completed  
 258 education course that the commission finds is adequate to  
 259 educate licensees within the intent of this section, including  
 260 an approved distance learning course. However, the commission  
 261 may not require, for the purpose of satisfactorily completing an  
 262 approved correspondence or distance learning course, a written  
 263 examination that is to be taken at a centralized location and is  
 264 to be monitored.

265 (b) The commission may accept as a substitute for 3  
 266 classroom hours, one time per renewal cycle, attendance at one  
 267 legal agenda session of the commission. In order to obtain  
 268 credit, the licensee must notify the division at least 7 days in  
 269 advance of his or her intent to attend. A licensee may not earn  
 270 any continuing education credit for attending a legal agenda  
 271 session of the commission as a party to a disciplinary action.

272 Section 6. Subsection (3) of section 475.6175, Florida  
 273 Statutes, is amended to read:

274 475.6175 Registered trainee appraiser; postlicensure  
 275 education required.--

276 (3) The division ~~board~~ may allow an additional 6-month  
 277 period after the second renewal following initial licensure or  
 278 the effective date of this act for completing the postlicensure  
 279 education courses for registered trainee appraisers who have not  
 280 completed or cannot complete, due to individual ~~physical~~

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281 | hardship, ~~as defined by rule, complete~~ the courses within the  
282 | required time.

283 |       Section 7. This act shall take effect upon becoming a law.