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601-05674B-08

Proposed Committee Substitute by the General Government  
Appropriations

1                   A bill to be entitled

2           An act relating to the Department of Business and  
3           Professional Regulation; amending s. 455.2281, F.S.;  
4           authorizing the department to set by rule the fees paid  
5           annually by professions regulated by the department;  
6           limiting the amount of such fees; authorizing the  
7           department to adopt rules to waive the unlicensed  
8           activity special fee if certain accounts have an excess  
9           balance; amending s. 548.035, F.S.; revising the amount  
10          of the permit fee charged for pugilistic exhibition  
11          events; amending s. 718.501, F.S.; authorizing the  
12          department to set by rule the fees paid annually by  
13          condominium associations; limiting the amount of such  
14          fees; amending s. 719.501, F.S.; authorizing the  
15          department to set by rule the fees paid annually by  
16          cooperative associations; limiting the amount of such  
17          fees; amending s. 721.27, F.S.; authorizing the  
18          department to set by rule the fees paid annually by  
19          timeshare plans; limiting the amount of such fees;  
20          amending s. 509.032, F.S.; deleting a provision  
21          requiring that the division provide certain assistance  
22          to the State Fire Marshal; deleting a provision  
23          requiring that the division provide technical  
24          assistance to the Florida Building Commission when  
25          updating the construction standards of the Florida Fire  
26          Prevention Code; deleting a provision requiring that



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27 | the division enforce certain provisions of the Florida  
28 | Fire Prevention Code; providing an effective date.

29

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

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32 | Section 1. Section 455.2281, Florida Statutes, is amended  
33 | to read:

34 | 455.2281 Unlicensed activities; fees; disposition.--In  
35 | order to protect the public and to ensure a consumer-oriented  
36 | department, it is the intent of the Legislature that vigorous  
37 | enforcement of regulation for all professional activities is a  
38 | state priority. All enforcement costs should be covered by  
39 | professions regulated by the department. Therefore, the  
40 | department may ~~shall~~ impose, upon initial licensure and each  
41 | renewal thereof, a special fee not to exceed ~~of~~ \$5 per licensee.  
42 | Such fee shall be set by department rule for each profession and  
43 | shall be in addition to all other fees collected from each  
44 | licensee and shall fund efforts to combat unlicensed activity.  
45 | Any profession regulated by the department which offers services  
46 | that are not subject to regulation when provided by an unlicensed  
47 | person may use funds in its unlicensed activity account to inform  
48 | the public of such situation. The board with concurrence of the  
49 | department, or the department when there is no board, may earmark  
50 | up to \$5 of the current licensure fee for this purpose, if such  
51 | board, or profession regulated by the department, is not in a  
52 | deficit and has a reasonable cash balance. A board or profession  
53 | regulated by the department may authorize the transfer of funds  
54 | from the operating fund account to the unlicensed activity  
55 | account of that profession if the operating fund account is not  
56 | in a deficit and has a reasonable cash balance. The department



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57 | may adopt rules to waive the unlicensed activity special fee for  
58 | a period not to exceed 2 years if both the operating account and  
59 | the unlicensed activity account have an excess cash balance. The  
60 | department shall make direct charges to this fund by profession  
61 | and shall not allocate indirect overhead. The department shall  
62 | seek board advice regarding enforcement methods and strategies  
63 | prior to expenditure of funds; however, the department may,  
64 | without board advice, allocate funds to cover the costs of  
65 | continuing education compliance monitoring under s. 455.2177. The  
66 | department shall directly credit, by profession, revenues  
67 | received from the department's efforts to enforce licensure  
68 | provisions. The department shall include all financial and  
69 | statistical data resulting from unlicensed activity enforcement  
70 | and from continuing education compliance monitoring as separate  
71 | categories in the quarterly management report provided for in s.  
72 | 455.219. The department shall not charge the account of any  
73 | profession for the costs incurred on behalf of any other  
74 | profession. For an unlicensed activity account, a balance which  
75 | remains at the end of a renewal cycle may, with concurrence of  
76 | the applicable board and the department, be transferred to the  
77 | operating fund account of that profession.

78 | Section 2. Section 548.035, Florida Statutes, is amended to  
79 | read:

80 | 548.035 Permit fees.--

81 | ~~(1)~~ The commission shall set permit fees for professional  
82 | matches at \$1,800 per event. ~~based on seating capacity of the~~  
83 | ~~premises where the program is to be presented as follows:~~

84 | ~~(a) If the seating capacity is less than 2,000 persons, the~~  
85 | ~~fee shall not exceed \$50.~~



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86 ~~(b) If the seating capacity is 2,000 persons or more but~~  
87 ~~does not exceed 5,000 persons, the fee shall not exceed \$100.~~

88 ~~(c) If the seating capacity exceeds 5,000 persons, the fee~~  
89 ~~shall not exceed \$250.~~

90 ~~(2) For mixed martial arts matches, the commission shall~~  
91 ~~require a minimum fee of \$5,000 per event.~~ For purposes of this  
92 section, an "event" is one or more matches comprising a show.

93 Section 3. Paragraph (a) of subsection (2) of section  
94 718.501, Florida Statutes, is amended to read:

95 718.501 Powers and duties of Division of Florida Land  
96 Sales, Condominiums, and Mobile Homes.--

97 (2) (a) The department, by rule, may set fees to be paid  
98 annually by ~~Effective January 1, 1992,~~ each condominium  
99 association that ~~which~~ operates more than two units. Such fees  
100 may not exceed ~~shall pay to the division an annual fee in the~~  
101 ~~amount of~~ \$4 for each residential unit in condominiums operated  
102 by the association. If the assessed fee is not paid by March 1,  
103 then the association shall be assessed a penalty of 10 percent of  
104 the amount due, and the association will not have standing to  
105 maintain or defend any action in the courts of this state until  
106 the amount due, plus any penalty, is paid.

107 Section 4. Paragraph (a) of subsection (2) of section  
108 719.501, Florida Statutes, is amended to read:

109 719.501 Powers and duties of Division of Florida Land  
110 Sales, Condominiums, and Mobile Homes.--

111 (2) (a) The department, by rule, may set fees to be paid  
112 annually by each cooperative association ~~shall pay to the~~  
113 ~~division,~~ on or before January 1 of each year. An annual fee may  
114 not exceed ~~in the amount of~~ \$4 for each residential unit in  
115 cooperatives operated by the association. If the assessed fee is



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116 | not paid by March 1, then the association shall be assessed a  
117 | penalty of 10 percent of the amount due, and the association  
118 | shall not have the standing to maintain or defend any action in  
119 | the courts of this state until the amount due is paid.

120 |       Section 5. Section 721.27, Florida Statutes, is amended to  
121 | read:

122 |       721.27 Annual fee for each timeshare unit in plan.--On  
123 | January 1 of each year, each managing entity of a timeshare plan  
124 | located in this state shall collect as a common expense and pay  
125 | to the division an annual fee to be set by rule, not to exceed ~~of~~  
126 | \$2 for each 7 days of annual use availability that exist within  
127 | the timeshare plan at that time, and subject to any limitations  
128 | on the amount of such annual fee pursuant to s. 721.58. If any  
129 | portion of the annual fee is not paid by March 1, the managing  
130 | entity may be assessed a penalty pursuant to s. 721.26.

131 |       Section 6. Paragraph (d) of subsection (2) of section  
132 | 509.032, Florida Statutes, is amended to read:

133 |       509.032 Duties.--

134 |       (2) INSPECTION OF PREMISES.--

135 |       (d) The division shall adopt and enforce sanitation rules  
136 | consistent with law to ensure the protection of the public from  
137 | food-borne illness in those establishments licensed under this  
138 | chapter. These rules shall provide the standards and requirements  
139 | for obtaining, storing, preparing, processing, serving, or  
140 | displaying food in public food service establishments, approving  
141 | public food service establishment facility plans, conducting  
142 | necessary public food service establishment inspections for  
143 | compliance with sanitation regulations, cooperating and  
144 | coordinating with the Department of Health in epidemiological  
145 | investigations, and initiating enforcement actions, and for other



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146 such responsibilities deemed necessary by the division. The  
147 division may not establish by rule any regulation governing the  
148 design, construction, erection, alteration, modification, repair,  
149 or demolition of any public lodging or public food service  
150 establishment. It is the intent of the Legislature to preempt  
151 that function to the Florida Building Commission and the State  
152 Fire Marshal through adoption and maintenance of the Florida  
153 Building Code and the Florida Fire Prevention Code. The division  
154 shall provide technical assistance to the commission ~~and the~~  
155 ~~State Fire Marshal~~ in updating the construction standards of the  
156 Florida Building Code ~~and the Florida Fire Prevention Code~~ which  
157 govern public lodging and public food service establishments.  
158 Further, the division shall enforce the provisions of the Florida  
159 Building Code ~~and the Florida Fire Prevention Code~~ which apply to  
160 public lodging and public food service establishments in  
161 conducting any inspections authorized by this part.

162 Section 7. This act shall take effect July 1, 2008.