

By the Committee on General Government Appropriations; and
Senator Alexander

601-06425A-08

20081820c1

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 activity
8 special fee if certain accounts have an excess balance;
9 amending s. 548.035, F.S.; revising the amount of the
10 permit fee charged for pugilistic exhibition events;
11 amending s. 718.501, F.S.; authorizing the department to
12 set by rule the fees paid annually by condominium
13 associations; limiting the amount of such fees; amending
14 s. 719.501, F.S.; authorizing the department to set by
15 rule the fees paid annually by cooperative associations;
16 limiting the amount of such fees; amending s. 721.27,
17 F.S.; authorizing the department to set by rule the fees
18 paid annually by timeshare plans; limiting the amount of
19 such fees; amending s. 509.032, F.S.; deleting a provision
20 requiring that the division provide certain assistance to
21 the State Fire Marshal; deleting a provision requiring
22 that the division provide technical assistance to the
23 Florida Building Commission when updating the construction
24 standards of the Florida Fire Prevention Code; deleting a
25 provision requiring that the division enforce certain
26 provisions of the Florida Fire Prevention Code; providing
27 an effective date.

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29 Be It Enacted by the Legislature of the State of Florida:

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

455.2281 Unlicensed activities; fees; disposition.--In order to protect the public and to ensure a consumer-oriented department, it is the intent of the Legislature that vigorous enforcement of regulation for all professional activities is a state priority. All enforcement costs should be covered by professions regulated by the department. Therefore, the department may ~~shall~~ impose, upon initial licensure and each renewal thereof, a special fee not to exceed ~~of~~ \$5 per licensee. Such fee shall be set by department rule for each profession and shall be in addition to all other fees collected from each licensee and shall fund efforts to combat unlicensed activity. Any profession regulated by the department which offers services that are not subject to regulation when provided by an unlicensed person may use funds in its unlicensed activity account to inform the public of such situation. The board with concurrence of the department, or the department when there is no board, may earmark up to \$5 of the current licensure fee for this purpose, if such board, or profession regulated by the department, is not in a deficit and has a reasonable cash balance. A board or profession regulated by the department may authorize the transfer of funds from the operating fund account to the unlicensed activity account of that profession if the operating fund account is not in a deficit and has a reasonable cash balance. The department may adopt rules to waive the unlicensed activity special fee for a period not to exceed 2 years if both the operating account and the unlicensed activity account have an excess cash balance. The

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

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

79 | 548.035 Permit fees.--

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

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

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

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

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

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

94 718.501 Powers and duties of Division of Florida Land
95 Sales, Condominiums, and Mobile Homes.--

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

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

108 719.501 Powers and duties of Division of Florida Land
109 Sales, Condominiums, and Mobile Homes.--

110 (2) (a) The department, by rule, may set fees to be paid
111 annually by each cooperative association ~~shall pay to the~~
112 ~~division,~~ on or before January 1 of each year. 7 An annual fee may
113 not exceed ~~in the amount of \$4 for each residential unit in~~
114 ~~cooperatives operated by the association. If the assessed fee is~~
115 ~~not paid by March 1, then the association shall be assessed a~~

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116 penalty of 10 percent of the amount due, and the association
117 shall not have the standing to maintain or defend any action in
118 the courts of this state until the amount due is paid.

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

121 721.27 Annual fee for each timeshare unit in plan.--On
122 January 1 of each year, each managing entity of a timeshare plan
123 located in this state shall collect as a common expense and pay
124 to the division an annual fee to be set by rule, not to exceed ~~of~~
125 \$2 for each 7 days of annual use availability that exist within
126 the timeshare plan at that time, and subject to any limitations
127 on the amount of such annual fee pursuant to s. 721.58. If any
128 portion of the annual fee is not paid by March 1, the managing
129 entity may be assessed a penalty pursuant to s. 721.26.

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

132 509.032 Duties.--

133 (2) INSPECTION OF PREMISES.--

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

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

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