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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 requiring the department to waive or reduce fees under
10 certain conditions for all professions subject to fees;
11 requiring that a report of fee adjustments be submitted to
12 the Legislature by a specified date; amending s. 548.035,
13 F.S.; revising the amount of the permit fee charged for
14 pugilistic exhibition events; amending s. 718.501, F.S.;
15 authorizing the department to set by rule the fees paid
16 annually by condominium associations; limiting the amount
17 of such fees; requiring the department to reduce
18 condominium association fees to a certain amount for a
19 specified time; amending s. 719.501, F.S.; authorizing the
20 department to set by rule the fees paid annually by
21 cooperative associations; limiting the amount of such
22 fees; requiring the department to reduce cooperative
23 association fees to a certain amount for a specified time;
24 amending s. 721.27, F.S.; authorizing the department to
25 set by rule the fees paid annually by timeshare plans;
26 limiting the amount of such fees; requiring the department
27 to reduce the annual fee paid by timeshare plans to a
28 certain amount for a specified time; amending s. 509.032,
29 F.S.; deleting a provision requiring that the division

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30 provide certain assistance to the State Fire Marshal;
31 deleting a provision requiring that the division provide
32 technical assistance to the Florida Building Commission
33 when updating the construction standards of the Florida
34 Fire Prevention Code; deleting a provision requiring that
35 the division enforce certain provisions of the Florida
36 Fire Prevention Code; providing an effective date.

37
38 Be It Enacted by the Legislature of the State of Florida:

39
40 Section 1. Section 455.2281, Florida Statutes, is amended
41 to read:

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

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59 board, or profession regulated by the department, is not in a
60 deficit and has a reasonable cash balance. A board or profession
61 regulated by the department may authorize the transfer of funds
62 from the operating fund account to the unlicensed activity
63 account of that profession if the operating fund account is not
64 in a deficit and has a reasonable cash balance. The department
65 may adopt rules to waive the unlicensed activity special fee for
66 a period not to exceed 2 years if both the operating account and
67 the unlicensed activity account have an excess cash balance. The
68 department shall make direct charges to this fund by profession
69 and shall not allocate indirect overhead. The department shall
70 seek board advice regarding enforcement methods and strategies
71 prior to expenditure of funds; however, the department may,
72 without board advice, allocate funds to cover the costs of
73 continuing education compliance monitoring under s. 455.2177. The
74 department shall directly credit, by profession, revenues
75 received from the department's efforts to enforce licensure
76 provisions. The department shall include all financial and
77 statistical data resulting from unlicensed activity enforcement
78 and from continuing education compliance monitoring as separate
79 categories in the quarterly management report provided for in s.
80 455.219. The department shall not charge the account of any
81 profession for the costs incurred on behalf of any other
82 profession. For an unlicensed activity account, a balance which
83 remains at the end of a renewal cycle may, with concurrence of
84 the applicable board and the department, be transferred to the
85 operating fund account of that profession. For the 2008-2009
86 fiscal year, for each profession subject to fees imposed by this
87 section, the department shall waive fees if the long-range

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88 estimates of revenue forecast a reasonable excess cash balance as
89 required in s. 455.219. The department shall also reduce fees for
90 all other professions based upon excess cash estimates. A report
91 of all fee adjustments granted under this section, by profession,
92 shall be provided to the chairs of the Senate Fiscal Policy and
93 Calendar Committee and House Policy and Budget Council by
94 September 15, 2009.

95 Section 2. Section 548.035, Florida Statutes, is amended to
96 read:

97 548.035 Permit fees.--

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

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

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

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

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

110 Section 3. Paragraph (a) of subsection (2) of section
111 718.501, Florida Statutes, is amended to read:

112 718.501 Powers and duties of Division of Florida Land
113 Sales, Condominiums, and Mobile Homes.--

114 (2) (a) The department, by rule, may set fees to be paid
115 annually by ~~Effective January 1, 1992,~~ each condominium
116 association that ~~which~~ operates more than two units. Such fees

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117 ~~may not exceed shall pay to the division an annual fee in the~~
118 ~~amount of \$4 for each residential unit in condominiums operated~~
119 ~~by the association. If the assessed fee is not paid by March 1,~~
120 ~~then the association shall be assessed a penalty of 10 percent of~~
121 ~~the amount due, and the association will not have standing to~~
122 ~~maintain or defend any action in the courts of this state until~~
123 ~~the amount due, plus any penalty, is paid. For the 2008-2009~~
124 ~~fiscal year, the department shall reduce the annual fee paid by~~
125 ~~each condominium association as required by this paragraph to \$2~~
126 ~~for each residential unit.~~

127 Section 4. Paragraph (a) of subsection (2) of section
128 719.501, Florida Statutes, is amended to read:

129 719.501 Powers and duties of Division of Florida Land
130 Sales, Condominiums, and Mobile Homes.--

131 (2) (a) The department, by rule, may set fees to be paid
132 annually by each cooperative association ~~shall pay to the~~
133 ~~division,~~ on or before January 1 of each year. 7 An annual fee may
134 not exceed ~~in the amount of \$4 for each residential unit in~~
135 ~~cooperatives operated by the association. If the assessed fee is~~
136 ~~not paid by March 1, then the association shall be assessed a~~
137 ~~penalty of 10 percent of the amount due, and the association~~
138 ~~shall not have the standing to maintain or defend any action in~~
139 ~~the courts of this state until the amount due is paid. For the~~
140 ~~2008-2009 fiscal year, the department shall reduce the annual fee~~
141 ~~paid by each cooperative association as required by this~~
142 ~~paragraph to \$2 for each residential unit.~~

143 Section 5. Section 721.27, Florida Statutes, is amended to
144 read:

145 721.27 Annual fee for each timeshare unit in plan.--On

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146 January 1 of each year, each managing entity of a timeshare plan
147 located in this state shall collect as a common expense and pay
148 to the division an annual fee to be set by rule, not to exceed ~~of~~
149 \$2 for each 7 days of annual use availability that exist within
150 the timeshare plan at that time, and subject to any limitations
151 on the amount of such annual fee pursuant to s. 721.58. If any
152 portion of the annual fee is not paid by March 1, the managing
153 entity may be assessed a penalty pursuant to s. 721.26. For the
154 2008-2009 fiscal year, the department shall reduce the annual fee
155 paid by each managing entity of a timeshare plan as required in
156 this section to 50 cents for each 7 days of annual use.

157 Section 6. Paragraph (d) of subsection (2) of section
158 509.032, Florida Statutes, is amended to read:

159 509.032 Duties.--

160 (2) INSPECTION OF PREMISES.--

161 (d) The division shall adopt and enforce sanitation rules
162 consistent with law to ensure the protection of the public from
163 food-borne illness in those establishments licensed under this
164 chapter. These rules shall provide the standards and requirements
165 for obtaining, storing, preparing, processing, serving, or
166 displaying food in public food service establishments, approving
167 public food service establishment facility plans, conducting
168 necessary public food service establishment inspections for
169 compliance with sanitation regulations, cooperating and
170 coordinating with the Department of Health in epidemiological
171 investigations, and initiating enforcement actions, and for other
172 such responsibilities deemed necessary by the division. The
173 division may not establish by rule any regulation governing the
174 design, construction, erection, alteration, modification, repair,

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175 or demolition of any public lodging or public food service
176 establishment. It is the intent of the Legislature to preempt
177 that function to the Florida Building Commission and the State
178 Fire Marshal through adoption and maintenance of the Florida
179 Building Code and the Florida Fire Prevention Code. The division
180 shall provide technical assistance to the commission ~~and the~~
181 ~~State Fire Marshal~~ in updating the construction standards of the
182 Florida Building Code ~~and the Florida Fire Prevention Code~~ which
183 govern public lodging and public food service establishments.
184 Further, the division shall enforce the provisions of the Florida
185 Building Code ~~and the Florida Fire Prevention Code~~ which apply to
186 public lodging and public food service establishments in
187 conducting any inspections authorized by this part.

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