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CHAMBER ACTION

Senate

House

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Floor: 1/AD/2R
4/16/2008 12:11 PM

1 Senator Alexander moved the following amendment:

2
3 Senate Amendment (with title amendment)

4 Delete everything after the enacting clause
5 and insert:

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

8 455.2281 Unlicensed activities; fees; disposition.--In
9 order to protect the public and to ensure a consumer-oriented
10 department, it is the intent of the Legislature that vigorous
11 enforcement of regulation for all professional activities is a
12 state priority. All enforcement costs should be covered by
13 professions regulated by the department. Therefore, the
14 department may shall impose, upon initial licensure and each
15 renewal thereof, a special fee not to exceed of \$5 per licensee.
16 Such fee shall be set by department rule for each profession and
17 shall be in addition to all other fees collected from each



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18 licensee and shall fund efforts to combat unlicensed activity.  
19 Any profession regulated by the department which offers services  
20 that are not subject to regulation when provided by an unlicensed  
21 person may use funds in its unlicensed activity account to inform  
22 the public of such situation. The board with concurrence of the  
23 department, or the department when there is no board, may earmark  
24 up to \$5 of the current licensure fee for this purpose, if such  
25 board, or profession regulated by the department, is not in a  
26 deficit and has a reasonable cash balance. A board or profession  
27 regulated by the department may authorize the transfer of funds  
28 from the operating fund account to the unlicensed activity  
29 account of that profession if the operating fund account is not  
30 in a deficit and has a reasonable cash balance. The department  
31 may adopt rules to waive the unlicensed activity special fee for  
32 a period not to exceed 2 years if both the operating account and  
33 the unlicensed activity account have an excess cash balance. The  
34 department shall make direct charges to this fund by profession  
35 and shall not allocate indirect overhead. The department shall  
36 seek board advice regarding enforcement methods and strategies  
37 prior to expenditure of funds; however, the department may,  
38 without board advice, allocate funds to cover the costs of  
39 continuing education compliance monitoring under s. 455.2177. The  
40 department shall directly credit, by profession, revenues  
41 received from the department's efforts to enforce licensure  
42 provisions. The department shall include all financial and  
43 statistical data resulting from unlicensed activity enforcement  
44 and from continuing education compliance monitoring as separate  
45 categories in the quarterly management report provided for in s.  
46 455.219. The department shall not charge the account of any  
47 profession for the costs incurred on behalf of any other

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48 profession. For an unlicensed activity account, a balance which  
49 remains at the end of a renewal cycle may, with concurrence of  
50 the applicable board and the department, be transferred to the  
51 operating fund account of that profession. For the 2008-2009  
52 fiscal year, for each profession subject to fees imposed by this  
53 section, the department shall waive fees if the long-range  
54 estimates of revenue forecast a reasonable excess cash balance as  
55 required in s. 455.219. The department shall also reduce fees for  
56 all other professions based upon excess cash estimates. A report  
57 of all fee adjustments granted under this section, by profession,  
58 shall be provided to the chairs of the Senate Fiscal Policy and  
59 Calendar Committee and House Policy and Budget Council by  
60 September 15, 2009.

61 Section 2. Section 548.035, Florida Statutes, is amended to  
62 read:

63 548.035 Permit fees.--

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

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

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

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

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

76 Section 3. Paragraph (a) of subsection (2) of section  
77 718.501, Florida Statutes, is amended to read:

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78           718.501 Powers and duties of Division of Florida Land  
79 Sales, Condominiums, and Mobile Homes.--

80           (2) (a) The department, by rule, may set fees to be paid  
81 annually by ~~Effective January 1, 1992,~~ each condominium  
82 association that ~~which~~ operates more than two units. Such fees  
83 may not exceed ~~shall pay to the division an annual fee in the~~  
84 ~~amount of~~ \$4 for each residential unit in condominiums operated  
85 by the association. If the assessed fee is not paid by March 1,  
86 then the association shall be assessed a penalty of 10 percent of  
87 the amount due, and the association will not have standing to  
88 maintain or defend any action in the courts of this state until  
89 the amount due, plus any penalty, is paid. For the 2008-2009  
90 fiscal year, the department shall reduce the annual fee paid by  
91 each condominium association as required by this paragraph to \$2  
92 for each residential unit.

93           Section 4. Paragraph (a) of subsection (2) of section  
94 719.501, Florida Statutes, is amended to read:

95           719.501 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 each cooperative association ~~shall pay to the~~  
99 ~~division,~~ on or before January 1 of each year. 7 An annual fee may  
100 not exceed ~~in the amount of~~ \$4 for each residential unit in  
101 cooperatives operated by the association. If the assessed fee is  
102 not paid by March 1, then the association shall be assessed a  
103 penalty of 10 percent of the amount due, and the association  
104 shall not have the standing to maintain or defend any action in  
105 the courts of this state until the amount due is paid. For the  
106 2008-2009 fiscal year, the department shall reduce the annual fee



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107 paid by each cooperative association as required by this  
108 paragraph to \$2 for each residential unit.

109 Section 5. Section 721.27, Florida Statutes, is amended to  
110 read:

111 721.27 Annual fee for each timeshare unit in plan.--On  
112 January 1 of each year, each managing entity of a timeshare plan  
113 located in this state shall collect as a common expense and pay  
114 to the division an annual fee to be set by rule, not to exceed ~~of~~  
115 \$2 for each 7 days of annual use availability that exist within  
116 the timeshare plan at that time, and subject to any limitations  
117 on the amount of such annual fee pursuant to s. 721.58. If any  
118 portion of the annual fee is not paid by March 1, the managing  
119 entity may be assessed a penalty pursuant to s. 721.26. For the  
120 2008-2009 fiscal year, the department shall reduce the annual fee  
121 paid by each managing entity of a timeshare plan as required in  
122 this section to 50 cents for each 7 days of annual use.

123 Section 6. Paragraph (d) of subsection (2) of section  
124 509.032, Florida Statutes, is amended to read:

125 509.032 Duties.--

126 (2) INSPECTION OF PREMISES.--

127 (d) The division shall adopt and enforce sanitation rules  
128 consistent with law to ensure the protection of the public from  
129 food-borne illness in those establishments licensed under this  
130 chapter. These rules shall provide the standards and requirements  
131 for obtaining, storing, preparing, processing, serving, or  
132 displaying food in public food service establishments, approving  
133 public food service establishment facility plans, conducting  
134 necessary public food service establishment inspections for  
135 compliance with sanitation regulations, cooperating and  
136 coordinating with the Department of Health in epidemiological



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137 | investigations, and initiating enforcement actions, and for other  
 138 | such responsibilities deemed necessary by the division. The  
 139 | division may not establish by rule any regulation governing the  
 140 | design, construction, erection, alteration, modification, repair,  
 141 | or demolition of any public lodging or public food service  
 142 | establishment. It is the intent of the Legislature to preempt  
 143 | that function to the Florida Building Commission and the State  
 144 | Fire Marshal through adoption and maintenance of the Florida  
 145 | Building Code and the Florida Fire Prevention Code. The division  
 146 | shall provide technical assistance to the commission ~~and the~~  
 147 | ~~State Fire Marshal~~ in updating the construction standards of the  
 148 | Florida Building Code ~~and the Florida Fire Prevention Code~~ which  
 149 | govern public lodging and public food service establishments.  
 150 | Further, the division shall enforce the provisions of the Florida  
 151 | Building Code ~~and the Florida Fire Prevention Code~~ which apply to  
 152 | public lodging and public food service establishments in  
 153 | conducting any inspections authorized by this part.

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

156 | ===== T I T L E   A M E N D M E N T =====

157 | And the title is amended as follows:

158 |       Delete everything before the enacting clause  
 159 | and insert:

160 |                               A bill to be entitled  
 161 |       An act relating to the Department of Business and  
 162 |       Professional Regulation; amending s. 455.2281, F.S.;  
 163 |       authorizing the department to set by rule the fees paid  
 164 |       annually by professions regulated by the department;  
 165 |       limiting the amount of such fees; authorizing the  
 166 |       department to adopt rules to waive the unlicensed activity



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167 special fee if certain accounts have an excess balance;  
168 requiring the department to waive or reduce fees under  
169 certain conditions for all professions subject to fees;  
170 requiring that a report of fee adjustments be submitted to  
171 the Legislature by a specified date; amending s. 548.035,  
172 F.S.; revising the amount of the permit fee charged for  
173 pugilistic exhibition events; amending s. 718.501, F.S.;  
174 authorizing the department to set by rule the fees paid  
175 annually by condominium associations; limiting the amount  
176 of such fees; requiring the department to reduce  
177 condominium association fees to a certain amount for a  
178 specified time; amending s. 719.501, F.S.; authorizing the  
179 department to set by rule the fees paid annually by  
180 cooperative associations; limiting the amount of such  
181 fees; requiring the department to reduce cooperative  
182 association fees to a certain amount for a specified time;  
183 amending s. 721.27, F.S.; authorizing the department to  
184 set by rule the fees paid annually by timeshare plans;  
185 limiting the amount of such fees; requiring the department  
186 to reduce the annual fee paid by timeshare plans to a  
187 certain amount for a specified time; amending s. 509.032,  
188 F.S.; deleting a provision requiring that the division  
189 provide certain assistance to the State Fire Marshal;  
190 deleting a provision requiring that the division provide  
191 technical assistance to the Florida Building Commission  
192 when updating the construction standards of the Florida  
193 Fire Prevention Code; deleting a provision requiring that  
194 the division enforce certain provisions of the Florida  
195 Fire Prevention Code; providing an effective date.