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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
04/14/2009	.	
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	.	
	.	

The Committee on Regulated Industries (Dean) recommended the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause
and insert:

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

455.213 General licensing provisions.—

(1) Any person desiring to be licensed shall apply to the
department in writing. The application for licensure shall be
submitted ~~made~~ on a form prescribed ~~prepared and furnished~~ by
the department and must include the applicant's social security



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12 number. Notwithstanding any other provision of law, the
13 department is the sole authority for determining the contents of
14 any documents to be submitted for initial licensure and
15 licensure renewal. Such documents may contain information
16 including, as appropriate: demographics, education, work
17 history, personal background, criminal history, finances,
18 business information, complaints, inspections, investigations,
19 discipline, bonding, ~~signature notarization~~, photographs,
20 performance periods, reciprocity, local government approvals,
21 supporting documentation, periodic reporting requirements,
22 fingerprint requirements, continuing education requirements, and
23 ongoing education monitoring. The application shall be
24 supplemented as needed to reflect any material change in any
25 circumstance or condition stated in the application which takes
26 place between the initial filing of the application and the
27 final grant or denial of the license and which might affect the
28 decision of the department. In order to further the economic
29 development goals of the state, and notwithstanding any law to
30 the contrary, the department may enter into an agreement with
31 the county tax collector for the purpose of appointing the
32 county tax collector as the department's agent to accept
33 applications for licenses and applications for renewals of
34 licenses. The agreement must specify the time within which the
35 tax collector must forward any applications and accompanying
36 application fees to the department. In cases where a person
37 applies or schedules directly with a national examination
38 organization or examination vendor to take an examination
39 required for licensure, any organization- or vendor-related fees
40 associated with the examination may be paid directly to the



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41 organization or vendor. An application is received for purposes
42 of s. 120.60 upon the department's receipt of the application
43 submitted in the format prescribed by the department; the
44 application fee set by the board or, if there is no board, set
45 by the department; and any other fee required by law or rule to
46 be remitted with the application.

47 Section 2. Paragraphs (t) and (u) are added to subsection
48 (1) of section 455.227, Florida Statutes, to read:

49 455.227 Grounds for discipline; penalties; enforcement.—

50 (1) The following acts shall constitute grounds for which
51 the disciplinary actions specified in subsection (2) may be
52 taken:

53 (t) Failing to report in writing to the board or, if there
54 is no board, to the department within 30 days after the licensee
55 is convicted or found guilty of, or entered a plea of nolo
56 contendere or guilty to, regardless of adjudication, a crime in
57 any jurisdiction. A licensee must report a conviction, finding
58 of guilt, plea, or adjudication entered before the effective
59 date of this paragraph within 30 days after the effective date
60 of this paragraph.

61 (u) Termination from a treatment program for impaired
62 practitioners as described in s. 456.076 for failure to comply,
63 without good cause, with the terms of the monitoring or
64 treatment contract entered into by the licensee or failing to
65 successfully complete a drug or alcohol treatment program.

66 Section 3. Section 455.2274, Florida Statutes, is created
67 to read:

68 455.2274 Criminal proceedings against licensees;
69 appearances by department representatives.—A representative of



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70 the department may voluntarily appear in a criminal proceeding
71 brought against a person licensed by the department to practice
72 a profession regulated by the state. The department's
73 representative is authorized to furnish pertinent information,
74 make recommendations regarding specific conditions of probation,
75 and provide other assistance to the court necessary to promote
76 justice or protect the public. The court may order a
77 representative of the department to appear in a criminal
78 proceeding if the crime charged is substantially related to the
79 qualifications, functions, or duties of a license regulated by
80 the department.

81 Section 4. Paragraph (i) of subsection (1) of section
82 468.402, Florida Statutes, is amended to read:

83 468.402 Duties of the department; authority to issue and
84 revoke license; adoption of rules.—

85 (1) The department may take any one or more of the actions
86 specified in subsection (5) against any person who has:

87 (i) Had a license to operate a talent agency revoked,
88 suspended, or otherwise acted against, including, but not
89 limited to, having been denied a license for good cause by the
90 licensing authority of any ~~another~~ state, territory, or country.

91 Section 5. Subsection (1) of section 468.403, Florida
92 Statutes, is amended to read:

93 468.403 License requirements.—

94 (1) A person may not own, operate, solicit business, or
95 otherwise engage in or carry on the occupation of a talent
96 agency in this state unless the ~~such~~ person first procures a
97 license for the talent agency from the department. ~~However,~~ A
98 license is not required for a person who acts as an agent for



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99 herself or himself, a family member, or exclusively for one
100 artist. However, a person may not advertise or otherwise hold
101 himself or herself out as a "talent agency" or "talent agent"
102 unless the person is licensed under this section as a talent
103 agency.

104 Section 6. Section 468.409, Florida Statutes, is amended to
105 read:

106 468.409 Records required to be kept.—Each talent agency
107 shall keep on file the application, registration, or contract of
108 each artist. In addition, such file must include the name and
109 address of each artist, the amount of the compensation received,
110 and all attempts to procure engagements for the artist. No such
111 agency or employee thereof shall knowingly make any false entry
112 in applicant files or receipt files. Each card or document in
113 such files shall be preserved for a period of 1 year after the
114 date of the last entry thereon. Records required under this
115 section shall be readily available for inspection by the
116 department during reasonable business hours at the talent
117 agency's principal office. A talent agency must provide the
118 department with true copies of the records in the manner
119 prescribed by the department.

120 Section 7. Subsection (3) of section 468.410, Florida
121 Statutes, is amended to read:

122 468.410 Prohibition against registration fees; referral.—

123 (3) A talent agency shall give each applicant a copy of a
124 contract, within 24 hours after the contract's execution, which
125 lists the services to be provided and the fees to be charged.
126 The contract shall state that the talent agency is regulated by
127 the department and shall list the address and telephone number



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128 of the department.

129 Section 8. Subsections (5) and (8) of section 468.412,
130 Florida Statutes, are amended, and subsection (11) is added to
131 that section, to read:

132 468.412 Talent agency regulations; prohibited acts.—

133 (5) (a) No talent agency may knowingly issue a contract for
134 employment containing any term or condition which, if complied
135 with, would be in violation of law, or attempt to fill an order
136 for help to be employed in violation of law.

137 (b) A talent agency must advise an artist, in writing, that
138 the artist has a right to rescind a contract for employment
139 within the first 3 business days after the contract's execution.
140 Any engagement procured by the talent agency for the artist
141 during the first 3 business days of the contract remains
142 commissionable to the talent agency.

143 (8) No talent agency, without the written consent of the
144 artist, may divide fees with anyone, including, but not limited
145 to, an agent or other employee of an employer, a buyer, a
146 casting director, a producer, a director, or any venue that uses
147 entertainment. For purposes of this subsection, to "divide fees"
148 includes the sharing among two or more persons those fees
149 charged to an artist for services performed on behalf of that
150 artist, the total amount of which fees exceeds the amount that
151 would have been charged to the artist by the talent agency
152 alone.

153 (11) A talent agency may assign an engagement contract to
154 another talent agency licensed in this state only if the artist
155 agrees in writing to the assignment. The assignment must occur,
156 and written notice of the assignment must be given to the



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157 artist, within 30 days after the artist agrees in writing to the
158 assignment.

159 Section 9. Subsection (4) of section 468.413, Florida
160 Statutes, is amended to read:

161 468.413 Legal requirements; penalties.-

162 (4) In the event the department or any state attorney shall
163 have probable cause to believe that a talent agency or other
164 person has violated any provision of subsection (1), an action
165 may be brought by the department or any state attorney to enjoin
166 such talent agency or any person from continuing such violation,
167 or engaging therein or doing any acts in furtherance thereof,
168 and for such other relief as to the court seems appropriate. In
169 addition to this remedy, the department may assess a penalty
170 against any talent agency or any person in an amount not to
171 exceed \$5,000 ~~\$1,000~~.

172 Section 10. Paragraph (d) of subsection (3) of section
173 468.609, Florida Statutes, is amended to read:

174 468.609 Administration of this part; standards for
175 certification; additional categories of certification.-

176 (3) A person may take the examination for certification as
177 a building code administrator pursuant to this part if the
178 person:

179 ~~(d) After the building code training program is established~~
180 ~~under s. 553.841, demonstrates successful completion of the core~~
181 ~~curriculum approved by the Florida Building Commission,~~
182 ~~appropriate to the licensing category sought.~~

183 Section 11. Subsection (6) of section 468.627, Florida
184 Statutes, is amended to read:

185 468.627 Application; examination; renewal; fees.-



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186 ~~(6) Each certificateholder shall provide to the board proof~~
187 ~~of completion of the core curriculum courses of the building~~
188 ~~code training program established by s. 553.841, within 2 years~~
189 ~~after commencement of the program. Each new certificateholder~~
190 ~~shall provide to the board proof of completion of the core~~
191 ~~curriculum courses of the building code training program~~
192 ~~established in s. 553.841 within the first 2 year period after~~
193 ~~initial licensure. Continuing education hours spent taking such~~
194 ~~core curriculum courses shall count toward the number required~~
195 ~~for license renewal.~~

196 Section 12. Section 471.0195, Florida Statutes, is amended
197 to read:

198 471.0195 Florida Building Code training for engineers.—All
199 licensees actively participating in the design of engineering
200 works or systems in connection with buildings, structures, or
201 facilities and systems covered by the Florida Building Code
202 shall take continuing education courses and submit proof to the
203 board, at such times and in such manner as established by the
204 board by rule, that the licensee has completed ~~the core~~
205 ~~curriculum courses~~ and any specialized or advanced courses on
206 any portion of the Florida Building Code applicable to the
207 licensee's area of practice ~~or has passed the appropriate~~
208 ~~equivalency test of the Building Code Training Program as~~
209 ~~required by s. 553.841.~~ The board shall record reported
210 continuing education courses on a system easily accessed by code
211 enforcement jurisdictions for evaluation when determining
212 license status for purposes of processing design documents.
213 Local jurisdictions shall be responsible for notifying the board
214 when design documents are submitted for building construction



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215 permits by persons who are not in compliance with this section.
216 The board shall take appropriate action as provided by its rules
217 when such noncompliance is determined to exist.

218 Section 13. Section 473.305, Florida Statutes, is amended
219 to read:

220 473.305 Fees.—The board, by rule, may establish fees to be
221 paid for applications, examination, reexamination, licensing and
222 renewal, reinstatement, and recordmaking and recordkeeping. The
223 fee for the examination shall be established at an amount that
224 covers the costs for the procurement or development,
225 administration, grading, and review of the examination. The fee
226 for the examination is refundable if the applicant is found to
227 be ineligible to sit for the examination. The fee for initial
228 application is nonrefundable, and the combined fees for
229 application and examination may not exceed \$250 plus the actual
230 per applicant cost to the department for purchase of the
231 examination from the American Institute of Certified Public
232 Accountants or a similar national organization. The biennial
233 renewal fee may not exceed \$250. The board may also establish,
234 by rule, a reactivation fee, ~~a late filing fee for the law and~~
235 ~~rules examination,~~ and a delinquency fee not to exceed \$50 for
236 continuing professional education reporting forms. The board
237 shall establish fees which are adequate to ensure the continued
238 operation of the board and to fund the proportionate expenses
239 incurred by the department which are allocated to the regulation
240 of public accountants. Fees shall be based on department
241 estimates of the revenue required to implement this chapter and
242 the provisions of law with respect to the regulation of
243 certified public accountants.



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244 Section 14. Subsection (1) of section 473.311, Florida
245 Statutes, is amended to read:

246 473.311 Renewal of license.—

247 (1) The department shall renew a license upon receipt of
248 the renewal application and fee and upon certification by the
249 board that the licensee has satisfactorily completed the
250 continuing education requirements of s. 473.312 ~~and has passed~~
251 ~~an examination approved by the board on chapter 455 and this~~
252 ~~chapter and the related administrative rules. However, each~~
253 ~~licensee must complete the requirements of s. 473.312(1)(c)~~
254 ~~prior to taking the examination.~~

255 Section 15. Subsection (3) of section 473.313, Florida
256 Statutes, is amended to read:

257 473.313 Inactive status.—

258 (3) Any licensee holding an inactive license may be
259 permitted to reactivate such license in a conditional manner.
260 The conditions of reactivation shall require, in addition to the
261 payment of fees, ~~the passing of the examination approved by the~~
262 ~~board concerning chapter 455 and this chapter, and the related~~
263 ~~administrative rules, and the completion of required continuing~~
264 education.

265 Section 16. Paragraph (a) of subsection (1) of section
266 475.175, Florida Statutes, is amended to read:

267 475.175 Examinations.—

268 (1) A person shall be entitled to take the license
269 examination to practice in this state if the person:

270 (a) Submits to the department the appropriate ~~notarized or~~
271 electronically authenticated application and fee, and a
272 fingerprint card. The fingerprint card shall be forwarded to the



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273 Division of Criminal Justice Information Systems within the
274 Department of Law Enforcement for purposes of processing the
275 fingerprint card to determine if the applicant has a criminal
276 history record. The fingerprint card shall also be forwarded to
277 the Federal Bureau of Investigation for purposes of processing
278 the fingerprint card to determine if the applicant has a
279 criminal history record. The information obtained by the
280 processing of the fingerprint card by the Florida Department of
281 Law Enforcement and the Federal Bureau of Investigation shall be
282 sent to the department for the purpose of determining if the
283 applicant is statutorily qualified for examination. Effective
284 July 1, 2006, an applicant shall provide fingerprints in
285 electronic format.

286 Section 17. Subsection (6) of section 475.451, Florida
287 Statutes, is amended to read:

288 475.451 Schools teaching real estate practice.—

289 (6) Any course prescribed by the commission as a condition
290 precedent to any person's becoming initially licensed as a sales
291 associate may be taught in any real estate school through the
292 use of a video tape of instruction by a currently permitted
293 instructor from any such school or may be taught by distance
294 learning pursuant to s. 475.17(2). The commission may require
295 that any such video tape course have a single session of live
296 instruction by a currently permitted instructor from any such
297 school; however, this requirement shall not exceed 3 classroom
298 hours. All other prescribed courses, except the continuing
299 education course required by s. 475.182, shall be taught by a
300 currently permitted school instructor personally in attendance
301 at such course or by distance learning pursuant to s. 475.17.



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302 The continuing education course required by s. 475.182 may be
303 taught by distance learning pursuant to s. 475.17 or by an
304 equivalent correspondence course; however, any such
305 correspondence course shall be required to have a final
306 examination, prepared and administered by the school issuing the
307 correspondence course. The continuing education requirements
308 ~~provided in this section or provided in any other section in~~
309 ~~this chapter do not apply with respect to an~~ any attorney who is
310 otherwise qualified under ~~the provisions of this chapter~~ and who
311 is a member in good standing of The Florida Bar.

312 Section 18. Subsection (5) of section 475.615, Florida
313 Statutes, is amended to read:

314 475.615 Qualifications for registration or certification.-

315 (5) At the time of filing an ~~a notarized~~ application for
316 registration or certification, the applicant must sign a pledge
317 to comply with the Uniform Standards of Professional Appraisal
318 Practice upon registration or certification and must indicate in
319 writing that she or he understands the types of misconduct for
320 which disciplinary proceedings may be initiated. The application
321 shall expire 1 year after the date received.

322 Section 19. Subsection (1) of section 476.134, Florida
323 Statutes, is amended to read:

324 476.134 Examinations.-

325 (1) Examinations of applicants for licenses as barbers
326 shall be offered not less than four times each year. The
327 examination of applicants for licenses as barbers shall ~~may~~
328 ~~include both a practical demonstration and~~ a written test. The
329 board shall have the authority to adopt rules with respect to
330 the examination of applicants for licensure. The board may



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331 provide rules with respect to written ~~or practical~~ examinations
332 in such manner as the board may deem fit.

333 Section 20. Paragraph (b) of subsection (6) of section
334 476.144, Florida Statutes, is amended to read:

335 476.144 Licensure.—

336 (6) A person may apply for a restricted license to practice
337 barbering. The board shall adopt rules specifying procedures for
338 an applicant to obtain a restricted license if the applicant:

339 (b) Passes a written examination on the laws and rules
340 governing the practice of barbering in Florida, as established
341 by the board, ~~and a practical examination approved by the board.~~

342
343 The restricted license shall limit the licensee's practice to
344 those specific areas in which the applicant has demonstrated
345 competence pursuant to rules adopted by the board.

346 Section 21. Subsection (6) of section 481.215, Florida
347 Statutes, is renumbered as subsection (5), and present
348 subsection (5) of that section is amended, to read:

349 481.215 Renewal of license.—

350 ~~(5) Each licensee shall provide to the board proof of~~
351 ~~completion of the core curriculum courses, or passing the~~
352 ~~equivalency test of the Building Code Training Program~~
353 ~~established by s. 553.841, within 2 years after commencement of~~
354 ~~the program or after initial licensure, whichever is later.~~
355 ~~Hours spent taking core curriculum courses shall count toward~~
356 ~~the number required for license renewal. A licensee who passes~~
357 ~~the equivalency test in lieu of taking the core curriculum~~
358 ~~courses shall receive full credit for such core curriculum~~
359 ~~course hours.~~



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360 Section 22. Subsection (6) of section 481.313, Florida
361 Statutes, is renumbered as subsection (5), and present
362 subsection (5) of that section is amended, to read:

363 481.313 Renewal of license.—

364 ~~(5) Each licenseholder shall provide to the board proof of~~
365 ~~completion of the core curriculum courses, or passing the~~
366 ~~equivalency test of the Building Code Training Program~~
367 ~~established by s. 553.841, within 2 years after commencement of~~
368 ~~the program or of initial licensure, whichever is later. Hours~~
369 ~~spent taking core curriculum courses shall count toward the~~
370 ~~number required for license renewal. A licensee who passes the~~
371 ~~equivalency test in lieu of taking the core curriculum courses~~
372 ~~shall receive full credit for core curriculum course hours.~~

373 Section 23. Subsection (7) of section 489.103, Florida
374 Statutes, is amended to read:

375 489.103 Exemptions.—This part does not apply to:

376 (7) Owners of property when acting as their own contractor
377 and providing direct, onsite supervision themselves of all work
378 not performed by licensed contractors:

379 (a) When building or improving farm outbuildings or one-
380 family or two-family residences on such property for the
381 occupancy or use of such owners and not offered for sale or
382 lease, or building or improving commercial buildings, at a cost
383 not to exceed \$75,000, on such property for the occupancy or use
384 of such owners and not offered for sale or lease. In an action
385 brought under this part, proof of the sale or lease, or offering
386 for sale or lease, of any such structure by the owner-builder
387 within 1 year after completion of same creates a presumption
388 that the construction was undertaken for purposes of sale or



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389 lease.

390 (b) When repairing or replacing wood shakes or asphalt or
391 fiberglass shingles on one-family, two-family, or three-family
392 residences for the occupancy or use of such owner or tenant of
393 the owner and not offered for sale within 1 year after
394 completion of the work and when the property has been damaged by
395 natural causes from an event recognized as an emergency
396 situation designated by executive order issued by the Governor
397 declaring the existence of a state of emergency as a result and
398 consequence of a serious threat posed to the public health,
399 safety, and property in this state.

400

401 This subsection does not exempt any person who is employed by or
402 has a contract with such owner and who acts in the capacity of a
403 contractor. The owner may not delegate the owner's
404 responsibility to directly supervise all work to any other
405 person unless that person is registered or certified under this
406 part and the work being performed is within the scope of that
407 person's license. For the purposes of this subsection, the term
408 "owners of property" includes the owner of a mobile home
409 situated on a leased lot. To qualify for exemption under this
410 subsection, an owner must personally appear and sign the
411 building permit application and must satisfy local permitting
412 agency requirements, if any, proving that the owner has a
413 complete understanding of the owner's obligations under the law
414 as specified in the disclosure statement in this section. If any
415 person violates the requirements of this subsection, the local
416 permitting agency shall withhold final approval, revoke the
417 permit, or pursue any action or remedy for unlicensed activity



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418 against the owner and any person performing work that requires
419 licensure under the permit issued. The local permitting agency
420 shall provide the person with a disclosure statement in
421 substantially the following form:

422
423 DISCLOSURE STATEMENT

424
425 1. I understand that state law requires construction
426 to be done by a licensed contractor and have applied
427 for an owner-builder permit under an exemption from
428 the law. The exemption specifies that I, as the owner
429 of the property listed, may act as my own contractor
430 with certain restrictions even though I do not have a
431 license.

432
433 2. I understand that building permits are not required
434 to be signed by a property owner unless he or she is
435 responsible for the construction and is not hiring a
436 licensed contractor to assume responsibility.

437
438 3. I understand that, as an owner-builder, I am the
439 responsible party of record on a permit. I understand
440 that I may protect myself from potential financial
441 risk by hiring a licensed contractor and having the
442 permit filed in his or her name instead of my own
443 name. I also understand that a contractor is required
444 by law to be licensed in Florida and to list his or
445 her license numbers on permits and contracts.
446



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447 4. I understand that I may build or improve a one-
448 family or two-family residence or a farm outbuilding.
449 I may also build or improve a commercial building if
450 the costs do not exceed \$75,000. The building or
451 residence must be for my own use or occupancy. It may
452 not be built or substantially improved for sale or
453 lease. If a building or residence that I have built or
454 substantially improved myself is sold or leased within
455 1 year after the construction is complete, the law
456 will presume that I built or substantially improved it
457 for sale or lease, which violates the exemption.

458
459 5. I understand that, as the owner-builder, I must
460 provide direct, onsite supervision of the
461 construction.

462
463 6. I understand that I may not hire an unlicensed
464 person to act as my contractor or to supervise persons
465 working on my building or residence. It is my
466 responsibility to ensure that the persons whom I
467 employ have the licenses required by law and by county
468 or municipal ordinance.

469
470 7. I understand that it is a frequent practice of
471 unlicensed persons to have the property owner obtain
472 an owner-builder permit that erroneously implies that
473 the property owner is providing his or her own labor
474 and materials. I, as an owner-builder, may be held
475 liable and subjected to serious financial risk for any



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476 injuries sustained by an unlicensed person or his or
477 her employees while working on my property. My
478 homeowner's insurance may not provide coverage for
479 those injuries. I am willfully acting as an owner-
480 builder and am aware of the limits of my insurance
481 coverage for injuries to workers on my property.

482
483 8. I understand that I may not delegate the
484 responsibility for supervising work to a licensed
485 contractor who is not licensed to perform the work
486 being done. Any person working on my building who is
487 not licensed must work under my direct supervision and
488 must be employed by me, which means that I must comply
489 with laws requiring the withholding of federal income
490 tax and social security contributions under the
491 Federal Insurance Contributions Act (FICA) and must
492 provide workers' compensation for the employee. I
493 understand that my failure to follow these laws may
494 subject me to serious financial risk.

495
496 9. I agree that, as the party legally and financially
497 responsible for this proposed construction activity, I
498 will abide by all applicable laws and requirements
499 that govern owner-builders as well as employers. I
500 also understand that the construction must comply with
501 all applicable laws, ordinances, building codes, and
502 zoning regulations.

503
504 10. I understand that I may obtain more information



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505 regarding my obligations as an employer from the
506 Internal Revenue Service, the United States Small
507 Business Administration, the Florida Department of
508 Financial Services, and the Florida Department of
509 Revenue. I also understand that I may contact the
510 Florida Construction Industry Licensing Board at
511 ...(telephone number)... or ... (Internet website
512 address)... for more information about licensed
513 contractors.

514
515 11. I am aware of, and consent to, an owner-builder
516 building permit applied for in my name and understand
517 that I am the party legally and financially
518 responsible for the proposed construction activity at
519 the following address: ...(address of property)....

520
521 12. I agree to notify ...(issuer of disclosure
522 statements)... immediately of any additions,
523 deletions, or changes to any of the information that I
524 have provided on this disclosure.

525
526 Licensed contractors are regulated by laws designed to
527 protect the public. If you contract with a person who
528 does not have a license, the Construction Industry
529 Licensing Board and Department of Business and
530 Professional Regulation may be unable to assist you
531 with any financial loss that you sustain as a result
532 of a complaint. Your only remedy against an unlicensed
533 contractor may be in civil court. It is also important



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534 for you to understand that, if an unlicensed
535 contractor or employee of an individual or firm is
536 injured while working on your property, you may be
537 held liable for damages. If you obtain an owner-
538 builder permit and wish to hire a licensed contractor,
539 you will be responsible for verifying whether the
540 contractor is properly licensed and the status of the
541 contractor's workers' compensation coverage.

542
543 Before a building permit may be issued, this
544 disclosure statement must be completed and signed by
545 the property owner and returned to the local
546 permitting agency responsible for issuing the permit.
547 A copy of the property owner's driver license, the
548 notarized signature of the property owner, or other
549 type of verification acceptable to the local
550 permitting agency is required when the permit is
551 issued.

552
553 Signature: ...(signature of property owner)....

554 Date: ...(date)....

555
556 ~~State law requires construction to be done by licensed~~
557 ~~contractors. You have applied for a permit under an exemption to~~
558 ~~that law. The exemption allows you, as the owner of your~~
559 ~~property, to act as your own contractor with certain~~
560 ~~restrictions even though you do not have a license. You must~~
561 ~~provide direct, onsite supervision of the construction yourself.~~
562 ~~You may build or improve a one-family or two-family residence or~~



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563 ~~a farm outbuilding. You may also build or improve a commercial~~
564 ~~building, provided your costs do not exceed \$75,000. The~~
565 ~~building or residence must be for your own use or occupancy. It~~
566 ~~may not be built or substantially improved for sale or lease. If~~
567 ~~you sell or lease a building you have built or substantially~~
568 ~~improved yourself within 1 year after the construction is~~
569 ~~complete, the law will presume that you built or substantially~~
570 ~~improved it for sale or lease, which is a violation of this~~
571 ~~exemption. You may not hire an unlicensed person to act as your~~
572 ~~contractor or to supervise people working on your building. It~~
573 ~~is your responsibility to make sure that people employed by you~~
574 ~~have licenses required by state law and by county or municipal~~
575 ~~licensing ordinances. You may not delegate the responsibility~~
576 ~~for supervising work to a licensed contractor who is not~~
577 ~~licensed to perform the work being done. Any person working on~~
578 ~~your building who is not licensed must work under your direct~~
579 ~~supervision and must be employed by you, which means that you~~
580 ~~must deduct F.I.C.A. and withholding tax and provide workers'~~
581 ~~compensation for that employee, all as prescribed by law. Your~~
582 ~~construction must comply with all applicable laws, ordinances,~~
583 ~~building codes, and zoning regulations.~~

584 Section 24. Paragraph (q) of subsection (3) of section
585 489.105, Florida Statutes, is amended to read:

586 489.105 Definitions.—As used in this part:

587 (3) "Contractor" means the person who is qualified for, and
588 shall only be responsible for, the project contracted for and
589 means, except as exempted in this part, the person who, for
590 compensation, undertakes to, submits a bid to, or does himself
591 or herself or by others construct, repair, alter, remodel, add



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592 to, demolish, subtract from, or improve any building or
593 structure, including related improvements to real estate, for
594 others or for resale to others; and whose job scope is
595 substantially similar to the job scope described in one of the
596 subsequent paragraphs of this subsection. For the purposes of
597 regulation under this part, "demolish" applies only to
598 demolition of steel tanks over 50 feet in height; towers over 50
599 feet in height; other structures over 50 feet in height, other
600 than buildings or residences over three stories tall; and
601 buildings or residences over three stories tall. Contractors are
602 subdivided into two divisions, Division I, consisting of those
603 contractors defined in paragraphs (a)-(c), and Division II,
604 consisting of those contractors defined in paragraphs (d)-(q):

605 (q) "Specialty contractor" means a contractor whose scope
606 of work and responsibility is limited to a particular phase of
607 construction established in a category adopted by board rule and
608 whose scope is limited to a subset of the activities described
609 ~~in the categories established in~~ one of the paragraphs of this
610 subsection.

611 Section 25. Paragraph (d) of subsection (1) of section
612 489.109, Florida Statutes, is amended to read:

613 489.109 Fees.—

614 (1) The board, by rule, shall establish reasonable fees to
615 be paid for applications, certification and renewal,
616 registration and renewal, and recordmaking and recordkeeping.
617 The fees shall be established as follows:

618 (d) With respect to an application for registration or
619 certification to qualify a business organization, the initial
620 application fee and the renewal fee shall be \$50. The board, by



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621 ~~rule, may establish a fee for transfer of a certificate of~~
622 ~~authority from one business organization to another, not to~~
623 ~~exceed the applicable renewal fee.~~

624 Section 26. Section 489.114, Florida Statutes, is amended
625 to read:

626 489.114 Evidence of workers' compensation coverage.—Except
627 as provided in s. 489.115(5)(d), any person, business
628 organization, or qualifying agent engaged in the business of
629 contracting in this state and certified or registered under this
630 part shall, as a condition precedent to the issuance or renewal
631 of a certificate or, ~~registration, or certificate of authority~~
632 of the contractor, provide to the Construction Industry
633 Licensing Board, as provided by board rule, evidence of workers'
634 compensation coverage pursuant to chapter 440. In the event that
635 the Division of Workers' Compensation of the Department of
636 Financial Services receives notice of the cancellation of a
637 policy of workers' compensation insurance insuring a person or
638 entity governed by this section, the Division of Workers'
639 Compensation shall certify and identify all persons or entities
640 by certification or registration license number to the
641 department after verification is made by the Division of
642 Workers' Compensation that persons or entities governed by this
643 section are no longer covered by workers' compensation
644 insurance. Such certification and verification by the Division
645 of Workers' Compensation may result from records furnished to
646 the Division of Workers' Compensation by the persons or entities
647 governed by this section or an investigation completed by the
648 Division of Workers' Compensation. The department shall notify
649 the persons or entities governed by this section who have been



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650 determined to be in noncompliance with chapter 440, and the
651 persons or entities notified shall provide certification of
652 compliance with chapter 440 to the department and pay an
653 administrative fine in the amount of \$500. The failure to
654 maintain workers' compensation coverage as required by law shall
655 be grounds for the board to revoke, suspend, or deny the
656 issuance or renewal of a certificate or registration, ~~or~~
657 ~~certificate of authority~~ of the contractor under the provisions
658 of s. 489.129.

659 Section 27. Paragraph (b) of subsection (4) of section
660 489.115, Florida Statutes, is amended to read:

661 489.115 Certification and registration; endorsement;
662 reciprocity; renewals; continuing education.-

663 (4)

664 (b)1. Each certificateholder or registrant shall provide
665 proof, in a form established by rule of the board, that the
666 certificateholder or registrant has completed at least 14
667 classroom hours of at least 50 minutes each of continuing
668 education courses during each biennium since the issuance or
669 renewal of the certificate or registration. The board shall
670 establish by rule that a portion of the required 14 hours must
671 deal with the subject of workers' compensation, business
672 practices, workplace safety, and, for applicable licensure
673 categories, wind mitigation methodologies, and 1 hour of which
674 must deal with laws and rules. The board shall by rule establish
675 criteria for the approval of continuing education courses and
676 providers, including requirements relating to the content of
677 courses and standards for approval of providers, and may by rule
678 establish criteria for accepting alternative nonclassroom



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679 continuing education on an hour-for-hour basis. The board shall
680 prescribe by rule the continuing education, if any, which is
681 required during the first biennium of initial licensure. A
682 person who has been licensed for less than an entire biennium
683 must not be required to complete the full 14 hours of continuing
684 education.

685 2. In addition, the board may approve specialized
686 continuing education courses on compliance with the wind
687 resistance provisions for one and two family dwellings contained
688 in the Florida Building Code and any alternate methodologies for
689 providing such wind resistance which have been approved for use
690 by the Florida Building Commission. Division I
691 certificateholders or registrants who demonstrate proficiency
692 upon completion of such specialized courses may certify plans
693 and specifications for one and two family dwellings to be in
694 compliance with the code or alternate methodologies, as
695 appropriate, except for dwellings located in floodways or
696 coastal hazard areas as defined in ss. 60.3D and E of the
697 National Flood Insurance Program.

698 ~~3. Each certificateholder or registrant shall provide to~~
699 ~~the board proof of completion of the core curriculum courses, or~~
700 ~~passing the equivalency test of the Building Code Training~~
701 ~~Program established under s. 553.841, specific to the licensing~~
702 ~~category sought, within 2 years after commencement of the~~
703 ~~program or of initial certification or registration, whichever~~
704 ~~is later. Classroom hours spent taking core curriculum courses~~
705 ~~shall count toward the number required for renewal of~~
706 ~~certificates or registration. A certificateholder or registrant~~
707 ~~who passes the equivalency test in lieu of taking the core~~



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708 ~~curriculum courses shall receive full credit for core curriculum~~
709 ~~course hours.~~

710 ~~3.4.~~ The board shall require, by rule adopted pursuant to
711 ss. 120.536(1) and 120.54, a specified number of hours in
712 specialized or advanced module courses, approved by the Florida
713 Building Commission, on any portion of the Florida Building
714 Code, adopted pursuant to part IV of chapter 553, relating to
715 the contractor's respective discipline.

716 Section 28. Paragraph (a) of subsection (1) and subsections
717 (4) and (5) of section 489.117, Florida Statutes, are amended to
718 read:

719 489.117 Registration; specialty contractors.—

720 (1) (a) Any person engaged in the business of a contractor
721 as defined in s. 489.105(3) (a)-(o) must ~~in the state shall be~~
722 ~~registered in the proper classification, unless he or she is~~
723 ~~certified. Any person entering the business of a contractor~~
724 ~~shall be registered before~~ prior to engaging in business as a
725 contractor in this state, unless he or she is certified. To be
726 initially registered, the applicant shall submit the required
727 fee and file evidence, ~~in a form provided by the department, of~~
728 ~~holding a current local occupational license required by any~~
729 ~~municipality, county, or development district, if any, for the~~
730 ~~type of work for which registration is desired and evidence of~~
731 successful compliance with the local examination and licensing
732 requirements, if any, in the area for which registration is
733 desired. An ~~No~~ examination is not ~~shall be~~ required for
734 registration.

735 (4) (a) A person holding a local license whose job scope
736 does not substantially correspond to either the job scope of one



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737 of the contractor categories defined in s. 489.105(3)(a)-(o), or
738 the job scope of one of the certified specialty contractor
739 categories ~~previously established by board rule as of the~~
740 ~~effective date of this provision, is~~ shall not be required to
741 register with the board to perform contracting activities within
742 the scope of such specialty license.

743 ~~(b) A local jurisdiction may require an individual holding~~
744 ~~a local specialty contractor license in a category which~~
745 ~~pursuant to paragraph (a) does not permit registration to obtain~~
746 ~~a tracking registration from the board, provided that the board~~
747 ~~has established by rule that the activities which comprise the~~
748 ~~job scope of the local specialty contractor license involve~~
749 ~~lifesafety considerations and a significant potential danger to~~
750 ~~the consumer.~~

751 ~~(b)(c)~~ (b) The local jurisdictions are ~~shall be~~ responsible for
752 providing the following information to the board within 30 days
753 after licensure of, or any disciplinary action against, a
754 locally licensed contractor who is registered under this part:

- 755 1. Licensure information.~~7~~
- 756 2. Code violation information pursuant to s. 553.781.~~7~~ and
- 757 3. Disciplinary information. ~~on locally licensed~~
758 ~~individuals to the board within 30 days after licensure or any~~
759 ~~disciplinary action, and~~

760
761 The board shall maintain such licensure and disciplinary
762 information as it is provided to the board ~~them~~, and shall make
763 the ~~such~~ information available through the automated information
764 system provided pursuant to s. 455.2286. ~~The biennial tracking~~
765 ~~registration fee shall not exceed \$40.~~



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766 ~~(c)(d) Neither the board nor the department assumes any~~
767 ~~responsibility for providing discipline pursuant to having~~
768 ~~provided the tracking registration. Providing discipline to such~~
769 locally licensed contractors is individuals shall be the
770 responsibility of the local jurisdiction. ~~Failure to obtain a~~
771 ~~tracking registration shall not be considered a violation of~~
772 ~~this chapter; however, a local jurisdiction requiring such~~
773 ~~tracking registration may levy such penalties for failure to~~
774 ~~obtain the tracking registration as it chooses to provide~~
775 ~~through local ordinance.~~

776 ~~(d)(e)~~ Any person who is not required to obtain
777 registration or certification pursuant to s. 489.105(3)(d)-(o)
778 may perform ~~specialty~~ contracting services for the construction,
779 remodeling, repair, or improvement of single-family residences,
780 including a townhouse as defined in the Florida Building Code,
781 without obtaining a local ~~professional~~ license if such person is
782 under the supervision of a certified or registered general,
783 building, or residential contractor. As used in this paragraph,
784 supervision shall not be deemed to require the existence of a
785 direct contract between the certified or registered general,
786 building, or residential contractor and the person performing
787 specialty contracting services.

788 ~~(5) In order to establish uniformity among the job scopes~~
789 ~~established by local jurisdictions, the board shall, by rule,~~
790 ~~establish the job scope for any licensure category registered by~~
791 ~~the board under this part. The board shall not arbitrarily limit~~
792 ~~such scopes and shall restrict the job scopes only to the~~
793 ~~minimum extent necessary to ensure uniformity.~~

794 Section 29. Section 489.119, Florida Statutes, is amended



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795 to read:

796 489.119 Business organizations; qualifying agents.—

797 (1) If an individual proposes to engage in contracting in
798 the individual's own name, or a fictitious name where the
799 individual is doing business as a sole proprietorship,
800 registration or certification may be issued only to that
801 individual.

802 (2) If the applicant proposes to engage in contracting as a
803 business organization, including any partnership, corporation,
804 business trust, or other legal entity, or in any name other than
805 the applicant's legal name or a fictitious name where the
806 applicant is doing business as a sole proprietorship, the
807 applicant business organization must apply for registration or
808 certification as the ~~for a certificate of authority through a~~
809 qualifying agent of the business organization ~~and under the~~
810 ~~fictitious name, if any.~~

811 (a) An ~~The~~ application for registration or certification to
812 qualify a business organization ~~a certificate of authority~~ must
813 state the name of the partnership and of its partners; the name
814 of the corporation and of its officers and directors and the
815 name of each of its stockholders who is also an officer or
816 director; the name of the business trust and its trustees; or
817 the name of such other legal entity and its members; and must
818 state the fictitious name, if any, under which the business
819 organization is doing business.

820 (b)1. An ~~The~~ application for registration or certification
821 to qualify a business organization ~~primary qualifying agent~~ must
822 include an affidavit on a form provided by the board attesting
823 that the applicant has final approval authority for all



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824 construction work performed by the business organization entity
825 and that the applicant has final approval authority on all
826 business matters, including contracts, specifications, checks,
827 drafts, or payments, regardless of the form of payment, made by
828 the business organization entity, except where a financially
829 responsible officer is approved.

830 2. The application for financially responsible officer must
831 include an affidavit on a form provided by the board attesting
832 that the applicant's approval is required for all checks,
833 drafts, or payments, regardless of the form of payment, made by
834 the business organization entity and that the applicant has
835 authority to act for the business organization in all financial
836 matters.

837 3. The application for secondary qualifying agent must
838 include an affidavit on a form provided by the board attesting
839 that the applicant has authority to supervise all construction
840 work performed by the business organization entity as provided
841 in s. 489.1195(2).

842 (c) The board may deny an application for registration or
843 certification to qualify a business organization if the
844 applicant, or any person listed in paragraph (a), has been
845 involved in past disciplinary actions or on any grounds for
846 which an individual registration or certification may be denied.

847 (d)-(b) The applicant must furnish evidence of statutory
848 compliance if a fictitious name is used, the provisions of s.
849 865.09(7) notwithstanding.

850 (e)-(e) A joint venture, including a joint venture composed
851 of qualified business organizations, is itself a separate and
852 distinct organization that must be qualified ~~and obtain a~~



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853 ~~certificate of authority~~ in accordance with board rules.
854 ~~(d) A certificate of authority must be renewed every 2~~
855 ~~years. If there is a change in any information that is required~~
856 ~~to be stated on the application, the business organization~~
857 ~~shall, within 45 days after such change occurs, mail the correct~~
858 ~~information to the department.~~

859 (3) (a) A ~~The~~ qualifying agent must ~~shall~~ be certified or
860 registered under this part in order for the business
861 organization to operate ~~be issued a certificate of authority~~ in
862 the category of contracting ~~in the business conducted for which~~
863 the qualifying agent is certified or registered. If any
864 qualifying agent ceases to be affiliated with a ~~such~~ business
865 organization, he or she shall ~~so~~ inform the department. In
866 addition, if the ~~such~~ qualifying agent is the only certified or
867 registered contractor affiliated with the business organization,
868 the business organization shall notify the department of the
869 termination of the qualifying agent and shall have 60 days from
870 the termination of the qualifying agent's affiliation with the
871 business organization in which to employ another qualifying
872 agent. The business organization may not engage in contracting
873 until a qualifying agent is employed, unless the executive
874 director or chair of the board has granted a temporary
875 nonrenewable certificate or registration to the financially
876 responsible officer, the president, a partner, or, in the case
877 of a limited partnership, the general partner, who assumes all
878 responsibilities of a primary qualifying agent for the business
879 organization ~~entity~~. This temporary certificate or registration
880 shall only allow the business organization ~~entity~~ to proceed
881 with incomplete contracts. For the purposes of this paragraph,



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882 an incomplete contract is one which has been awarded to, or
883 entered into by, the business organization prior to the
884 cessation of affiliation of the qualifying agent with the
885 business organization or one on which the business organization
886 was the low bidder and the contract is subsequently awarded,
887 regardless of whether any actual work has commenced under the
888 contract prior to the qualifying agent ceasing to be affiliated
889 with the business organization.

890 (b) The qualifying agent shall inform the department in
891 writing when he or she proposes to engage in contracting in his
892 or her own name or in affiliation with another business
893 organization, and he or she or such new business organization
894 shall supply the same information to the department as required
895 of applicants under this part.

896 ~~(c) Upon a favorable determination by the board, after~~
897 ~~investigation of the financial responsibility, credit, and~~
898 ~~business reputation of the qualifying agent and the new business~~
899 ~~organization, the department shall issue, without an~~
900 ~~examination, a new certificate of authority in the business~~
901 ~~organization's name.~~

902 ~~(4) Disciplinary action against a business organization~~
903 ~~holding a certificate of authority shall be administered in the~~
904 ~~same manner and on the same grounds as disciplinary action~~
905 ~~against a contractor. The board may deny the certification of~~
906 ~~any person cited in subsection (2) if the person has been~~
907 ~~involved in past disciplinary actions or on any grounds for~~
908 ~~which individual certification can be denied.~~

909 ~~(4)(5)~~ When a certified qualifying agent, on behalf of a
910 business organization, makes application for a business tax



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911 ~~receipt an occupational license~~ in any municipality or county of
912 this state, the application shall be made with the tax collector
913 in the name of the business organization and the qualifying
914 agent; and the license, when issued, shall be issued to the
915 business organization, upon payment of the appropriate licensing
916 fee and exhibition to the tax collector of a valid certificate
917 for the qualifying agent ~~and a valid certificate of authority~~
918 ~~for the business organization~~ issued by the department, and the
919 state license numbers shall be noted thereon.

920 (5)~~(6)~~(a) Each registered or certified contractor shall
921 affix the number of his or her registration or certification to
922 each application for a building permit and on each building
923 permit issued and recorded. Each city or county building
924 department shall require, as a precondition for the issuance of
925 the building permit, that the contractor taking out the permit
926 must provide verification giving his or her Construction
927 Industry Licensing Board registration or certification number.

928 (b) The registration or certification number of each
929 contractor ~~or certificate of authority number for each business~~
930 ~~organization~~ shall appear in each offer of services, business
931 proposal, bid, contract, or advertisement, regardless of medium,
932 as defined by board rule, used by that contractor or business
933 organization in the practice of contracting.

934 (c) If a vehicle bears the name of a contractor or business
935 organization, or any text or artwork which would lead a
936 reasonable person to believe that the vehicle is used for
937 contracting, the registration or certification number of the
938 contractor ~~or certificate of authority number of the business~~
939 ~~organization~~ must be conspicuously and legibly displayed with



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940 the name, text, or artwork. Local governments may also require
941 that locally licensed contractors must also display their
942 certificate of competency or license numbers. Nothing in this
943 paragraph shall be construed to create a mandatory vehicle
944 signage requirement.

945 (d) For the purposes of this part, the term "advertisement"
946 does not include business stationery or any promotional
947 novelties such as balloons, pencils, trinkets, or articles of
948 clothing.

949 (e) The board shall issue a notice of noncompliance for the
950 first offense, and may assess a fine or issue a citation for
951 failure to correct the offense within 30 days or for any
952 subsequent offense, to any contractor or business organization
953 that fails to include the certification or registration, ~~or~~
954 ~~certificate of authority~~ number as required by this part when
955 submitting an advertisement for publication, broadcast, or
956 printing or fails to display the certification or registration,
957 ~~or certificate of authority~~ number as required by this part.

958 (f) In addition to any other penalty prescribed by law, a
959 local government may impose a civil fine pursuant to s.
960 489.127(5) against a person who is not certified or registered
961 under this part if the person:

962 1. Claims to be licensed in any offer of services, business
963 proposal, bid, contract, or advertisement, but who does not
964 possess a valid competency-based license issued by a local
965 government in this state to perform the specified construction
966 services; or

967 2. Claims to be insured in any offer of services, business
968 proposal, bid, contract, or advertisement, but whose performance



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969 of the subject work is not covered by a general liability or
970 workers' compensation insurance policy.

971 (6)~~(7)~~ Each qualifying agent shall pay the department an
972 amount equal to the original fee for registration or
973 certification to qualify ~~a certificate of authority of~~ a new
974 business organization. If the qualifying agent for a business
975 organization desires to qualify additional business
976 organizations, the board shall require the qualifying agent ~~him~~
977 ~~or her~~ to present evidence of his or her ability to supervise
978 the construction activities ~~and financial responsibility~~ of each
979 such organization. Approval of each business organization ~~The~~
980 ~~issuance of such certificate of authority~~ is discretionary with
981 the board.

982 (7)~~(8)~~(a) A business organization proposing to engage in
983 contracting is not required to apply for or obtain authorization
984 under this part to engage in contracting if:

985 1. The business organization employs one or more registered
986 or certified contractors licensed in accordance with this part
987 who are responsible for obtaining permits and supervising all of
988 the business organization's contracting activities;

989 2. The business organization engages only in contracting on
990 property owned by the business organization or by its parent,
991 subsidiary, or affiliated entities; and

992 3. The business organization, or its parent entity if the
993 business organization is a wholly owned subsidiary, maintains a
994 minimum net worth of \$20 million.

995 (b) Any business organization engaging in contracting under
996 this subsection shall provide the board with the name and
997 license number of each registered or certified contractor



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998 employed by the business organization to supervise its
999 contracting activities. The business organization is not
1000 required to post a bond or otherwise evidence any financial or
1001 credit information except as necessary to demonstrate compliance
1002 with paragraph (a).

1003 (c) A registered or certified contractor employed by a
1004 business organization to supervise its contracting activities
1005 under this subsection shall not be required to post a bond or
1006 otherwise evidence any personal financial or credit information
1007 so long as the individual performs contracting activities
1008 exclusively on behalf of a business organization meeting all of
1009 the requirements of paragraph (a).

1010 Section 30. Subsection (1) of section 489.127, Florida
1011 Statutes, is amended to read:

1012 489.127 Prohibitions; penalties.—

1013 (1) No person shall:

1014 (a) Falsely hold himself or herself or a business
1015 organization out as a licensee, certificateholder, or
1016 registrant;

1017 (b) Falsely impersonate a certificateholder or registrant;

1018 (c) Present as his or her own the certificate or
1019 registration, ~~or certificate of authority~~ of another;

1020 (d) Knowingly give false or forged evidence to the board or
1021 a member thereof;

1022 (e) Use or attempt to use a certificate or registration
1023 that, ~~or certificate of authority which~~ has been suspended or
1024 revoked;

1025 (f) Engage in the business or act in the capacity of a
1026 contractor or advertise himself or herself or a business



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1027 organization as available to engage in the business or act in
1028 the capacity of a contractor without being duly registered or
1029 certified ~~or having a certificate of authority;~~

1030 (g) Operate a business organization engaged in contracting
1031 after 60 days following the termination of its only qualifying
1032 agent without designating another primary qualifying agent,
1033 except as provided in ss. 489.119 and 489.1195;

1034 (h) Commence or perform work for which a building permit is
1035 required pursuant to part IV of chapter 553 without such
1036 building permit being in effect; or

1037 (i) Willfully or deliberately disregard or violate any
1038 municipal or county ordinance relating to uncertified or
1039 unregistered contractors.

1040
1041 For purposes of this subsection, a person or business
1042 organization operating on an inactive or suspended certificate
1043 or ~~registration, or certificate of authority~~ is not duly
1044 certified or registered and is considered unlicensed. A business
1045 tax receipt issued under the authority of chapter 205 is not a
1046 license for purposes of this part.

1047 Section 31. Effective upon this act becoming a law,
1048 paragraph (a) of subsection (1) of section 489.128, Florida
1049 Statutes, is amended to read:

1050 489.128 Contracts entered into by unlicensed contractors
1051 unenforceable.—

1052 (1) As a matter of public policy, contracts entered into on
1053 or after October 1, 1990, by an unlicensed contractor shall be
1054 unenforceable in law or in equity by the unlicensed contractor.

1055 (a) For purposes of this section, an individual is



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1056 unlicensed if the individual does not have a license required by
1057 this part concerning the scope of the work to be performed under
1058 the contract. A business organization is unlicensed if the
1059 business organization does not have a primary or secondary
1060 qualifying agent in accordance with this part concerning the
1061 scope of the work to be performed under the contract. For
1062 purposes of this section, if a ~~no~~ state ~~or local~~ license is not
1063 required for the scope of work to be performed under the
1064 contract, the individual performing that work is ~~shall~~ not ~~be~~
1065 considered unlicensed.

1066 Section 32. Paragraph (b) of subsection (1) of section
1067 489.128, Florida Statutes, is amended to read:

1068 489.128 Contracts entered into by unlicensed contractors
1069 unenforceable.—

1070 (1) As a matter of public policy, contracts entered into on
1071 or after October 1, 1990, by an unlicensed contractor shall be
1072 unenforceable in law or in equity by the unlicensed contractor.

1073 (b) For purposes of this section, an individual or business
1074 organization may not be considered unlicensed for failing to
1075 have a business tax receipt issued under the authority of
1076 chapter 205. ~~A business organization may not be considered~~
1077 ~~unlicensed for failing to have a certificate of authority as~~
1078 ~~required by ss. 489.119 and 489.127. For purposes of this~~
1079 ~~section, a business organization entering into the contract may~~
1080 ~~not be considered unlicensed if, before the date established by~~
1081 ~~paragraph (c), an individual possessing a license required by~~
1082 ~~this part concerning the scope of the work to be performed under~~
1083 ~~the contract has submitted an application for a certificate of~~
1084 ~~authority designating that individual as a qualifying agent for~~



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1085 ~~the business organization entering into the contract, and the~~
1086 ~~application was not acted upon by the department or applicable~~
1087 ~~board within the time limitations imposed by s. 120.60.~~

1088 Section 33. Subsections (1), (5), and (7) of section
1089 489.129, Florida Statutes, are amended to read:

1090 489.129 Disciplinary proceedings.—

1091 (1) The board may take any of the following actions against
1092 any certificateholder or registrant: place on probation or
1093 reprimand the licensee, revoke, suspend, or deny the issuance or
1094 renewal of the certificate or registration, ~~or certificate of~~
1095 ~~authority~~, require financial restitution to a consumer for
1096 financial harm directly related to a violation of a provision of
1097 this part, impose an administrative fine not to exceed \$10,000
1098 per violation, require continuing education, or assess costs
1099 associated with investigation and prosecution, if the
1100 contractor, financially responsible officer, or business
1101 organization for which the contractor is a primary qualifying
1102 agent, a financially responsible officer, or a secondary
1103 qualifying agent responsible under s. 489.1195 is found guilty
1104 of any of the following acts:

1105 (a) Obtaining a certificate or registration, ~~or~~
1106 ~~certificate of authority~~ by fraud or misrepresentation.

1107 (b) Being convicted or found guilty of, or entering a plea
1108 of nolo contendere to, regardless of adjudication, a crime in
1109 any jurisdiction which directly relates to the practice of
1110 contracting or the ability to practice contracting.

1111 (c) Violating any provision of chapter 455.

1112 (d) Performing any act which assists a person or entity in
1113 engaging in the prohibited uncertified and unregistered practice



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1114 of contracting, if the certificateholder or registrant knows or
1115 has reasonable grounds to know that the person or entity was
1116 uncertified and unregistered.

1117 (e) Knowingly combining or conspiring with an uncertified
1118 or unregistered person by allowing his or her certificate or
1119 registration, ~~or certificate of authority~~ to be used by the
1120 uncertified or unregistered person with intent to evade the
1121 provisions of this part. When a certificateholder or registrant
1122 allows his or her certificate or registration to be used by one
1123 or more business organizations without having any active
1124 participation in the operations, management, or control of such
1125 business organizations, such act constitutes prima facie
1126 evidence of an intent to evade the provisions of this part.

1127 (f) Acting in the capacity of a contractor under any
1128 certificate or registration issued hereunder except in the name
1129 of the certificateholder or registrant as set forth on the
1130 issued certificate or registration, or in accordance with the
1131 personnel of the certificateholder or registrant as set forth in
1132 the application for the certificate or registration, or as later
1133 changed as provided in this part.

1134 (g) Committing mismanagement or misconduct in the practice
1135 of contracting that causes financial harm to a customer.
1136 Financial mismanagement or misconduct occurs when:

1137 1. Valid liens have been recorded against the property of a
1138 contractor's customer for supplies or services ordered by the
1139 contractor for the customer's job; the contractor has received
1140 funds from the customer to pay for the supplies or services; and
1141 the contractor has not had the liens removed from the property,
1142 by payment or by bond, within 75 days after the date of such



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1143 liens;

1144 2. The contractor has abandoned a customer's job and the
1145 percentage of completion is less than the percentage of the
1146 total contract price paid to the contractor as of the time of
1147 abandonment, unless the contractor is entitled to retain such
1148 funds under the terms of the contract or refunds the excess
1149 funds within 30 days after the date the job is abandoned; or

1150 3. The contractor's job has been completed, and it is shown
1151 that the customer has had to pay more for the contracted job
1152 than the original contract price, as adjusted for subsequent
1153 change orders, unless such increase in cost was the result of
1154 circumstances beyond the control of the contractor, was the
1155 result of circumstances caused by the customer, or was otherwise
1156 permitted by the terms of the contract between the contractor
1157 and the customer.

1158 (h) Being disciplined by any municipality or county for an
1159 act or violation of this part.

1160 (i) Failing in any material respect to comply with the
1161 provisions of this part or violating a rule or lawful order of
1162 the board.

1163 (j) Abandoning a construction project in which the
1164 contractor is engaged or under contract as a contractor. A
1165 project may be presumed abandoned after 90 days if the
1166 contractor terminates the project without just cause or without
1167 proper notification to the owner, including the reason for
1168 termination, or fails to perform work without just cause for 90
1169 consecutive days.

1170 (k) Signing a statement with respect to a project or
1171 contract falsely indicating that the work is bonded; falsely



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1172 indicating that payment has been made for all subcontracted
1173 work, labor, and materials which results in a financial loss to
1174 the owner, purchaser, or contractor; or falsely indicating that
1175 workers' compensation and public liability insurance are
1176 provided.

1177 (l) Committing fraud or deceit in the practice of
1178 contracting.

1179 (m) Committing incompetency or misconduct in the practice
1180 of contracting.

1181 (n) Committing gross negligence, repeated negligence, or
1182 negligence resulting in a significant danger to life or
1183 property.

1184 (o) Proceeding on any job without obtaining applicable
1185 local building department permits and inspections.

1186 (p) Intimidating, threatening, coercing, or otherwise
1187 discouraging the service of a notice to owner under part I of
1188 chapter 713 or a notice to contractor under chapter 255 or part
1189 I of chapter 713.

1190 (q) Failing to satisfy within a reasonable time, the terms
1191 of a civil judgment obtained against the licensee, or the
1192 business organization qualified by the licensee, relating to the
1193 practice of the licensee's profession.

1194
1195 For the purposes of this subsection, construction is considered
1196 to be commenced when the contract is executed and the contractor
1197 has accepted funds from the customer or lender. A contractor
1198 does not commit a violation of this subsection when the
1199 contractor relies on a building code interpretation rendered by
1200 a building official or person authorized by s. 553.80 to enforce



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1201 the building code, absent a finding of fraud or deceit in the
1202 practice of contracting, or gross negligence, repeated
1203 negligence, or negligence resulting in a significant danger to
1204 life or property on the part of the building official, in a
1205 proceeding under chapter 120.

1206 (5) The board may not reinstate the certification or
1207 registration, ~~or certificate of authority~~ of, or cause a
1208 certificate or registration, ~~or certificate of authority~~ to be
1209 issued to, a person who or business organization which the board
1210 has determined is unqualified or whose certificate or
1211 registration, ~~or certificate of authority~~ the board has
1212 suspended until it is satisfied that such person or business
1213 organization has complied with all the terms and conditions set
1214 forth in the final order and is capable of competently engaging
1215 in the business of contracting.

1216 (7) The board shall not issue or renew a certificate or
1217 registration, ~~or certificate of authority~~ to any person or
1218 business organization that has been assessed a fine, interest,
1219 or costs associated with investigation and prosecution, or has
1220 been ordered to pay restitution, until such fine, interest, or
1221 costs associated with investigation and prosecution or
1222 restitution are paid in full or until all terms and conditions
1223 of the final order have been satisfied.

1224 Section 34. Subsection (5) of section 489.132, Florida
1225 Statutes, is amended to read:

1226 489.132 Prohibited acts by unlicensed principals;
1227 investigation; hearing; penalties.—

1228 (5) The department may suspend, revoke, or deny issuance or
1229 renewal of a certificate or registration, ~~or certificate of~~



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1230 ~~authority~~ for any individual or business organization that
1231 associates a person as an officer, director, or partner, or in a
1232 managerial or supervisory capacity, after such person has been
1233 found under a final order to have violated this section or was
1234 an officer, director, partner, trustee, or manager of a business
1235 organization disciplined by the board by revocation, suspension,
1236 or fine in excess of \$2,500, upon finding reasonable cause that
1237 such person knew or reasonably should have known of the conduct
1238 leading to the discipline.

1239 Section 35. Subsection (1) of section 489.1455, Florida
1240 Statutes, is amended to read:

1241 489.1455 Journeyman; reciprocity; standards.—

1242 (1) An individual who holds a valid, active journeyman
1243 license in the plumbing/pipe fitting, mechanical, or HVAC trades
1244 issued by any county or municipality in this state may work as a
1245 journeyman in the trade in which he or she is licensed in any
1246 county or municipality of this state without taking an
1247 additional examination or paying an additional license fee, if
1248 he or she:

1249 (a) Has scored at least 70 percent, or after October 1,
1250 1997, at least 75 percent, on a proctored journeyman Block and
1251 Associates examination or other proctored examination approved
1252 by the board for the trade in which he or she is licensed;

1253 (b) Has completed an apprenticeship program registered with
1254 the Department of Labor and Employment Security and demonstrates
1255 4 years' verifiable practical experience in the trade for which
1256 he or she is licensed, or demonstrates 6 years' verifiable
1257 practical experience in the trade for which he or she is
1258 licensed;



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1259 (c) Has satisfactorily completed specialized and advanced
1260 module coursework approved by the Florida Building Commission,
1261 as part of the Building Code Training Program established in s.
1262 553.841, specific to the discipline, ~~and successfully completed~~
1263 ~~the program's core curriculum courses or passed an equivalency~~
1264 ~~test in lieu of taking the core curriculum courses and provided~~
1265 ~~proof of completion of such curriculum courses or examination~~
1266 ~~and obtained a certificate from the board pursuant to this part~~
1267 or, pursuant to authorization by the certifying authority,
1268 provides proof of completion of such ~~curriculum or~~ coursework
1269 within 6 months after such certification; and

1270 (d) Has not had a license suspended or revoked within the
1271 last 5 years.

1272 Section 36. Subsection (19) of section 489.505, Florida
1273 Statutes, is amended to read:

1274 489.505 Definitions.—As used in this part:

1275 (19) "Specialty contractor" means a contractor whose scope
1276 of practice is limited to a specific segment of electrical or
1277 alarm system contracting established in a category adopted by
1278 board rule, including, but not limited to, residential
1279 electrical contracting, maintenance of electrical fixtures, and
1280 fabrication, erection, installation, and maintenance of
1281 electrical advertising signs together with the interrelated
1282 parts and supports thereof. ~~Categories of specialty contractor~~
1283 ~~shall be established by board rule.~~

1284 Section 37. Subsections (5), (6), and (7) of section
1285 489.513, Florida Statutes, are amended to read:

1286 489.513 Registration; application; requirements.—

1287 (5) Registration permits the registrant to engage in



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1288 contracting only in the area and for the type of work covered by
1289 the registration, unless local licenses are issued for other
1290 areas and types of work or unless certification is obtained.
1291 When a registrant desires to register in an additional area of
1292 the state, he or she shall ~~first~~ comply with any local
1293 requirements of that area and then file a request with the
1294 department, together with evidence of holding a current
1295 ~~occupational license or~~ license issued by the county or
1296 municipality for the area or areas in which he or she desires to
1297 be registered, whereupon his or her evidence of registration
1298 shall be endorsed by the department to reflect valid
1299 registration for the new area or areas.

1300 (6) The local jurisdictions are ~~shall be~~ responsible for
1301 providing the following information to the board within 30 days
1302 after licensure of, or any disciplinary action against, a
1303 locally licensed contractor who is registered under this part:

- 1304 (a) Licensure information. 7
1305 (b) Code violation information pursuant to s. 553.781. 7, ~~and~~
1306 (c) Disciplinary information. en locally licensed
1307 ~~individuals to the board within 30 days after licensure or any~~
1308 ~~disciplinary action, and~~

1309
1310 The board shall maintain such licensure and disciplinary
1311 information as it is provided to the board ~~them~~, and shall make
1312 the ~~such~~ information available through the automated information
1313 system provided pursuant to s. 455.2286.

1314 ~~(7) In order to establish uniformity among the job scopes~~
1315 ~~established by local jurisdictions, the board shall, by rule,~~
1316 ~~establish the job scope for any licensure category registered by~~



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1317 ~~the board under this part. The board shall not arbitrarily limit~~
1318 ~~such scopes and shall restrict the job scopes only to the~~
1319 ~~minimum extent necessary to ensure uniformity.~~

1320 Section 38. Subsection (3) of section 489.516, Florida
1321 Statutes, is amended to read:

1322 489.516 Qualifications to practice; restrictions;
1323 prerequisites.-

1324 (3) When a certificateholder desires to engage in
1325 contracting in any area of the state, as a prerequisite
1326 therefor, he or she shall only be required to exhibit to the
1327 local building official, tax collector, or other authorized
1328 person in charge of the issuance of licenses and building or
1329 electrical permits in the area evidence of holding a current
1330 certificate and a current business tax receipt issued by the
1331 jurisdiction in which the certificateholder's principal place of
1332 business is located, and having paid ~~to pay~~ the fee for the
1333 ~~occupational license and permit~~ required of other persons.
1334 However, a local construction regulation board may deny the
1335 issuance of an electrical permit to a certified contractor, or
1336 issue a permit with specific conditions, if the local
1337 construction regulation board has found such contractor, through
1338 the public hearing process, to be guilty of fraud or a willful
1339 building code violation within the county or municipality that
1340 the local construction regulation board represents, or if the
1341 local construction regulation board has proof that such
1342 contractor, through the public hearing process, has been found
1343 guilty, in another county or municipality within the past 12
1344 months, of fraud or a willful building code violation and finds,
1345 after providing notice to the contractor, that such fraud or



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1346 violation would have been fraud or a violation if committed in
1347 the county or municipality that the local construction board
1348 represents. Notification of and information concerning such
1349 permit denial shall be submitted to the Department of Business
1350 and Professional Regulation within 15 days after the local
1351 construction regulation board decides to deny the permit.

1352 Section 39. Subsection (3) of section 489.517, Florida
1353 Statutes, is amended to read:

1354 489.517 Renewal of certificate or registration; continuing
1355 education.—

1356 (3)(a) Each certificateholder or registrant shall provide
1357 proof, in a form established by rule of the board, that the
1358 certificateholder or registrant has completed at least 14
1359 classroom hours of at least 50 minutes each of continuing
1360 education courses during each biennium since the issuance or
1361 renewal of the certificate or registration. The board shall by
1362 rule establish criteria for the approval of continuing education
1363 courses and providers and may by rule establish criteria for
1364 accepting alternative nonclassroom continuing education on an
1365 hour-for-hour basis.

1366 ~~(b) Each certificateholder or registrant shall provide to~~
1367 ~~the board proof of completion of the core curriculum courses or~~
1368 ~~passing the equivalency test of the Building Code Training~~
1369 ~~Program established under s. 553.841, specific to the licensing~~
1370 ~~category sought, within 2 years after commencement of the~~
1371 ~~program or of initial certification or registration, whichever~~
1372 ~~is later. Classroom hours spent taking core curriculum courses~~
1373 ~~shall count toward the number required for renewal of~~
1374 ~~certificate or registration. A certificateholder or registrant~~



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1375 ~~who passes the equivalency test in lieu of taking the core~~
1376 ~~curriculum courses shall receive full credit for core curriculum~~
1377 ~~course hours.~~

1378 Section 40. Subsection (6) of section 489.521, Florida
1379 Statutes, is amended to read:

1380 489.521 Business organizations; qualifying agents.—

1381 (6) When a business organization qualified to engage in
1382 contracting makes application for a business tax receipt ~~an~~
1383 ~~occupational license~~ in any municipality or county of this
1384 state, the application shall be made with the tax collector in
1385 the name of the business organization, and the business tax
1386 receipt ~~license~~, when issued, shall be issued to the business
1387 organization upon payment of the appropriate licensing fee and
1388 exhibition to the tax collector of a valid certificate issued by
1389 the department.

1390 Section 41. Section 489.5315, Florida Statutes, is amended
1391 to read:

1392 489.5315 Proprietary electrical or alarm contractors.—
1393 Businesses that obtain an electrical or burglar alarm system
1394 license to work only on their own equipment, and that do not
1395 offer electrical or alarm contracting services to the public,
1396 are not electrical or burglar alarm system contracting
1397 businesses and do not have to obtain a business tax receipt ~~an~~
1398 ~~occupational license~~ in addition to any they are otherwise
1399 required to have.

1400 Section 42. Effective upon this act becoming a law,
1401 paragraph (a) of subsection (1) of section 489.532, Florida
1402 Statutes, is amended to read:

1403 489.532 Contracts entered into by unlicensed contractors



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1404 unenforceable.-

1405 (1) As a matter of public policy, contracts entered into on
1406 or after October 1, 1990, by an unlicensed contractor shall be
1407 unenforceable in law or in equity by the unlicensed contractor.

1408 (a) For purposes of this section, an individual is
1409 unlicensed if the individual does not have a license required by
1410 this part concerning the scope of the work to be performed under
1411 the contract. A business organization is unlicensed if the
1412 business organization does not have a primary or secondary
1413 qualifying agent in accordance with this part concerning the
1414 scope of the work to be performed under the contract. For
1415 purposes of this section, if a ~~ne~~ state ~~or local~~ license is not
1416 required for the scope of work to be performed under the
1417 contract, the individual performing that work is ~~shall~~ not ~~be~~
1418 considered unlicensed.

1419 Section 43. Paragraph (b) of subsection (3) of section
1420 489.537, Florida Statutes, is amended to read:

1421 489.537 Application of this part.-

1422 (3) Nothing in this act limits the power of a municipality
1423 or county:

1424 (b) To collect fees for business tax receipts ~~occupational~~
1425 ~~licenses~~ and inspections for engaging in contracting or
1426 examination fees from persons who are registered with the local
1427 boards pursuant to local examination requirements.

1428 Section 44. Section 509.233, Florida Statutes, is amended
1429 to read:

1430 509.233 Public food service establishment requirements;
1431 local exemption for dogs in designated outdoor portions; ~~pilot~~
1432 ~~program~~.-



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1433 ~~(1) INTENT. It is the intent of the Legislature by this~~
1434 ~~section to establish a 3-year pilot program for local~~
1435 ~~governments to allow patrons' dogs within certain designated~~
1436 ~~outdoor portions of public food service establishments.~~

1437 (1)~~(2)~~ LOCAL EXEMPTION AUTHORIZED.—Notwithstanding s.
1438 509.032(7), the governing body of a local government may
1439 ~~participating in the pilot program is authorized to establish,~~
1440 by ordinance, a local exemption procedure to certain provisions
1441 of the Food and Drug Administration Food Code, as currently
1442 adopted by the division, in order to allow patrons' dogs within
1443 certain designated outdoor portions of public food service
1444 establishments.

1445 (2)~~(3)~~ LOCAL DISCRETION; CODIFICATION.—

1446 (a) The adoption of the local exemption procedure shall be
1447 at the sole discretion of the governing body of a participating
1448 local government. Nothing in this section shall be construed to
1449 require or compel a local governing body to adopt an ordinance
1450 pursuant to this section.

1451 (b) Any ordinance adopted pursuant to this section shall
1452 provide for codification within the land development code of a
1453 participating local government.

1454 (3)~~(4)~~ LIMITATIONS ON EXEMPTION; PERMIT REQUIREMENTS.—

1455 (a) Any local exemption procedure adopted pursuant to this
1456 section shall only provide a variance to those portions of the
1457 currently adopted Food and Drug Administration Food Code in
1458 order to allow patrons' dogs within certain designated outdoor
1459 portions of public food service establishments.

1460 (b) In order to protect the health, safety, and general
1461 welfare of the public, the local exemption procedure shall



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1462 require participating public food service establishments to
1463 apply for and receive a permit from the governing body of the
1464 local government before allowing patrons' dogs on their
1465 premises. The local government shall require from the applicant
1466 such information as the local government deems reasonably
1467 necessary to enforce the provisions of this section, but shall
1468 require, at a minimum, the following information:

1469 1. The name, location, and mailing address of the public
1470 food service establishment.

1471 2. The name, mailing address, and telephone contact
1472 information of the permit applicant.

1473 3. A diagram and description of the outdoor area to be
1474 designated as available to patrons' dogs, including dimensions
1475 of the designated area; a depiction of the number and placement
1476 of tables, chairs, and restaurant equipment, if any; the
1477 entryways and exits to the designated outdoor area; the
1478 boundaries of the designated area and of other areas of outdoor
1479 dining not available for patrons' dogs; any fences or other
1480 barriers; surrounding property lines and public rights-of-way,
1481 including sidewalks and common pathways; and such other
1482 information reasonably required by the permitting authority. The
1483 diagram or plan shall be accurate and to scale but need not be
1484 prepared by a licensed design professional.

1485 4. A description of the days of the week and hours of
1486 operation that patrons' dogs will be permitted in the designated
1487 outdoor area.

1488 (c) In order to protect the health, safety, and general
1489 welfare of the public, the local exemption ordinance shall
1490 include such regulations and limitations as deemed necessary by



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1491 the participating local government and shall include, but not be
1492 limited to, the following requirements:

1493 1. All public food service establishment employees shall
1494 wash their hands promptly after touching, petting, or otherwise
1495 handling dogs. Employees shall be prohibited from touching,
1496 petting, or otherwise handling dogs while serving food or
1497 beverages or handling tableware or before entering other parts
1498 of the public food service establishment.

1499 2. Patrons in a designated outdoor area shall be advised
1500 that they should wash their hands before eating. Waterless hand
1501 sanitizer shall be provided at all tables in the designated
1502 outdoor area.

1503 3. Employees and patrons shall be instructed that they
1504 shall not allow dogs to come into contact with serving dishes,
1505 utensils, tableware, linens, paper products, or any other items
1506 involved in food service operations.

1507 4. Patrons shall keep their dogs on a leash at all times
1508 and shall keep their dogs under reasonable control.

1509 5. Dogs shall not be allowed on chairs, tables, or other
1510 furnishings.

1511 6. All table and chair surfaces shall be cleaned and
1512 sanitized with an approved product between seating of patrons.
1513 Spilled food and drink shall be removed from the floor or ground
1514 between seating of patrons.

1515 7. Accidents involving dog waste shall be cleaned
1516 immediately and the area sanitized with an approved product. A
1517 kit with the appropriate materials for this purpose shall be
1518 kept near the designated outdoor area.

1519 8. A sign or signs reminding employees of the applicable



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1520 rules shall be posted on premises in a manner and place as
1521 determined by the local permitting authority.

1522 9. A sign or signs reminding patrons of the applicable
1523 rules shall be posted on premises in a manner and place as
1524 determined by the local permitting authority.

1525 10. A sign or signs shall be posted in a manner and place
1526 as determined by the local permitting authority that places the
1527 public on notice that the designated outdoor area is available
1528 for the use of patrons and patrons' dogs.

1529 11. Dogs shall not be permitted to travel through indoor or
1530 nondesignated outdoor portions of the public food service
1531 establishment, and ingress and egress to the designated outdoor
1532 portions of the public food service establishment must not
1533 require entrance into or passage through any indoor area of the
1534 food establishment.

1535 (d) A permit issued pursuant to this section shall not be
1536 transferred to a subsequent owner upon the sale of a public food
1537 service establishment but shall expire automatically upon the
1538 sale of the establishment. The subsequent owner shall be
1539 required to reapply for a permit pursuant to this section if the
1540 subsequent owner wishes to continue to accommodate patrons'
1541 dogs.

1542 ~~(4)(5)~~ POWERS; ENFORCEMENT.—Participating local governments
1543 shall have such powers as are reasonably necessary to regulate
1544 and enforce the provisions of this section.

1545 ~~(5)(6)~~ STATE AND LOCAL COOPERATION.—The division shall
1546 provide reasonable assistance to participating local governments
1547 in the development of enforcement procedures and regulations,
1548 and participating local governments shall monitor permitholders



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1549 for compliance in cooperation with the division. At a minimum,
1550 participating local governments shall establish a procedure to
1551 accept, document, and respond to complaints and to timely report
1552 to the division all such complaints and the participating local
1553 governments' enforcement responses to such complaints. A
1554 participating local government shall provide the division with a
1555 copy of all approved applications and permits issued, and the
1556 participating local government shall require that all
1557 applications, permits, and other related materials contain the
1558 appropriate division-issued license number for each public food
1559 service establishment.

1560 ~~(7) FUTURE REVIEW AND REPEAL. This section shall expire~~
1561 ~~July 1, 2009, unless reviewed and saved from repeal through~~
1562 ~~reenactment by the Legislature.~~

1563 Section 45. Subsections (8) through (22) of section
1564 548.002, Florida Statutes, are renumbered as subsections (9)
1565 through (23), respectively, and a new subsection (8) is added to
1566 that section, to read:

1567 548.002 Definitions.—As used in this chapter, the term:

1568 (8) "Event" means one or more matches comprising a show.

1569 Section 46. Paragraph (k) of subsection (2) of section
1570 548.003, Florida Statutes, is amended to read:

1571 548.003 Florida State Boxing Commission.—

1572 (2) The Florida State Boxing Commission, as created by
1573 subsection (1), shall administer the provisions of this chapter.
1574 The commission has authority to adopt rules pursuant to ss.
1575 120.536(1) and 120.54 to implement the provisions of this
1576 chapter and to implement each of the duties and responsibilities
1577 conferred upon the commission, including, but not limited to:



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1578 (k) Establishment of criteria for approval, disapproval,
1579 suspension of approval, and revocation of approval of amateur
1580 sanctioning organizations for amateur boxing, ~~and~~ kickboxing,
1581 and mixed martial arts matches held in this state, including,
1582 but not limited to, the health and safety standards the
1583 organizations use before, during, and after the matches to
1584 ensure the health, safety, and well-being of the amateurs
1585 participating in the matches, including the qualifications and
1586 numbers of health care personnel required to be present, the
1587 qualifications required for referees, and other requirements
1588 relating to the health, safety, and well-being of the amateurs
1589 participating in the matches. The commission may adopt by rule,
1590 or incorporate by reference into rule, the health and safety
1591 standards of USA Boxing as the minimum health and safety
1592 standards for an amateur boxing sanctioning organization, ~~and~~
1593 the health and safety standards of the International Sport
1594 Kickboxing Association as the minimum health and safety
1595 standards for an amateur kickboxing sanctioning organization,
1596 and the minimum health and safety standards for an amateur mixed
1597 martial arts sanctioning organization. The commission shall
1598 review its rules for necessary revision at least every 2 years
1599 and may adopt by rule, or incorporate by reference into rule,
1600 the then-existing current health and safety standards of USA
1601 Boxing and the International Sport Kickboxing Association. The
1602 commission may adopt emergency rules to administer this
1603 paragraph.

1604 Section 47. For the purpose of incorporating the amendment
1605 made by this act to subsection (1) of section 455.227, Florida
1606 Statutes, in a reference thereto, paragraph (a) of subsection



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1607 (2) of section 468.436, Florida Statutes, is reenacted to read:
1608 468.436 Disciplinary proceedings.—

1609 (2) The following acts constitute grounds for which the
1610 disciplinary actions in subsection (4) may be taken:

1611 (a) Violation of any provision of s. 455.227(1).

1612 Section 48. For the purpose of incorporating the amendment
1613 made by this act to subsection (1) of section 455.227, Florida
1614 Statutes, in a reference thereto, paragraph (a) of subsection
1615 (1) of section 468.832, Florida Statutes, is reenacted to read:

1616 468.832 Disciplinary proceedings.—

1617 (1) The following acts constitute grounds for which the
1618 disciplinary actions in subsection (2) may be taken:

1619 (a) Violation of any provision of this part or s.
1620 455.227(1);

1621 Section 49. For the purpose of incorporating the amendment
1622 made by this act to subsection (1) of section 455.227, Florida
1623 Statutes, in a reference thereto, paragraph (a) of subsection
1624 (1) of section 468.842, Florida Statutes, is reenacted to read:

1625 468.842 Disciplinary proceedings.—

1626 (1) The following acts constitute grounds for which the
1627 disciplinary actions in subsection (2) may be taken:

1628 (a) Violation of any provision of this part or s.
1629 455.227(1);

1630 Section 50. For the purpose of incorporating the amendment
1631 made by this act to subsection (1) of section 455.227, Florida
1632 Statutes, in a reference thereto, paragraph (a) of subsection
1633 (1) of section 471.033, Florida Statutes, is reenacted to read:

1634 471.033 Disciplinary proceedings.—

1635 (1) The following acts constitute grounds for which the



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1636 disciplinary actions in subsection (3) may be taken:

1637 (a) Violating any provision of s. 455.227(1), s. 471.025,
1638 or s. 471.031, or any other provision of this chapter or rule of
1639 the board or department.

1640 Section 51. For the purpose of incorporating the amendment
1641 made by this act to section (1) of section 455.227, Florida
1642 Statutes, in a reference thereto, paragraph (a) of subsection
1643 (1) of section 472.033, Florida Statutes, is reenacted to read:

1644 472.033 Disciplinary proceedings.—

1645 (1) The following acts constitute grounds for which the
1646 disciplinary actions in subsection (2) may be taken:

1647 (a) Violation of any provision of s. 472.031 or s.
1648 455.227(1);

1649 Section 52. For the purpose of incorporating the amendment
1650 made by this act to subsection (1) of section 455.227, Florida
1651 Statutes, in a reference thereto, paragraph (a) of subsection
1652 (1) of section 473.323, Florida Statutes, is reenacted to read:

1653 473.323 Disciplinary proceedings.—

1654 (1) The following acts constitute grounds for which the
1655 disciplinary actions in subsection (3) may be taken:

1656 (a) Violation of any provision of s. 455.227(1) or any
1657 other provision of this chapter.

1658 Section 53. For the purpose of incorporating the amendment
1659 made by this act to subsection (1) of section 455.227, Florida
1660 Statutes, in a reference thereto, paragraph (a) of subsection
1661 (1) of section 475.25, Florida Statutes, is reenacted to read:

1662 475.25 Discipline.—

1663 (1) The commission may deny an application for licensure,
1664 registration, or permit, or renewal thereof; may place a



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1665 licensee, registrant, or permittee on probation; may suspend a
1666 license, registration, or permit for a period not exceeding 10
1667 years; may revoke a license, registration, or permit; may impose
1668 an administrative fine not to exceed \$5,000 for each count or
1669 separate offense; and may issue a reprimand, and any or all of
1670 the foregoing, if it finds that the licensee, registrant,
1671 permittee, or applicant:

1672 (a) Has violated any provision of s. 455.227(1) or s.
1673 475.42. However, licensees under this part are exempt from the
1674 provisions of s. 455.227(1)(i).

1675 Section 54. For the purpose of incorporating the amendment
1676 made by this act to subsection (1) of section 455.227, Florida
1677 Statutes, in a reference thereto, subsection (1) of section
1678 475.624, Florida Statutes, is reenacted to read:

1679 475.624 Discipline.—The board may deny an application for
1680 registration or certification; may investigate the actions of
1681 any appraiser registered, licensed, or certified under this
1682 part; may reprimand or impose an administrative fine not to
1683 exceed \$5,000 for each count or separate offense against any
1684 such appraiser; and may revoke or suspend, for a period not to
1685 exceed 10 years, the registration, license, or certification of
1686 any such appraiser, or place any such appraiser on probation, if
1687 it finds that the registered trainee, licensee, or
1688 certificateholder:

1689 (1) Has violated any provisions of this part or s.
1690 455.227(1); however, certificateholders, registrants, and
1691 licensees under this part are exempt from the provisions of s.
1692 455.227(1)(i).

1693 Section 55. For the purpose of incorporating the amendment



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1694 made by this act to subsection (1) of section 455.227, Florida
1695 Statutes, in a reference thereto, paragraph (h) of subsection
1696 (1) of section 476.204, Florida Statutes, is reenacted to read:
1697 476.204 Penalties.—

1698 (1) It is unlawful for any person to:

1699 (h) Violate any provision of s. 455.227(1), s. 476.194, or
1700 s. 476.214.

1701 Section 56. For the purpose of incorporating the amendment
1702 made by this act to subsection (1) of section 455.227, Florida
1703 Statutes, in a reference thereto, paragraph (h) of subsection
1704 (1) of section 477.029, Florida Statutes, is reenacted to read:

1705 477.029 Penalty.—

1706 (1) It is unlawful for any person to:

1707 (h) Violate any provision of s. 455.227(1), s. 477.0265, or
1708 s. 477.028.

1709 Section 57. For the purpose of incorporating the amendment
1710 made by this act to subsection (1) of section 455.227, Florida
1711 Statutes, in a reference thereto, paragraph (a) of subsection
1712 (1) of section 481.225, Florida Statutes, is reenacted to read:

1713 481.225 Disciplinary proceedings against registered
1714 architects.—

1715 (1) The following acts constitute grounds for which the
1716 disciplinary actions in subsection (3) may be taken:

1717 (a) Violating any provision of s. 455.227(1), s. 481.221,
1718 or s. 481.223, or any rule of the board or department lawfully
1719 adopted pursuant to this part or chapter 455.

1720 Section 58. For the purpose of incorporating the amendment
1721 made by this act to subsection (1) of section 455.227, Florida
1722 Statutes, in a reference thereto, paragraph (a) of subsection



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1723 (1) of section 481.325, Florida Statutes, is reenacted to read:
1724 481.325 Disciplinary proceedings.—

1725 (1) The following acts constitute grounds for which the
1726 disciplinary actions in subsection (3) may be taken:

1727 (a) Violation of any provision of s. 455.227(1), s.
1728 481.321, or s. 481.323.

1729 Section 59. Section 509.201, Florida Statutes, is repealed.

1730 Section 60. Effective upon this act becoming a law, the
1731 amendments made by this act to ss. 489.128(1)(a) and
1732 489.532(1)(a), Florida Statutes, shall apply retroactively to
1733 contracts entered into on or after October 1, 2000, and shall
1734 apply retroactively to all actions pending when this act becomes
1735 a law.

1736 Section 61. Except as otherwise expressly provided in this
1737 act and except for this section, which shall take effect upon
1738 becoming a law, this act shall take effect October 1, 2009.

1739
1740 ===== T I T L E A M E N D M E N T =====

1741 And the title is amended as follows:

1742 Delete everything before the enacting clause
1743 and insert:

1744 A bill to be entitled
1745 An act relating to the Department of Business and
1746 Professional Regulation; amending s. 455.213, F.S.;
1747 deleting signature notarization from the information
1748 that the department may require in documents submitted
1749 for the issuance or renewal of a license; prescribing
1750 when an application is received for purposes of
1751 certain requirements of the Administrative Procedure



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1752 Act; amending s. 455.227, F.S.; establishing
1753 additional grounds for discipline of professions
1754 subject to regulation; prohibiting the failure to
1755 report criminal convictions and pleas; prohibiting the
1756 failure to complete certain treatment programs;
1757 providing penalties; creating s. 455.2274, F.S.;
1758 authorizing the department's representative to appear
1759 in criminal proceedings under certain circumstances
1760 and provide certain assistance to the court; amending
1761 s. 468.402, F.S.; providing for certain disciplinary
1762 action against a talent agency for revocation,
1763 suspension, or denial of the agency's license in any
1764 jurisdiction; amending s. 468.403, F.S.; prohibiting
1765 certain acts by persons who are not licensed as a
1766 talent agency; amending s. 468.409, F.S.; requiring
1767 certain records kept by a talent agency to be readily
1768 available for inspection by the department; requiring
1769 copies of the records to be provided to the department
1770 in a specified manner; amending s. 468.410, F.S.;
1771 specifying the time by which a talent agency must give
1772 an applicant for the agency's registration or
1773 employment services a copy of the contract for those
1774 services; amending s. 468.412, F.S.; requiring a
1775 talent agency to advise an artist, in writing, of
1776 certain rights relating to contracts for employment;
1777 specifying that an engagement procured by a talent
1778 agency during a specified period remains
1779 commissionable to the agency; limiting a prohibition
1780 against division of fees by a talent agency to



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1781 circumstances in which the artist does not give
1782 written consent; providing a definition; authorizing a
1783 talent agency to assign an engagement contract to
1784 another agency under certain circumstances; amending
1785 s. 468.413, F.S.; increasing the penalty that the
1786 department may assess against a talent agency that
1787 violates certain provisions of law; amending s.
1788 468.609, F.S.; deleting a requirement that applicants
1789 for building code administrator certification complete
1790 a certain core curriculum before taking the
1791 certification examination; amending ss. 468.627 and
1792 471.0195, F.S.; deleting provisions requiring building
1793 code administrator and inspector certificateholders
1794 and engineer licensees to complete a certain core
1795 curriculum or pass an equivalency test of the Florida
1796 Building Code Compliance and Mitigation Program;
1797 amending s. 473.305, F.S.; deleting an examination
1798 late filing fee applicable to certified public
1799 accountant examinees; amending s. 473.311, F.S.;
1800 deleting a provision requiring passage of a rules
1801 examination for renewal of license as a certified
1802 public accountant; amending s. 473.313, F.S.; deleting
1803 a provision requiring passage of an examination as a
1804 condition for reactivation of an inactive license as a
1805 certified public accountant; amending s. 475.175,
1806 F.S.; deleting the option to submit a notarized
1807 application for a real estate broker or sales
1808 associate license; amending s. 475.451, F.S.; limiting
1809 the attorney exemption from continuing education



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1810 requirements to attorneys in good standing with The
1811 Florida Bar; amending s. 475.615, F.S.; deleting a
1812 requirement that an application for a real estate
1813 appraiser certification be notarized; amending ss.
1814 476.134 and 476.144, F.S.; requiring a written
1815 examination for a barbering license; deleting
1816 provisions for a practical examination for barbering
1817 license applicants; amending ss. 481.215 and 481.313,
1818 F.S.; deleting provisions requiring architect,
1819 interior designer, and landscape architect licensees
1820 to complete a certain core curriculum or pass an
1821 equivalency test of the Florida Building Code
1822 Compliance and Mitigation Program; amending s.
1823 489.103, F.S.; revising a disclosure statement that a
1824 local permitting agency must provide to property
1825 owners who apply for building permits and claim
1826 certain exemptions from provisions regulating
1827 construction contracting; amending s. 489.105, F.S.;
1828 revising the term "specialty contractor" to require
1829 that the scope of work and responsibility of a
1830 specialty contractor be established in a category of
1831 construction contracting adopted by rule of the
1832 Construction Industry Licensing Board; amending s.
1833 489.109, F.S.; establishing a fee for registration or
1834 certification to qualify a business organization for
1835 contracting; deleting provisions relating to a
1836 business organization's certificate of authority to
1837 conform to changes made by the act; amending s.
1838 489.114, F.S.; deleting provisions relating to a



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1839 business organization's certificate of authority to
1840 conform to changes made by the act; amending s.
1841 489.115, F.S.; deleting provisions requiring
1842 construction contractor certificateholders and
1843 registrants to complete a certain core curriculum or
1844 pass an equivalency test of the Florida Building Code
1845 Compliance and Mitigation Program; amending s.
1846 489.117, F.S.; revising requirements for the
1847 registration of certain contractors; deleting
1848 provisions requiring a contractor applicant to submit
1849 proof of a local occupational license; specifying
1850 circumstances under which a specialty contractor
1851 holding a local license is not required to register
1852 with the board; deleting provisions for the issuance
1853 of tracking registrations to certain contractors who
1854 are not eligible for registration as specialty
1855 contractors; limiting the licensing and disciplinary
1856 actions that local jurisdictions must report to the
1857 board to certain actions of registered contractors;
1858 deleting provisions requiring the board to establish
1859 uniform job scopes for any construction contracting
1860 license category; amending s. 489.119, F.S.; deleting
1861 provisions for the issuance of a certificate of
1862 authority to a business organization for contracting;
1863 requiring a contractor to apply for registration or
1864 certification to qualify a business organization as
1865 the qualifying agent; authorizing the board to deny a
1866 registration or certification to qualify a business
1867 organization under certain circumstances; providing



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1868 application procedures and requirements for the
1869 issuance of a business tax receipt to a business
1870 organization; deleting provisions for the issuance of
1871 an occupational license to a business organization;
1872 authorizing a local government to impose fines against
1873 certified or registered contractors under certain
1874 circumstances; requiring the qualifying agent of a
1875 business organization to present certain evidence to
1876 the board; providing that the board has discretion to
1877 approve a business organization; amending s. 489.127,
1878 F.S.; deleting provisions relating to a business
1879 organization's certificate of authority for
1880 contracting to conform to changes made by the act;
1881 amending s. 489.128, F.S.; revising the circumstances
1882 under which a person is considered an unlicensed
1883 contractor; deleting provisions relating to a business
1884 organization's certificate of authority for
1885 contracting to conform to changes made by the act;
1886 amending ss. 489.129 and 489.132, F.S.; deleting
1887 provisions relating to a business organization's
1888 certificate of authority for contracting to conform to
1889 changes made by the act; amending s. 489.1455, F.S.;
1890 deleting provisions requiring certain journeymen
1891 licensees to complete a certain core curriculum or
1892 pass an equivalency test of the Florida Building Code
1893 Compliance and Mitigation Program; amending s.
1894 489.505, F.S.; revising the term "specialty
1895 contractor" to require that the scope of practice of a
1896 specialty contractor be established in a category of



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1897 electrical or alarm system contracting adopted by rule
1898 of the Electrical Contractors' Licensing Board;
1899 amending s. 489.513, F.S.; deleting a requirement that
1900 the local license required for an electrical or alarm
1901 system contractor be an occupational license; limiting
1902 the licensing and disciplinary actions that local
1903 jurisdictions must report to the board to certain
1904 actions of registered contractors; deleting provisions
1905 requiring the board to establish uniform job scopes
1906 for any electrical and alarm system contracting
1907 license category; amending s. 489.516, F.S.;
1908 authorizing local officials to require a contractor to
1909 obtain a business tax receipt; deleting provisions
1910 requiring a contractor to pay an occupational license
1911 fee; amending s. 489.517, F.S.; deleting provisions
1912 requiring electrical and alarm system contractor
1913 certificateholders and registrants to complete a
1914 certain core curriculum or pass an equivalency test of
1915 the Florida Building Code Compliance and Mitigation
1916 Program; amending s. 489.521, F.S.; providing
1917 application procedures and requirements for the
1918 issuance of a business tax receipt to a business
1919 organization; deleting provisions for the issuance of
1920 an occupational license to a business organization;
1921 amending s. 489.5315, F.S.; specifying that certain
1922 electrical or alarm system contractors are not
1923 required to obtain a business tax receipt; deleting a
1924 provision exempting certain contractors from
1925 requirements for an occupational license to conform to



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1926 changes made by the act; amending s. 489.532, F.S.;

1927 revising the circumstances under which a person is

1928 considered an unlicensed electrical or alarm system

1929 contractor; amending s. 489.537, F.S.; authorizing a

1930 county or municipality to collect fees for business

1931 tax receipts from electrical and alarm system

1932 contractors; deleting a provision authorizing the

1933 collection of occupational license fees; amending s.

1934 509.233, F.S.; authorizing local governments to

1935 establish, by ordinance, local exemption procedures to

1936 allow patrons' dogs within certain designated outdoor

1937 portions of public food service establishments;

1938 deleting provisions for a pilot program that limits

1939 the authority for such local exemption procedures to a

1940 specified time; deleting a provision that provides for

1941 the future review and repeal of such pilot program;

1942 amending s. 548.002, F.S.; defining the term "event"

1943 for regulation of pugilistic exhibitions; amending s.

1944 548.003, F.S.; authorizing the Florida State Boxing

1945 Commission to adopt criteria for the approval of

1946 certain amateur sanctioning organizations; authorizing

1947 the commission to adopt health and safety standards

1948 for amateur mixed martial arts; reenacting ss.

1949 468.436(2)(a), 468.832(1)(a), 468.842(1)(a),

1950 471.033(1)(a), 472.033(1)(a), 473.323(1)(a),

1951 475.25(1)(a), 475.624(1), 476.204(1)(h),

1952 477.029(1)(h), 481.225(1)(a), and 481.325(1)(a), F.S.,

1953 relating to the discipline of community association

1954 managers or firms, home inspectors, mold assessors and



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1955 remediators, engineers, surveyors and mappers,
1956 certified public accountants and accounting firms,
1957 real estate brokers and sales associates, real estate
1958 appraisers, barbers, cosmetologists, architects, and
1959 landscape architects, to incorporate the amendment
1960 made to s. 455.227, F.S., in references thereto;
1961 repealing s. 509.201, F.S., relating to posting and
1962 advertising the room rates of a public lodging
1963 establishment and related penalties; providing for
1964 retroactive application; providing effective dates.