

1 A bill to be entitled
2 An act relating to the Department of Business and
3 Professional Regulation; amending s. 455.213, F.S.;
4 deleting signature notarization from the information that
5 the department may require in documents submitted for the
6 issuance or renewal of a license; prescribing when an
7 application is received for purposes of certain
8 requirements of the Administrative Procedure Act; amending
9 s. 455.227, F.S.; establishing additional grounds for
10 discipline of professions subject to regulation;
11 prohibiting the failure to report criminal convictions and
12 pleas; prohibiting the failure to complete certain
13 treatment programs; providing penalties; creating s.
14 455.2274, F.S.; authorizing the department's
15 representative to appear in criminal proceedings under
16 certain circumstances and provide certain assistance to
17 the court; amending s. 468.402, F.S.; providing for
18 certain disciplinary action against a talent agency for
19 revocation, suspension, or denial of the agency's license
20 in any jurisdiction; amending s. 468.403, F.S.;
21 prohibiting certain acts by persons who are not licensed
22 as a talent agency; amending s. 468.409, F.S.; requiring
23 certain records kept by a talent agency to be readily
24 available for inspection by the department; requiring
25 copies of the records to be provided to the department in
26 a specified manner; amending s. 468.410, F.S.; specifying
27 the time by which a talent agency must give an applicant
28 for the agency's registration or employment services a

29 | copy of the contract for those services; amending s.
30 | 468.412, F.S.; requiring a talent agency to advise an
31 | artist, in writing, of certain rights relating to
32 | contracts for employment; specifying that an engagement
33 | procured by a talent agency during a specified period
34 | remains commissionable to the agency; limiting a
35 | prohibition against division of fees by a talent agency to
36 | circumstances in which the artist does not give written
37 | consent; providing a definition; authorizing a talent
38 | agency to assign an engagement contract to another agency
39 | under certain circumstances; amending s. 468.413, F.S.;
40 | increasing the penalty that the department may assess
41 | against a talent agency that violates certain provisions
42 | of law; amending s. 468.609, F.S.; deleting a requirement
43 | that applicants for building code administrator
44 | certification complete a certain core curriculum before
45 | taking the certification examination; amending ss. 468.627
46 | and 471.0195, F.S.; deleting provisions requiring building
47 | code administrator and inspector certificateholders and
48 | engineer licensees to complete a certain core curriculum
49 | or pass an equivalency test of the Florida Building Code
50 | Compliance and Mitigation Program; amending s. 473.305,
51 | F.S.; deleting an examination late filing fee applicable
52 | to certified public accountant examinees; amending s.
53 | 473.311, F.S.; deleting a provision requiring passage of a
54 | rules examination for renewal of license as a certified
55 | public accountant; amending s. 473.313, F.S.; deleting a
56 | provision requiring passage of an examination as a

57 | condition for reactivation of an inactive license as a
58 | certified public accountant; amending s. 475.175, F.S.;
59 | deleting the option to submit a notarized application for
60 | a real estate broker or sales associate license; amending
61 | s. 475.451, F.S.; limiting the attorney exemption from
62 | continuing education requirements to attorneys in good
63 | standing with The Florida Bar; amending s. 475.615, F.S.;
64 | deleting a requirement that an application for a real
65 | estate appraiser certification be notarized; amending ss.
66 | 476.134 and 476.144, F.S.; requiring a written examination
67 | for a barbering license; deleting provisions for a
68 | practical examination for barbering license applicants;
69 | amending ss. 481.215 and 481.313, F.S.; deleting
70 | provisions requiring architect, interior designer, and
71 | landscape architect licensees to complete a certain core
72 | curriculum or pass an equivalency test of the Florida
73 | Building Code Compliance and Mitigation Program; amending
74 | s. 489.103, F.S.; revising a disclosure statement that a
75 | local permitting agency must provide to property owners
76 | who apply for building permits and claim certain
77 | exemptions from provisions regulating construction
78 | contracting; amending s. 489.105, F.S.; revising the term
79 | "specialty contractor" to require that the scope of work
80 | and responsibility of a specialty contractor be
81 | established in a category of construction contracting
82 | adopted by rule of the Construction Industry Licensing
83 | Board; amending s. 489.109, F.S.; establishing fees for
84 | registration or certification to qualify a business

85 organization for contracting; deleting provisions relating
86 to a business organization's certificate of authority to
87 conform to changes made by the act; amending s. 489.114,
88 F.S.; deleting provisions relating to a business
89 organization's certificate of authority to conform to
90 changes made by the act; amending s. 489.115, F.S.;

91 deleting provisions requiring construction contractor
92 certificateholders and registrants to complete a certain
93 core curriculum or pass an equivalency test of the Florida
94 Building Code Compliance and Mitigation Program; amending
95 s. 489.117, F.S.; revising requirements for the
96 registration of certain contractors; deleting provisions
97 requiring a contractor applicant to submit proof of a
98 local occupational license; specifying circumstances under
99 which a specialty contractor holding a local license is
100 not required to register with the board; deleting
101 provisions for the issuance of tracking registrations to
102 certain contractors who are not eligible for registration
103 as specialty contractors; limiting the licensing and
104 disciplinary actions that local jurisdictions must report
105 to the board to certain actions of registered contractors;
106 deleting provisions requiring the board to establish
107 uniform job scopes for any construction contracting
108 license category; amending s. 489.119, F.S.; deleting
109 provisions for the issuance of a certificate of authority
110 to a business organization for contracting; requiring a
111 contractor to apply for registration or certification to
112 qualify a business organization as the qualifying agent;

113 | authorizing the board to deny a registration or
114 | certification to qualify a business organization under
115 | certain circumstances; providing application procedures
116 | and requirements for the issuance of a business tax
117 | receipt to a business organization; deleting provisions
118 | for the issuance of an occupational license to a business
119 | organization; authorizing a local government to impose
120 | fines against certified or registered contractors under
121 | certain circumstances; requiring the qualifying agent of a
122 | business organization to present certain evidence to the
123 | board; providing that the board has discretion to approve
124 | a business organization; amending s. 489.127, F.S.;
125 | deleting provisions relating to a business organization's
126 | certificate of authority for contracting to conform to
127 | changes made by the act; amending s. 489.128, F.S.;
128 | revising the circumstances under which a person is
129 | considered an unlicensed contractor; deleting provisions
130 | relating to a business organization's certificate of
131 | authority for contracting to conform to changes made by
132 | the act; amending ss. 489.129 and 489.132, F.S.; deleting
133 | provisions relating to a business organization's
134 | certificate of authority for contracting to conform to
135 | changes made by the act; amending s. 489.1455, F.S.;
136 | deleting provisions requiring certain journeymen licensees
137 | to complete a certain core curriculum or pass an
138 | equivalency test of the Florida Building Code Compliance
139 | and Mitigation Program; amending s. 489.505, F.S.;
140 | revising the term "specialty contractor" to require that

141 the scope of practice of a specialty contractor be
 142 established in a category of electrical or alarm system
 143 contracting adopted by rule of the Electrical Contractors'
 144 Licensing Board; amending s. 489.513, F.S.; deleting a
 145 requirement that the local license required for an
 146 electrical or alarm system contractor be an occupational
 147 license; limiting the licensing and disciplinary actions
 148 that local jurisdictions must report to the board to
 149 certain actions of registered contractors; deleting
 150 provisions requiring the board to establish uniform job
 151 scopes for any electrical and alarm system contracting
 152 license category; amending s. 489.516, F.S.; authorizing
 153 local officials to require a contractor to obtain a
 154 business tax receipt; deleting provisions requiring a
 155 contractor to pay an occupational license fee; amending s.
 156 489.517, F.S.; deleting provisions requiring electrical
 157 and alarm system contractor certificateholders and
 158 registrants to complete a certain core curriculum or pass
 159 an equivalency test of the Florida Building Code
 160 Compliance and Mitigation Program; amending s. 489.521,
 161 F.S.; providing application procedures and requirements
 162 for the issuance of a business tax receipt to a business
 163 organization; deleting provisions for the issuance of an
 164 occupational license to a business organization; amending
 165 s. 489.5315, F.S.; specifying that certain electrical or
 166 alarm system contractors are not required to obtain a
 167 business tax receipt; deleting a provision exempting
 168 certain contractors from requirements for an occupational

169 license to conform to changes made by the act; amending s.
 170 489.532, F.S.; revising the circumstances under which a
 171 person is considered an unlicensed electrical or alarm
 172 system contractor; amending s. 489.537, F.S.; authorizing
 173 a county or municipality to collect fees for business tax
 174 receipts from electrical and alarm system contractors;
 175 deleting a provision authorizing the collection of
 176 occupational license fees; amending s. 509.233, F.S.;
 177 authorizing local governments to establish, by ordinance,
 178 local exemption procedures to allow patrons' dogs within
 179 certain designated outdoor portions of public food service
 180 establishments; deleting provisions for a pilot program
 181 that limits the authority for such local exemption
 182 procedures to a specified time; deleting a provision that
 183 provides for the future review and repeal of such pilot
 184 program; amending s. 548.002, F.S.; defining the term
 185 "event" for regulation of pugilistic exhibitions; amending
 186 s. 548.003, F.S.; authorizing the Florida State Boxing
 187 Commission to adopt criteria for the approval of certain
 188 amateur sanctioning organizations; authorizing the
 189 commission to adopt health and safety standards for
 190 amateur mixed martial arts; reenacting ss. 468.436(2)(a),
 191 468.832(1)(a), 468.842(1)(a), 471.033(1)(a),
 192 472.033(1)(a), 473.323(1)(a), 475.25(1)(a), 475.624(1),
 193 476.204(1)(h), 477.029(1)(h), 481.225(1)(a), and
 194 481.325(1)(a), F.S., relating to the discipline of
 195 community association managers or firms, home inspectors,
 196 mold assessors and remediators, engineers, surveyors and

197 mappers, certified public accountants and accounting
 198 firms, real estate brokers and sales associates, real
 199 estate appraisers, barbers, cosmetologists, architects,
 200 and landscape architects, to incorporate the amendment
 201 made to s. 455.227, F.S., in references thereto; repealing
 202 s. 509.201, F.S., relating to posting and advertising the
 203 room rates of a public lodging establishment and related
 204 penalties; providing for retroactive application;
 205 providing effective dates.

206
 207 Be It Enacted by the Legislature of the State of Florida:

208
 209 Section 1. Subsection (1) of section 455.213, Florida
 210 Statutes, is amended to read:

211 455.213 General licensing provisions.--

212 (1) Any person desiring to be licensed shall apply to the
 213 department in writing. The application for licensure shall be
 214 submitted ~~made~~ on a form prescribed ~~prepared and furnished~~ by
 215 the department and must include the applicant's social security
 216 number. Notwithstanding any other provision of law, the
 217 department is the sole authority for determining the contents of
 218 any documents to be submitted for initial licensure and
 219 licensure renewal. Such documents may contain information
 220 including, as appropriate: demographics, education, work
 221 history, personal background, criminal history, finances,
 222 business information, complaints, inspections, investigations,
 223 discipline, bonding, ~~signature notarization~~, photographs,
 224 performance periods, reciprocity, local government approvals,

225 supporting documentation, periodic reporting requirements,
226 fingerprint requirements, continuing education requirements, and
227 ongoing education monitoring. The application shall be
228 supplemented as needed to reflect any material change in any
229 circumstance or condition stated in the application which takes
230 place between the initial filing of the application and the
231 final grant or denial of the license and which might affect the
232 decision of the department. In order to further the economic
233 development goals of the state, and notwithstanding any law to
234 the contrary, the department may enter into an agreement with
235 the county tax collector for the purpose of appointing the
236 county tax collector as the department's agent to accept
237 applications for licenses and applications for renewals of
238 licenses. The agreement must specify the time within which the
239 tax collector must forward any applications and accompanying
240 application fees to the department. In cases where a person
241 applies or schedules directly with a national examination
242 organization or examination vendor to take an examination
243 required for licensure, any organization- or vendor-related fees
244 associated with the examination may be paid directly to the
245 organization or vendor. An application is received for purposes
246 of s. 120.60 upon the department's receipt of the application
247 submitted in the format prescribed by the department; the
248 application fee set by the board or, if there is no board, set
249 by the department; and any other fee required by law or rule to
250 be remitted with the application.

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

CS/CS/CS/HB 425

2009

253 455.227 Grounds for discipline; penalties; enforcement.--

254 (1) The following acts shall constitute grounds for which
255 the disciplinary actions specified in subsection (2) may be
256 taken:

257 (t) Failing to report in writing to the board or, if there
258 is no board, to the department within 30 days after the licensee
259 is convicted or found guilty of, or entered a plea of nolo
260 contendere or guilty to, regardless of adjudication, a crime in
261 any jurisdiction. A licensee must report a conviction, finding
262 of guilt, plea, or adjudication entered before the effective
263 date of this paragraph within 30 days after the effective date
264 of this paragraph.

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

270 Section 3. Section 455.2274, Florida Statutes, is created
271 to read:

272 455.2274 Criminal proceedings against licensees;
273 appearances by department representatives.--A representative of
274 the department may voluntarily appear in a criminal proceeding
275 brought against a person licensed by the department to practice
276 a profession regulated by the state. The department's
277 representative is authorized to furnish pertinent information,
278 make recommendations regarding specific conditions of probation,
279 and provide other assistance to the court necessary to promote
280 justice or protect the public. The court may order a

281 representative of the department to appear in a criminal
 282 proceeding if the crime charged is substantially related to the
 283 qualifications, functions, or duties of a license regulated by
 284 the department.

285 Section 4. Paragraph (i) of subsection (1) of section
 286 468.402, Florida Statutes, is amended to read:

287 468.402 Duties of the department; authority to issue and
 288 revoke license; adoption of rules.--

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

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

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

297 468.403 License requirements.--

298 (1) A person may not own, operate, solicit business, or
 299 otherwise engage in or carry on the occupation of a talent
 300 agency in this state unless the ~~such~~ person first procures a
 301 license for the talent agency from the department. ~~However,~~ A
 302 license is not required for a person who acts as an agent for
 303 herself or himself, a family member, or exclusively for one
 304 artist. However, a person may not advertise or otherwise hold
 305 herself or himself out as a "talent agency" or "talent agent"
 306 unless the person is licensed under this section as a talent
 307 agency.

308 Section 6. Section 468.409, Florida Statutes, is amended

309 to read:

310 468.409 Records required to be kept.--Each talent agency
 311 shall keep on file the application, registration, or contract of
 312 each artist. In addition, such file must include the name and
 313 address of each artist, the amount of the compensation received,
 314 and all attempts to procure engagements for the artist. No such
 315 agency or employee thereof shall knowingly make any false entry
 316 in applicant files or receipt files. Each card or document in
 317 such files shall be preserved for a period of 1 year after the
 318 date of the last entry thereon. Records required under this
 319 section shall be readily available for inspection by the
 320 department during reasonable business hours at the talent
 321 agency's principal office. A talent agency must provide the
 322 department with true copies of the records in the manner
 323 prescribed by the department.

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

326 468.410 Prohibition against registration fees; referral.--

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

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

336 468.412 Talent agency regulations; prohibited acts.--

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

341 (b) A talent agency must advise an artist, in writing,
342 that the artist has a right to rescind a contract for employment
343 within the first 3 business days after the contract's execution.
344 Any engagement procured by the talent agency for the artist
345 during the first 3 business days of the contract remains
346 commissionable to the talent agency.

347 (8) No talent agency, without the written consent of the
348 artist, may divide fees with anyone, including, but not limited
349 to, an agent or other employee of an employer, a buyer, a
350 casting director, a producer, a director, or any venue that uses
351 entertainment. For purposes of this subsection, to "divide fees"
352 includes the sharing among two or more persons of those fees
353 charged to an artist for services performed on behalf of that
354 artist, the total amount of which fees exceeds the amount that
355 would have been charged to the artist by the talent agency
356 alone.

357 (11) A talent agency may assign an engagement contract to
358 another talent agency licensed in this state only if the artist
359 agrees in writing to the assignment. The assignment must occur,
360 and written notice of the assignment must be given to the
361 artist, within 30 days after the artist agrees in writing to the
362 assignment.

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

365 468.413 Legal requirements; penalties.--

366 (4) In the event the department or any state attorney
 367 shall have probable cause to believe that a talent agency or
 368 other person has violated any provision of subsection (1), an
 369 action may be brought by the department or any state attorney to
 370 enjoin such talent agency or any person from continuing such
 371 violation, or engaging therein or doing any acts in furtherance
 372 thereof, and for such other relief as to the court seems
 373 appropriate. In addition to this remedy, the department may
 374 assess a penalty against any talent agency or any person in an
 375 amount not to exceed \$5,000 ~~\$1,000~~.

376 Section 10. Paragraph (d) of subsection (3) of section
 377 468.609, Florida Statutes, is amended to read:

378 468.609 Administration of this part; standards for
 379 certification; additional categories of certification.--

380 (3) A person may take the examination for certification as
 381 a building code administrator pursuant to this part if the
 382 person:

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

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

389 468.627 Application; examination; renewal; fees.--

390 ~~(6) Each certificateholder shall provide to the board~~
 391 ~~proof of completion of the core curriculum courses of the~~
 392 ~~building code training program established by s. 553.841, within~~

393 ~~2 years after commencement of the program. Each new~~
 394 ~~certificateholder shall provide to the board proof of completion~~
 395 ~~of the core curriculum courses of the building code training~~
 396 ~~program established in s. 553.841 within the first 2-year period~~
 397 ~~after initial licensure. Continuing education hours spent taking~~
 398 ~~such core curriculum courses shall count toward the number~~
 399 ~~required for license renewal.~~

400 Section 12. Section 471.0195, Florida Statutes, is amended
 401 to read:

402 471.0195 Florida Building Code training for
 403 engineers.--All licensees actively participating in the design
 404 of engineering works or systems in connection with buildings,
 405 structures, or facilities and systems covered by the Florida
 406 Building Code shall take continuing education courses and submit
 407 proof to the board, at such times and in such manner as
 408 established by the board by rule, that the licensee has
 409 completed ~~the core curriculum courses and~~ any specialized or
 410 advanced courses on any portion of the Florida Building Code
 411 applicable to the licensee's area of practice ~~or has passed the~~
 412 ~~appropriate equivalency test of the Building Code Training~~
 413 ~~Program as required by s. 553.841.~~ The board shall record
 414 reported continuing education courses on a system easily
 415 accessed by code enforcement jurisdictions for evaluation when
 416 determining license status for purposes of processing design
 417 documents. Local jurisdictions shall be responsible for
 418 notifying the board when design documents are submitted for
 419 building construction permits by persons who are not in
 420 compliance with this section. The board shall take appropriate

421 action as provided by its rules when such noncompliance is
422 determined to exist.

423 Section 13. Section 473.305, Florida Statutes, is amended
424 to read:

425 473.305 Fees.--The board, by rule, may establish fees to
426 be paid for applications, examination, reexamination, licensing
427 and renewal, reinstatement, and recordmaking and recordkeeping.
428 The fee for the examination shall be established at an amount
429 that covers the costs for the procurement or development,
430 administration, grading, and review of the examination. The fee
431 for the examination is refundable if the applicant is found to
432 be ineligible to sit for the examination. The fee for initial
433 application is nonrefundable, and the combined fees for
434 application and examination may not exceed \$250 plus the actual
435 per applicant cost to the department for purchase of the
436 examination from the American Institute of Certified Public
437 Accountants or a similar national organization. The biennial
438 renewal fee may not exceed \$250. The board may also establish,
439 by rule, a reactivation fee, ~~a late filing fee for the law and~~
440 ~~rules examination,~~ and a delinquency fee not to exceed \$50 for
441 continuing professional education reporting forms. The board
442 shall establish fees which are adequate to ensure the continued
443 operation of the board and to fund the proportionate expenses
444 incurred by the department which are allocated to the regulation
445 of public accountants. Fees shall be based on department
446 estimates of the revenue required to implement this chapter and
447 the provisions of law with respect to the regulation of
448 certified public accountants.

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

451 473.311 Renewal of license.--

452 (1) The department shall renew a license upon receipt of
 453 the renewal application and fee and upon certification by the
 454 board that the licensee has satisfactorily completed the
 455 continuing education requirements of s. 473.312 ~~and has passed~~
 456 ~~an examination approved by the board on chapter 455 and this~~
 457 ~~chapter and the related administrative rules. However, each~~
 458 ~~licensee must complete the requirements of s. 473.312(1)(c)~~
 459 ~~prior to taking the examination.~~

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

462 473.313 Inactive status.--

463 (3) Any licensee holding an inactive license may be
 464 permitted to reactivate such license in a conditional manner.
 465 The conditions of reactivation shall require, in addition to the
 466 payment of fees, ~~the passing of the examination approved by the~~
 467 ~~board concerning chapter 455 and this chapter, and the related~~
 468 ~~administrative rules, and the completion of required continuing~~
 469 education.

470 Section 16. Paragraph (a) of subsection (1) of section
 471 475.175, Florida Statutes, is amended to read:

472 475.175 Examinations.--

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

475 (a) Submits to the department the appropriate ~~notarized or~~
 476 electronically authenticated application and fee, and a

CS/CS/CS/HB 425

2009

477 fingerprint card. The fingerprint card shall be forwarded to the
478 Division of Criminal Justice Information Systems within the
479 Department of Law Enforcement for purposes of processing the
480 fingerprint card to determine if the applicant has a criminal
481 history record. The fingerprint card shall also be forwarded to
482 the Federal Bureau of Investigation for purposes of processing
483 the fingerprint card to determine if the applicant has a
484 criminal history record. The information obtained by the
485 processing of the fingerprint card by the Florida Department of
486 Law Enforcement and the Federal Bureau of Investigation shall be
487 sent to the department for the purpose of determining if the
488 applicant is statutorily qualified for examination. Effective
489 July 1, 2006, an applicant shall provide fingerprints in
490 electronic format.

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

493 475.451 Schools teaching real estate practice.--

494 (6) Any course prescribed by the commission as a condition
495 precedent to any person's becoming initially licensed as a sales
496 associate may be taught in any real estate school through the
497 use of a video tape of instruction by a currently permitted
498 instructor from any such school or may be taught by distance
499 learning pursuant to s. 475.17(2). The commission may require
500 that any such video tape course have a single session of live
501 instruction by a currently permitted instructor from any such
502 school; however, this requirement shall not exceed 3 classroom
503 hours. All other prescribed courses, except the continuing
504 education course required by s. 475.182, shall be taught by a

505 | currently permitted school instructor personally in attendance
 506 | at such course or by distance learning pursuant to s. 475.17.
 507 | The continuing education course required by s. 475.182 may be
 508 | taught by distance learning pursuant to s. 475.17 or by an
 509 | equivalent correspondence course; however, any such
 510 | correspondence course shall be required to have a final
 511 | examination, prepared and administered by the school issuing the
 512 | correspondence course. The continuing education requirements
 513 | ~~provided in this section or provided in any other section in~~
 514 | this chapter do not apply ~~with respect to an any~~ attorney who is
 515 | otherwise qualified under ~~the provisions of this chapter~~ and who
 516 | is a member in good standing of The Florida Bar.

517 | Section 18. Subsection (5) of section 475.615, Florida
 518 | Statutes, is amended to read:

519 | 475.615 Qualifications for registration or
 520 | certification.--

521 | (5) At the time of filing an ~~a notarized~~ application for
 522 | registration or certification, the applicant must sign a pledge
 523 | to comply with the Uniform Standards of Professional Appraisal
 524 | Practice upon registration or certification and must indicate in
 525 | writing that she or he understands the types of misconduct for
 526 | which disciplinary proceedings may be initiated. The application
 527 | shall expire 1 year after the date received.

528 | Section 19. Subsection (1) of section 476.134, Florida
 529 | Statutes, is amended to read:

530 | 476.134 Examinations.--

531 | (1) Examinations of applicants for licenses as barbers
 532 | shall be offered not less than four times each year. The

CS/CS/CS/HB 425

2009

533 examination of applicants for licenses as barbers shall ~~may~~
534 include ~~both a practical demonstration and~~ a written test. The
535 board shall have the authority to adopt rules with respect to
536 the examination of applicants for licensure. The board may
537 provide rules with respect to written ~~or practical~~ examinations
538 in such manner as the board may deem fit.

539 Section 20. Paragraph (b) of subsection (6) of section
540 476.144, Florida Statutes, is amended to read:

541 476.144 Licensure.--

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

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

549
550 The restricted license shall limit the licensee's practice to
551 those specific areas in which the applicant has demonstrated
552 competence pursuant to rules adopted by the board.

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

556 481.215 Renewal of license.--

557 ~~(5) Each licensee shall provide to the board proof of~~
558 ~~completion of the core curriculum courses, or passing the~~
559 ~~equivalency test of the Building Code Training Program~~
560 ~~established by s. 553.841, within 2 years after commencement of~~

561 ~~the program or after initial licensure, whichever is later.~~
 562 ~~Hours spent taking core curriculum courses shall count toward~~
 563 ~~the number required for license renewal. A licensee who passes~~
 564 ~~the equivalency test in lieu of taking the core curriculum~~
 565 ~~courses shall receive full credit for such core curriculum~~
 566 ~~course hours.~~

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

570 481.313 Renewal of license.--

571 ~~(5) Each licenseholder shall provide to the board proof of~~
 572 ~~completion of the core curriculum courses, or passing the~~
 573 ~~equivalency test of the Building Code Training Program~~
 574 ~~established by s. 553.841, within 2 years after commencement of~~
 575 ~~the program or of initial licensure, whichever is later. Hours~~
 576 ~~spent taking core curriculum courses shall count toward the~~
 577 ~~number required for license renewal. A licensee who passes the~~
 578 ~~equivalency test in lieu of taking the core curriculum courses~~
 579 ~~shall receive full credit for core curriculum course hours.~~

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

582 489.103 Exemptions.--This part does not apply to:

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

586 (a) When building or improving farm outbuildings or one-
 587 family or two-family residences on such property for the
 588 occupancy or use of such owners and not offered for sale or

589 | lease, or building or improving commercial buildings, at a cost
590 | not to exceed \$75,000, on such property for the occupancy or use
591 | of such owners and not offered for sale or lease. In an action
592 | brought under this part, proof of the sale or lease, or offering
593 | for sale or lease, of any such structure by the owner-builder
594 | within 1 year after completion of same creates a presumption
595 | that the construction was undertaken for purposes of sale or
596 | lease.

597 | (b) When repairing or replacing wood shakes or asphalt or
598 | fiberglass shingles on one-family, two-family, or three-family
599 | residences for the occupancy or use of such owner or tenant of
600 | the owner and not offered for sale within 1 year after
601 | completion of the work and when the property has been damaged by
602 | natural causes from an event recognized as an emergency
603 | situation designated by executive order issued by the Governor
604 | declaring the existence of a state of emergency as a result and
605 | consequence of a serious threat posed to the public health,
606 | safety, and property in this state.

607 |
608 | This subsection does not exempt any person who is employed by or
609 | has a contract with such owner and who acts in the capacity of a
610 | contractor. The owner may not delegate the owner's
611 | responsibility to directly supervise all work to any other
612 | person unless that person is registered or certified under this
613 | part and the work being performed is within the scope of that
614 | person's license. For the purposes of this subsection, the term
615 | "owners of property" includes the owner of a mobile home
616 | situated on a leased lot. To qualify for exemption under this

617 subsection, an owner must personally appear and sign the
618 building permit application and must satisfy local permitting
619 agency requirements, if any, proving that the owner has a
620 complete understanding of the owner's obligations under the law
621 as specified in the disclosure statement in this section. If any
622 person violates the requirements of this subsection, the local
623 permitting agency shall withhold final approval, revoke the
624 permit, or pursue any action or remedy for unlicensed activity
625 against the owner and any person performing work that requires
626 licensure under the permit issued. The local permitting agency
627 shall provide the person with a disclosure statement in
628 substantially the following form:

629
630 DISCLOSURE STATEMENT

631
632 1. I understand that state law requires construction to
633 be done by a licensed contractor and have applied for an
634 owner-builder permit under an exemption from the law. The
635 exemption specifies that I, as the owner of the property
636 listed, may act as my own contractor with certain
637 restrictions even though I do not have a license.

638
639 2. I understand that building permits are not required to
640 be signed by a property owner unless he or she is
641 responsible for the construction and is not hiring a
642 licensed contractor to assume responsibility.

643
644 3. I understand that, as an owner-builder, I am the

645 responsible party of record on a permit. I understand that
646 I may protect myself from potential financial risk by
647 hiring a licensed contractor and having the permit filed
648 in his or her name instead of my own name. I also
649 understand that a contractor is required by law to be
650 licensed in Florida and to list his or her license numbers
651 on permits and contracts.

652
653 4. I understand that I may build or improve a one-family
654 or two-family residence or a farm outbuilding. I may also
655 build or improve a commercial building if the costs do not
656 exceed \$75,000. The building or residence must be for my
657 own use or occupancy. It may not be built or substantially
658 improved for sale or lease. If a building or residence
659 that I have built or substantially improved myself is sold
660 or leased within 1 year after the construction is
661 complete, the law will presume that I built or
662 substantially improved it for sale or lease, which
663 violates the exemption.

664
665 5. I understand that, as the owner-builder, I must
666 provide direct, onsite supervision of the construction.

667
668 6. I understand that I may not hire an unlicensed person
669 to act as my contractor or to supervise persons working on
670 my building or residence. It is my responsibility to
671 ensure that the persons whom I employ have the licenses
672 required by law and by county or municipal ordinance.

673
674 7. I understand that it is a frequent practice of
675 unlicensed persons to have the property owner obtain an
676 owner-builder permit that erroneously implies that the
677 property owner is providing his or her own labor and
678 materials. I, as an owner-builder, may be held liable and
679 subjected to serious financial risk for any injuries
680 sustained by an unlicensed person or his or her employees
681 while working on my property. My homeowner's insurance may
682 not provide coverage for those injuries. I am willfully
683 acting as an owner-builder and am aware of the limits of
684 my insurance coverage for injuries to workers on my
685 property.

686
687 8. I understand that I may not delegate the
688 responsibility for supervising work to a licensed
689 contractor who is not licensed to perform the work being
690 done. Any person working on my building who is not
691 licensed must work under my direct supervision and must be
692 employed by me, which means that I must comply with laws
693 requiring the withholding of federal income tax and social
694 security contributions under the Federal Insurance
695 Contributions Act (FICA) and must provide workers'
696 compensation for the employee. I understand that my
697 failure to follow these laws may subject me to serious
698 financial risk.

699
700 9. I agree that, as the party legally and financially

701 responsible for this proposed construction activity, I
 702 will abide by all applicable laws and requirements that
 703 govern owner-builders as well as employers. I also
 704 understand that the construction must comply with all
 705 applicable laws, ordinances, building codes, and zoning
 706 regulations.

707
 708 10. I understand that I may obtain more information
 709 regarding my obligations as an employer from the Internal
 710 Revenue Service, the United States Small Business
 711 Administration, the Florida Department of Financial
 712 Services, and the Florida Department of Revenue. I also
 713 understand that I may contact the Florida Construction
 714 Industry Licensing Board at ...(telephone number)... or
 715 ...(Internet website address)... for more information
 716 about licensed contractors.

717
 718 11. I am aware of, and consent to, an owner-builder
 719 building permit applied for in my name and understand that
 720 I am the party legally and financially responsible for the
 721 proposed construction activity at the following address:
 722 ...(address of property)....

723
 724 12. I agree to notify ...(issuer of disclosure
 725 statements)... immediately of any additions, deletions, or
 726 changes to any of the information that I have provided on
 727 this disclosure.

728

729 Licensed contractors are regulated by laws designed to
 730 protect the public. If you contract with a person who does
 731 not have a license, the Construction Industry Licensing
 732 Board and Department of Business and Professional
 733 Regulation may be unable to assist you with any financial
 734 loss that you sustain as a result of a complaint. Your
 735 only remedy against an unlicensed contractor may be in
 736 civil court. It is also important for you to understand
 737 that, if an unlicensed contractor or employee of an
 738 individual or firm is injured while working on your
 739 property, you may be held liable for damages. If you
 740 obtain an owner-builder permit and wish to hire a licensed
 741 contractor, you will be responsible for verifying whether
 742 the contractor is properly licensed and the status of the
 743 contractor's workers' compensation coverage.

744
 745 Before a building permit can be issued, this disclosure
 746 statement must be completed and signed by the property
 747 owner and returned to the local permitting agency
 748 responsible for issuing the permit. A copy of the property
 749 owner's driver license, the notarized signature of the
 750 property owner, or other type of verification acceptable
 751 to the local permitting agency is required when the permit
 752 is issued.

754 Signature: ...(signature of property owner)....

755 Date: ...(date)....

756

757 ~~State law requires construction to be done by licensed~~
758 ~~contractors. You have applied for a permit under an exemption to~~
759 ~~that law. The exemption allows you, as the owner of your~~
760 ~~property, to act as your own contractor with certain~~
761 ~~restrictions even though you do not have a license. You must~~
762 ~~provide direct, onsite supervision of the construction yourself.~~
763 ~~You may build or improve a one-family or two-family residence or~~
764 ~~a farm outbuilding. You may also build or improve a commercial~~
765 ~~building, provided your costs do not exceed \$75,000. The~~
766 ~~building or residence must be for your own use or occupancy. It~~
767 ~~may not be built or substantially improved for sale or lease. If~~
768 ~~you sell or lease a building you have built or substantially~~
769 ~~improved yourself within 1 year after the construction is~~
770 ~~complete, the law will presume that you built or substantially~~
771 ~~improved it for sale or lease, which is a violation of this~~
772 ~~exemption. You may not hire an unlicensed person to act as your~~
773 ~~contractor or to supervise people working on your building. It~~
774 ~~is your responsibility to make sure that people employed by you~~
775 ~~have licenses required by state law and by county or municipal~~
776 ~~licensing ordinances. You may not delegate the responsibility~~
777 ~~for supervising work to a licensed contractor who is not~~
778 ~~licensed to perform the work being done. Any person working on~~
779 ~~your building who is not licensed must work under your direct~~
780 ~~supervision and must be employed by you, which means that you~~
781 ~~must deduct F.I.C.A. and withholding tax and provide workers'~~
782 ~~compensation for that employee, all as prescribed by law. Your~~
783 ~~construction must comply with all applicable laws, ordinances,~~
784 ~~building codes, and zoning regulations.~~

785 Section 24. Paragraph (q) of subsection (3) of section
786 489.105, Florida Statutes, is amended to read:

787 489.105 Definitions.--As used in this part:

788 (3) "Contractor" means the person who is qualified for,
789 and shall only be responsible for, the project contracted for
790 and means, except as exempted in this part, the person who, for
791 compensation, undertakes to, submits a bid to, or does himself
792 or herself or by others construct, repair, alter, remodel, add
793 to, demolish, subtract from, or improve any building or
794 structure, including related improvements to real estate, for
795 others or for resale to others; and whose job scope is
796 substantially similar to the job scope described in one of the
797 subsequent paragraphs of this subsection. For the purposes of
798 regulation under this part, "demolish" applies only to
799 demolition of steel tanks over 50 feet in height; towers over 50
800 feet in height; other structures over 50 feet in height, other
801 than buildings or residences over three stories tall; and
802 buildings or residences over three stories tall. Contractors are
803 subdivided into two divisions, Division I, consisting of those
804 contractors defined in paragraphs (a)-(c), and Division II,
805 consisting of those contractors defined in paragraphs (d)-(q):

806 (q) "Specialty contractor" means a contractor whose scope
807 of work and responsibility is limited to a particular phase of
808 construction established in a category adopted by board rule and
809 whose scope is limited to a subset of the activities described
810 ~~in the categories established in~~ one of the paragraphs of this
811 subsection.

812 Section 25. Paragraph (d) of subsection (1) of section
 813 489.109, Florida Statutes, is amended to read:

814 489.109 Fees.--

815 (1) The board, by rule, shall establish reasonable fees to
 816 be paid for applications, certification and renewal,
 817 registration and renewal, and recordmaking and recordkeeping.
 818 The fees shall be established as follows:

819 (d) With respect to an application for registration or
 820 certification to qualify a business organization, the initial
 821 application fee and the renewal fee shall be \$50 ~~The board, by~~
 822 ~~rule, may establish a fee for transfer of a certificate of~~
 823 ~~authority from one business organization to another, not to~~
 824 ~~exceed the applicable renewal fee.~~

825 Section 26. Section 489.114, Florida Statutes, is amended
 826 to read:

827 489.114 Evidence of workers' compensation
 828 coverage.--Except as provided in s. 489.115(5)(d), any person,
 829 business organization, or qualifying agent engaged in the
 830 business of contracting in this state and certified or
 831 registered under this part shall, as a condition precedent to
 832 the issuance or renewal of a certificate or ~~registration, or~~
 833 ~~certificate of authority~~ of the contractor, provide to the
 834 Construction Industry Licensing Board, as provided by board
 835 rule, evidence of workers' compensation coverage pursuant to
 836 chapter 440. In the event that the Division of Workers'
 837 Compensation of the Department of Financial Services receives
 838 notice of the cancellation of a policy of workers' compensation
 839 insurance insuring a person or entity governed by this section,

840 the Division of Workers' Compensation shall certify and identify
 841 all persons or entities by certification or registration license
 842 number to the department after verification is made by the
 843 Division of Workers' Compensation that persons or entities
 844 governed by this section are no longer covered by workers'
 845 compensation insurance. Such certification and verification by
 846 the Division of Workers' Compensation may result from records
 847 furnished to the Division of Workers' Compensation by the
 848 persons or entities governed by this section or an investigation
 849 completed by the Division of Workers' Compensation. The
 850 department shall notify the persons or entities governed by this
 851 section who have been determined to be in noncompliance with
 852 chapter 440, and the persons or entities notified shall provide
 853 certification of compliance with chapter 440 to the department
 854 and pay an administrative fine in the amount of \$500. The
 855 failure to maintain workers' compensation coverage as required
 856 by law shall be grounds for the board to revoke, suspend, or
 857 deny the issuance or renewal of a certificate or registration
 858 ~~or certificate of authority~~ of the contractor under the
 859 provisions of s. 489.129.

860 Section 27. Paragraph (b) of subsection (4) of section
 861 489.115, Florida Statutes, is amended to read:

862 489.115 Certification and registration; endorsement;
 863 reciprocity; renewals; continuing education.--

864 (4)

865 (b)1. Each certificateholder or registrant shall provide
 866 proof, in a form established by rule of the board, that the
 867 certificateholder or registrant has completed at least 14

868 | classroom hours of at least 50 minutes each of continuing
869 | education courses during each biennium since the issuance or
870 | renewal of the certificate or registration. The board shall
871 | establish by rule that a portion of the required 14 hours must
872 | deal with the subject of workers' compensation, business
873 | practices, workplace safety, and, for applicable licensure
874 | categories, wind mitigation methodologies, and 1 hour of which
875 | must deal with laws and rules. The board shall by rule establish
876 | criteria for the approval of continuing education courses and
877 | providers, including requirements relating to the content of
878 | courses and standards for approval of providers, and may by rule
879 | establish criteria for accepting alternative nonclassroom
880 | continuing education on an hour-for-hour basis. The board shall
881 | prescribe by rule the continuing education, if any, which is
882 | required during the first biennium of initial licensure. A
883 | person who has been licensed for less than an entire biennium
884 | must not be required to complete the full 14 hours of continuing
885 | education.

886 | 2. In addition, the board may approve specialized
887 | continuing education courses on compliance with the wind
888 | resistance provisions for one and two family dwellings contained
889 | in the Florida Building Code and any alternate methodologies for
890 | providing such wind resistance which have been approved for use
891 | by the Florida Building Commission. Division I
892 | certificateholders or registrants who demonstrate proficiency
893 | upon completion of such specialized courses may certify plans
894 | and specifications for one and two family dwellings to be in
895 | compliance with the code or alternate methodologies, as

896 appropriate, except for dwellings located in floodways or
 897 coastal hazard areas as defined in ss. 60.3D and E of the
 898 National Flood Insurance Program.

899 ~~3. Each certificateholder or registrant shall provide to~~
 900 ~~the board proof of completion of the core curriculum courses, or~~
 901 ~~passing the equivalency test of the Building Code Training~~
 902 ~~Program established under s. 553.841, specific to the licensing~~
 903 ~~category sought, within 2 years after commencement of the~~
 904 ~~program or of initial certification or registration, whichever~~
 905 ~~is later. Classroom hours spent taking core curriculum courses~~
 906 ~~shall count toward the number required for renewal of~~
 907 ~~certificates or registration. A certificateholder or registrant~~
 908 ~~who passes the equivalency test in lieu of taking the core~~
 909 ~~curriculum courses shall receive full credit for core curriculum~~
 910 ~~course hours.~~

911 3.4. The board shall require, by rule adopted pursuant to
 912 ss. 120.536(1) and 120.54, a specified number of hours in
 913 specialized or advanced module courses, approved by the Florida
 914 Building Commission, on any portion of the Florida Building
 915 Code, adopted pursuant to part IV of chapter 553, relating to
 916 the contractor's respective discipline.

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

920 489.117 Registration; specialty contractors.--

921 (1) (a) Any person engaged in the business of a contractor
 922 as defined in s. 489.105(3) (a)-(o) must ~~in the state shall be~~
 923 ~~registered in the proper classification, unless he or she is~~

924 ~~certified. Any person entering the business of a contractor~~
 925 ~~shall be registered~~ before ~~prior to~~ engaging in business as a
 926 contractor in this state, unless he or she is certified. To be
 927 initially registered, the applicant shall submit the required
 928 fee and file evidence, ~~in a form provided by the department, of~~
 929 ~~holding a current local occupational license required by any~~
 930 ~~municipality, county, or development district, if any, for the~~
 931 ~~type of work for which registration is desired and evidence of~~
 932 successful compliance with the local examination and licensing
 933 requirements, if any, in the area for which registration is
 934 desired. An ~~No~~ examination is not ~~shall be~~ required for
 935 registration.

936 (4) (a) A person holding a local license whose job scope
 937 does not substantially correspond to either the job scope of one
 938 of the contractor categories defined in s. 489.105(3) (a)-(o), or
 939 the job scope of one of the certified specialty contractor
 940 categories ~~previously established by board rule as of the~~
 941 ~~effective date of this provision, is~~ is ~~shall not be~~ required to
 942 register with the board to perform contracting activities within
 943 the scope of such specialty license.

944 ~~(b) A local jurisdiction may require an individual holding~~
 945 ~~a local specialty contractor license in a category which~~
 946 ~~pursuant to paragraph (a) does not permit registration to obtain~~
 947 ~~a tracking registration from the board, provided that the board~~
 948 ~~has established by rule that the activities which comprise the~~
 949 ~~job scope of the local specialty contractor license involve~~
 950 ~~lifesafety considerations and a significant potential danger to~~
 951 ~~the consumer.~~

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

- 956 1. Licensure information.7
- 957 2. Code violation information pursuant to s. 553.781~~,7~~ and
- 958 3. Disciplinary information ~~on locally licensed~~
 959 ~~individuals to the board within 30 days after licensure or any~~
 960 ~~disciplinary action, and~~

961
 962 The board shall maintain such licensure and disciplinary
 963 information as it is provided to the board ~~them~~, and shall make
 964 the ~~such~~ information available through the automated information
 965 system provided pursuant to s. 455.2286. ~~The biennial tracking~~
 966 ~~registration fee shall not exceed \$40.~~

967 (c)~~(d)~~ ~~Neither the board nor the department assumes any~~
 968 ~~responsibility for providing discipline pursuant to having~~
 969 ~~provided the tracking registration.~~ Providing discipline to such
 970 locally licensed contractors ~~is individuals~~ shall be the
 971 responsibility of the local jurisdiction. ~~Failure to obtain a~~
 972 ~~tracking registration shall not be considered a violation of~~
 973 ~~this chapter; however, a local jurisdiction requiring such~~
 974 ~~tracking registration may levy such penalties for failure to~~
 975 ~~obtain the tracking registration as it chooses to provide~~
 976 ~~through local ordinance.~~

977 (d)~~(e)~~ Any person who is not required to obtain
 978 registration or certification pursuant to s. 489.105(3) ~~(d)-(o)~~
 979 may perform ~~specialty~~ contracting services for the construction,

980 remodeling, repair, or improvement of single-family residences,
 981 including a townhouse as defined in the Florida Building Code,
 982 without obtaining a local ~~professional~~ license if such person is
 983 under the supervision of a certified or registered general,
 984 building, or residential contractor. As used in this paragraph,
 985 supervision shall not be deemed to require the existence of a
 986 direct contract between the certified or registered general,
 987 building, or residential contractor and the person performing
 988 specialty contracting services.

989 ~~(5) In order to establish uniformity among the job scopes~~
 990 ~~established by local jurisdictions, the board shall, by rule,~~
 991 ~~establish the job scope for any licensure category registered by~~
 992 ~~the board under this part. The board shall not arbitrarily limit~~
 993 ~~such scopes and shall restrict the job scopes only to the~~
 994 ~~minimum extent necessary to ensure uniformity.~~

995 Section 29. Section 489.119, Florida Statutes, is amended
 996 to read:

997 489.119 Business organizations; qualifying agents.--

998 (1) If an individual proposes to engage in contracting in
 999 the individual's own name, or a fictitious name where the
 1000 individual is doing business as a sole proprietorship,
 1001 registration or certification may be issued only to that
 1002 individual.

1003 (2) If the applicant proposes to engage in contracting as
 1004 a business organization, including any partnership, corporation,
 1005 business trust, or other legal entity, or in any name other than
 1006 the applicant's legal name or a fictitious name where the
 1007 applicant is doing business as a sole proprietorship, the

1008 applicant business organization must apply for registration or
 1009 certification as the ~~for a certificate of authority through a~~
 1010 qualifying agent of the business organization and under the
 1011 ~~fictitious name, if any.~~

1012 (a) An ~~The~~ application for registration or certification
 1013 to qualify a business organization ~~a certificate of authority~~
 1014 must state the name of the partnership and of its partners; the
 1015 name of the corporation and of its officers and directors and
 1016 the name of each of its stockholders who is also an officer or
 1017 director; the name of the business trust and its trustees; or
 1018 the name of such other legal entity and its members; and must
 1019 state the fictitious name, if any, under which the business
 1020 organization is doing business.

1021 (b)1. An ~~The~~ application for registration or certification
 1022 to qualify a business organization ~~primary qualifying agent~~ must
 1023 include an affidavit on a form provided by the board attesting
 1024 that the applicant has final approval authority for all
 1025 construction work performed by the business organization ~~entity~~
 1026 and that the applicant has final approval authority on all
 1027 business matters, including contracts, specifications, checks,
 1028 drafts, or payments, regardless of the form of payment, made by
 1029 the business organization ~~entity~~, except where a financially
 1030 responsible officer is approved.

1031 2. The application for financially responsible officer
 1032 must include an affidavit on a form provided by the board
 1033 attesting that the applicant's approval is required for all
 1034 checks, drafts, or payments, regardless of the form of payment,
 1035 made by the business organization ~~entity~~ and that the applicant

1036 has authority to act for the business organization in all
 1037 financial matters.

1038 3. The application for secondary qualifying agent must
 1039 include an affidavit on a form provided by the board attesting
 1040 that the applicant has authority to supervise all construction
 1041 work performed by the business organization entity as provided
 1042 in s. 489.1195(2).

1043 (c) The board may deny an application for registration or
 1044 certification to qualify a business organization if the
 1045 applicant, or any person listed in paragraph (a), has been
 1046 involved in past disciplinary actions or on any grounds for
 1047 which an individual registration or certification may be denied.

1048 (d)-(b) The applicant must furnish evidence of statutory
 1049 compliance if a fictitious name is used, the provisions of s.
 1050 865.09(7) notwithstanding.

1051 (e)-(e) A joint venture, including a joint venture composed
 1052 of qualified business organizations, is itself a separate and
 1053 distinct organization that must be qualified ~~and obtain a~~
 1054 ~~certificate of authority~~ in accordance with board rules.

1055 ~~(d) A certificate of authority must be renewed every 2~~
 1056 ~~years. If there is a change in any information that is required~~
 1057 ~~to be stated on the application, the business organization~~
 1058 ~~shall, within 45 days after such change occurs, mail the correct~~
 1059 ~~information to the department.~~

1060 (3) (a) A ~~The~~ qualifying agent must ~~shall~~ be certified or
 1061 registered under this part in order for the business
 1062 organization to operate ~~be issued a certificate of authority in~~
 1063 the category of contracting in the business ~~conducted for which~~

CS/CS/CS/HB 425

2009

1064 the qualifying agent is certified or registered. If any
1065 qualifying agent ceases to be affiliated with a ~~such~~ business
1066 organization, he or she shall ~~so~~ inform the department. In
1067 addition, if the ~~such~~ qualifying agent is the only certified or
1068 registered contractor affiliated with the business organization,
1069 the business organization shall notify the department of the
1070 termination of the qualifying agent and shall have 60 days from
1071 the termination of the qualifying agent's affiliation with the
1072 business organization in which to employ another qualifying
1073 agent. The business organization may not engage in contracting
1074 until a qualifying agent is employed, unless the executive
1075 director or chair of the board has granted a temporary
1076 nonrenewable certificate or registration to the financially
1077 responsible officer, the president, a partner, or, in the case
1078 of a limited partnership, the general partner, who assumes all
1079 responsibilities of a primary qualifying agent for the business
1080 organization ~~entity~~. This temporary certificate or registration
1081 shall only allow the business organization ~~entity~~ to proceed
1082 with incomplete contracts. For the purposes of this paragraph,
1083 an incomplete contract is one which has been awarded to, or
1084 entered into by, the business organization prior to the
1085 cessation of affiliation of the qualifying agent with the
1086 business organization or one on which the business organization
1087 was the low bidder and the contract is subsequently awarded,
1088 regardless of whether any actual work has commenced under the
1089 contract prior to the qualifying agent ceasing to be affiliated
1090 with the business organization.

1091 (b) The qualifying agent shall inform the department in
 1092 writing when he or she proposes to engage in contracting in his
 1093 or her own name or in affiliation with another business
 1094 organization, and he or she or such new business organization
 1095 shall supply the same information to the department as required
 1096 of applicants under this part.

1097 ~~(c) Upon a favorable determination by the board, after~~
 1098 ~~investigation of the financial responsibility, credit, and~~
 1099 ~~business reputation of the qualifying agent and the new business~~
 1100 ~~organization, the department shall issue, without an~~
 1101 ~~examination, a new certificate of authority in the business~~
 1102 ~~organization's name.~~

1103 ~~(4) Disciplinary action against a business organization~~
 1104 ~~holding a certificate of authority shall be administered in the~~
 1105 ~~same manner and on the same grounds as disciplinary action~~
 1106 ~~against a contractor. The board may deny the certification of~~
 1107 ~~any person cited in subsection (2) if the person has been~~
 1108 ~~involved in past disciplinary actions or on any grounds for~~
 1109 ~~which individual certification can be denied.~~

1110 (4)(5) When a certified qualifying agent, on behalf of a
 1111 business organization, makes application for a business tax
 1112 receipt ~~an occupational license~~ in any municipality or county of
 1113 this state, the application shall be made with the tax collector
 1114 in the name of the business organization and the qualifying
 1115 agent; and the license, when issued, shall be issued to the
 1116 business organization, upon payment of the appropriate licensing
 1117 fee and exhibition to the tax collector of a valid certificate
 1118 for the qualifying agent ~~and a valid certificate of authority~~

CS/CS/CS/HB 425

2009

1119 ~~for the business organization~~ issued by the department, and the
1120 state license numbers shall be noted thereon.

1121 (5)~~(6)~~ (a) Each registered or certified contractor shall
1122 affix the number of his or her registration or certification to
1123 each application for a building permit and on each building
1124 permit issued and recorded. Each city or county building
1125 department shall require, as a precondition for the issuance of
1126 the building permit, that the contractor taking out the permit
1127 must provide verification giving his or her Construction
1128 Industry Licensing Board registration or certification number.

1129 (b) The registration or certification number of each
1130 contractor ~~or certificate of authority number for each business~~
1131 ~~organization~~ shall appear in each offer of services, business
1132 proposal, bid, contract, or advertisement, regardless of medium,
1133 as defined by board rule, used by that contractor or business
1134 organization in the practice of contracting.

1135 (c) If a vehicle bears the name of a contractor or
1136 business organization, or any text or artwork which would lead a
1137 reasonable person to believe that the vehicle is used for
1138 contracting, the registration or certification number of the
1139 contractor ~~or certificate of authority number of the business~~
1140 ~~organization~~ must be conspicuously and legibly displayed with
1141 the name, text, or artwork. Local governments may also require
1142 that locally licensed contractors must also display their
1143 certificate of competency or license numbers. Nothing in this
1144 paragraph shall be construed to create a mandatory vehicle
1145 signage requirement.

1146 (d) For the purposes of this part, the term
 1147 "advertisement" does not include business stationery or any
 1148 promotional novelties such as balloons, pencils, trinkets, or
 1149 articles of clothing.

1150 (e) The board shall issue a notice of noncompliance for
 1151 the first offense, and may assess a fine or issue a citation for
 1152 failure to correct the offense within 30 days or for any
 1153 subsequent offense, to any contractor or business organization
 1154 that fails to include the certification or registration, ~~or~~
 1155 ~~certificate of authority~~ number as required by this part when
 1156 submitting an advertisement for publication, broadcast, or
 1157 printing or fails to display the certification or registration,
 1158 ~~or certificate of authority~~ number as required by this part.

1159 (f) In addition to any other penalty prescribed by law, a
 1160 local government may impose a civil fine pursuant to s.
 1161 489.127(5) against a person who is not certified or registered
 1162 under this part if the person:

1163 1. Claims to be licensed in any offer of services,
 1164 business proposal, bid, contract, or advertisement, but who does
 1165 not possess a valid competency-based license issued by a local
 1166 government in this state to perform the specified construction
 1167 services; or

1168 2. Claims to be insured in any offer of services, business
 1169 proposal, bid, contract, or advertisement, but whose performance
 1170 of the subject work is not covered by a general liability or
 1171 workers' compensation insurance policy.

1172 (6) (7) Each qualifying agent shall pay the department an
 1173 amount equal to the original fee for registration or

1174 certification to qualify ~~a certificate of authority of~~ a new
1175 business organization. If the qualifying agent for a business
1176 organization desires to qualify additional business
1177 organizations, the board shall require the qualifying agent ~~him~~
1178 ~~or her~~ to present evidence of his or her ability to supervise
1179 the construction activities ~~and financial responsibility~~ of each
1180 such organization. Approval of each business organization ~~The~~
1181 ~~issuance of such certificate of authority~~ is discretionary with
1182 the board.

1183 ~~(7)~~ (8) (a) A business organization proposing to engage in
1184 contracting is not required to apply for or obtain authorization
1185 under this part to engage in contracting if:

1186 1. The business organization employs one or more
1187 registered or certified contractors licensed in accordance with
1188 this part who are responsible for obtaining permits and
1189 supervising all of the business organization's contracting
1190 activities;

1191 2. The business organization engages only in contracting
1192 on property owned by the business organization or by its parent,
1193 subsidiary, or affiliated entities; and

1194 3. The business organization, or its parent entity if the
1195 business organization is a wholly owned subsidiary, maintains a
1196 minimum net worth of \$20 million.

1197 (b) Any business organization engaging in contracting
1198 under this subsection shall provide the board with the name and
1199 license number of each registered or certified contractor
1200 employed by the business organization to supervise its
1201 contracting activities. The business organization is not

1202 required to post a bond or otherwise evidence any financial or
 1203 credit information except as necessary to demonstrate compliance
 1204 with paragraph (a).

1205 (c) A registered or certified contractor employed by a
 1206 business organization to supervise its contracting activities
 1207 under this subsection shall not be required to post a bond or
 1208 otherwise evidence any personal financial or credit information
 1209 so long as the individual performs contracting activities
 1210 exclusively on behalf of a business organization meeting all of
 1211 the requirements of paragraph (a).

1212 Section 30. Subsection (1) of section 489.127, Florida
 1213 Statutes, is amended to read:

1214 489.127 Prohibitions; penalties.--

1215 (1) No person shall:

1216 (a) Falsely hold himself or herself or a business
 1217 organization out as a licensee, certificateholder, or
 1218 registrant;

1219 (b) Falsely impersonate a certificateholder or registrant;

1220 (c) Present as his or her own the certificate or
 1221 registration, ~~or certificate of authority~~ of another;

1222 (d) Knowingly give false or forged evidence to the board
 1223 or a member thereof;

1224 (e) Use or attempt to use a certificate or registration
 1225 ~~that, or certificate of authority which~~ has been suspended or
 1226 revoked;

1227 (f) Engage in the business or act in the capacity of a
 1228 contractor or advertise himself or herself or a business
 1229 organization as available to engage in the business or act in

1230 the capacity of a contractor without being duly registered or
 1231 certified ~~or having a certificate of authority;~~

1232 (g) Operate a business organization engaged in contracting
 1233 after 60 days following the termination of its only qualifying
 1234 agent without designating another primary qualifying agent,
 1235 except as provided in ss. 489.119 and 489.1195;

1236 (h) Commence or perform work for which a building permit
 1237 is required pursuant to part IV of chapter 553 without such
 1238 building permit being in effect; or

1239 (i) Willfully or deliberately disregard or violate any
 1240 municipal or county ordinance relating to uncertified or
 1241 unregistered contractors.

1242

1243 For purposes of this subsection, a person or business
 1244 organization operating on an inactive or suspended certificate
 1245 or, registration, ~~or certificate of authority~~ is not duly
 1246 certified or registered and is considered unlicensed. A business
 1247 tax receipt issued under the authority of chapter 205 is not a
 1248 license for purposes of this part.

1249 Section 31. Effective upon this act becoming a law,
 1250 paragraph (a) of subsection (1) of section 489.128, Florida
 1251 Statutes, is amended to read:

1252 489.128 Contracts entered into by unlicensed contractors
 1253 unenforceable.--

1254 (1) As a matter of public policy, contracts entered into
 1255 on or after October 1, 1990, by an unlicensed contractor shall
 1256 be unenforceable in law or in equity by the unlicensed
 1257 contractor.

1258 (a) For purposes of this section, an individual is
 1259 unlicensed if the individual does not have a license required by
 1260 this part concerning the scope of the work to be performed under
 1261 the contract. A business organization is unlicensed if the
 1262 business organization does not have a primary or secondary
 1263 qualifying agent in accordance with this part concerning the
 1264 scope of the work to be performed under the contract. For
 1265 purposes of this section, if a ~~no~~ state ~~or local~~ license is not
 1266 required for the scope of work to be performed under the
 1267 contract, the individual performing that work is ~~shall~~ not ~~be~~
 1268 considered unlicensed.

1269 Section 32. Paragraph (b) of subsection (1) of section
 1270 489.128, Florida Statutes, is amended to read:

1271 489.128 Contracts entered into by unlicensed contractors
 1272 unenforceable.--

1273 (1) As a matter of public policy, contracts entered into
 1274 on or after October 1, 1990, by an unlicensed contractor shall
 1275 be unenforceable in law or in equity by the unlicensed
 1276 contractor.

1277 (b) For purposes of this section, an individual or
 1278 business organization may not be considered unlicensed for
 1279 failing to have a business tax receipt issued under the
 1280 authority of chapter 205. ~~A business organization may not be~~
 1281 ~~considered unlicensed for failing to have a certificate of~~
 1282 ~~authority as required by ss. 489.119 and 489.127. For purposes~~
 1283 ~~of this section, a business organization entering into the~~
 1284 ~~contract may not be considered unlicensed if, before the date~~
 1285 ~~established by paragraph (c), an individual possessing a license~~

1286 ~~required by this part concerning the scope of the work to be~~
 1287 ~~performed under the contract has submitted an application for a~~
 1288 ~~certificate of authority designating that individual as a~~
 1289 ~~qualifying agent for the business organization entering into the~~
 1290 ~~contract, and the application was not acted upon by the~~
 1291 ~~department or applicable board within the time limitations~~
 1292 ~~imposed by s. 120.60.~~

1293 Section 33. Subsections (1), (5), and (7) of section
 1294 489.129, Florida Statutes, are amended to read:

1295 489.129 Disciplinary proceedings.--

1296 (1) The board may take any of the following actions
 1297 against any certificateholder or registrant: place on probation
 1298 or reprimand the licensee, revoke, suspend, or deny the issuance
 1299 or renewal of the certificate or registration, ~~or certificate~~
 1300 ~~of authority~~, require financial restitution to a consumer for
 1301 financial harm directly related to a violation of a provision of
 1302 this part, impose an administrative fine not to exceed \$10,000
 1303 per violation, require continuing education, or assess costs
 1304 associated with investigation and prosecution, if the
 1305 contractor, financially responsible officer, or business
 1306 organization for which the contractor is a primary qualifying
 1307 agent, a financially responsible officer, or a secondary
 1308 qualifying agent responsible under s. 489.1195 is found guilty
 1309 of any of the following acts:

1310 (a) Obtaining a certificate or registration, ~~or~~
 1311 ~~certificate of authority~~ by fraud or misrepresentation.

1312 (b) Being convicted or found guilty of, or entering a plea
 1313 of nolo contendere to, regardless of adjudication, a crime in

1314 any jurisdiction which directly relates to the practice of
 1315 contracting or the ability to practice contracting.

1316 (c) Violating any provision of chapter 455.

1317 (d) Performing any act which assists a person or entity in
 1318 engaging in the prohibited uncertified and unregistered practice
 1319 of contracting, if the certificateholder or registrant knows or
 1320 has reasonable grounds to know that the person or entity was
 1321 uncertified and unregistered.

1322 (e) Knowingly combining or conspiring with an uncertified
 1323 or unregistered person by allowing his or her certificate or
 1324 ~~registration, or certificate of authority~~ to be used by the
 1325 uncertified or unregistered person with intent to evade the
 1326 provisions of this part. When a certificateholder or registrant
 1327 allows his or her certificate or registration to be used by one
 1328 or more business organizations without having any active
 1329 participation in the operations, management, or control of such
 1330 business organizations, such act constitutes prima facie
 1331 evidence of an intent to evade the provisions of this part.

1332 (f) Acting in the capacity of a contractor under any
 1333 certificate or registration issued hereunder except in the name
 1334 of the certificateholder or registrant as set forth on the
 1335 issued certificate or registration, or in accordance with the
 1336 personnel of the certificateholder or registrant as set forth in
 1337 the application for the certificate or registration, or as later
 1338 changed as provided in this part.

1339 (g) Committing mismanagement or misconduct in the practice
 1340 of contracting that causes financial harm to a customer.

1341 Financial mismanagement or misconduct occurs when:

1342 1. Valid liens have been recorded against the property of
1343 a contractor's customer for supplies or services ordered by the
1344 contractor for the customer's job; the contractor has received
1345 funds from the customer to pay for the supplies or services; and
1346 the contractor has not had the liens removed from the property,
1347 by payment or by bond, within 75 days after the date of such
1348 liens;

1349 2. The contractor has abandoned a customer's job and the
1350 percentage of completion is less than the percentage of the
1351 total contract price paid to the contractor as of the time of
1352 abandonment, unless the contractor is entitled to retain such
1353 funds under the terms of the contract or refunds the excess
1354 funds within 30 days after the date the job is abandoned; or

1355 3. The contractor's job has been completed, and it is
1356 shown that the customer has had to pay more for the contracted
1357 job than the original contract price, as adjusted for subsequent
1358 change orders, unless such increase in cost was the result of
1359 circumstances beyond the control of the contractor, was the
1360 result of circumstances caused by the customer, or was otherwise
1361 permitted by the terms of the contract between the contractor
1362 and the customer.

1363 (h) Being disciplined by any municipality or county for an
1364 act or violation of this part.

1365 (i) Failing in any material respect to comply with the
1366 provisions of this part or violating a rule or lawful order of
1367 the board.

1368 (j) Abandoning a construction project in which the
1369 contractor is engaged or under contract as a contractor. A

1370 project may be presumed abandoned after 90 days if the
1371 contractor terminates the project without just cause or without
1372 proper notification to the owner, including the reason for
1373 termination, or fails to perform work without just cause for 90
1374 consecutive days.

1375 (k) Signing a statement with respect to a project or
1376 contract falsely indicating that the work is bonded; falsely
1377 indicating that payment has been made for all subcontracted
1378 work, labor, and materials which results in a financial loss to
1379 the owner, purchaser, or contractor; or falsely indicating that
1380 workers' compensation and public liability insurance are
1381 provided.

1382 (l) Committing fraud or deceit in the practice of
1383 contracting.

1384 (m) Committing incompetency or misconduct in the practice
1385 of contracting.

1386 (n) Committing gross negligence, repeated negligence, or
1387 negligence resulting in a significant danger to life or
1388 property.

1389 (o) Proceeding on any job without obtaining applicable
1390 local building department permits and inspections.

1391 (p) Intimidating, threatening, coercing, or otherwise
1392 discouraging the service of a notice to owner under part I of
1393 chapter 713 or a notice to contractor under chapter 255 or part
1394 I of chapter 713.

1395 (q) Failing to satisfy within a reasonable time, the terms
1396 of a civil judgment obtained against the licensee, or the

1397 business organization qualified by the licensee, relating to the
 1398 practice of the licensee's profession.

1399
 1400 For the purposes of this subsection, construction is considered
 1401 to be commenced when the contract is executed and the contractor
 1402 has accepted funds from the customer or lender. A contractor
 1403 does not commit a violation of this subsection when the
 1404 contractor relies on a building code interpretation rendered by
 1405 a building official or person authorized by s. 553.80 to enforce
 1406 the building code, absent a finding of fraud or deceit in the
 1407 practice of contracting, or gross negligence, repeated
 1408 negligence, or negligence resulting in a significant danger to
 1409 life or property on the part of the building official, in a
 1410 proceeding under chapter 120.

1411 (5) The board may not reinstate the certification or
 1412 registration, ~~or certificate of authority~~ of, or cause a
 1413 certificate or registration, ~~or certificate of authority~~ to be
 1414 issued to, a person who or business organization which the board
 1415 has determined is unqualified or whose certificate or
 1416 registration, ~~or certificate of authority~~ the board has
 1417 suspended until it is satisfied that such person or business
 1418 organization has complied with all the terms and conditions set
 1419 forth in the final order and is capable of competently engaging
 1420 in the business of contracting.

1421 (7) The board shall not issue or renew a certificate or
 1422 registration, ~~or certificate of authority~~ to any person or
 1423 business organization that has been assessed a fine, interest,
 1424 or costs associated with investigation and prosecution, or has

CS/CS/CS/HB 425

2009

1425 | been ordered to pay restitution, until such fine, interest, or
 1426 | costs associated with investigation and prosecution or
 1427 | restitution are paid in full or until all terms and conditions
 1428 | of the final order have been satisfied.

1429 | Section 34. Subsection (5) of section 489.132, Florida
 1430 | Statutes, is amended to read:

1431 | 489.132 Prohibited acts by unlicensed principals;
 1432 | investigation; hearing; penalties.--

1433 | (5) The department may suspend, revoke, or deny issuance
 1434 | or renewal of a certificate or, registration, ~~or certificate of~~
 1435 | ~~authority~~ for any individual or business organization that
 1436 | associates a person as an officer, director, or partner, or in a
 1437 | managerial or supervisory capacity, after such person has been
 1438 | found under a final order to have violated this section or was
 1439 | an officer, director, partner, trustee, or manager of a business
 1440 | organization disciplined by the board by revocation, suspension,
 1441 | or fine in excess of \$2,500, upon finding reasonable cause that
 1442 | such person knew or reasonably should have known of the conduct
 1443 | leading to the discipline.

1444 | Section 35. Subsection (1) of section 489.1455, Florida
 1445 | Statutes, is amended to read:

1446 | 489.1455 Journeyman; reciprocity; standards.--

1447 | (1) An individual who holds a valid, active journeyman
 1448 | license in the plumbing/pipe fitting, mechanical, or HVAC trades
 1449 | issued by any county or municipality in this state may work as a
 1450 | journeyman in the trade in which he or she is licensed in any
 1451 | county or municipality of this state without taking an
 1452 | additional examination or paying an additional license fee, if

1453 he or she:

1454 (a) Has scored at least 70 percent, or after October 1,
 1455 1997, at least 75 percent, on a proctored journeyman Block and
 1456 Associates examination or other proctored examination approved
 1457 by the board for the trade in which he or she is licensed;

1458 (b) Has completed an apprenticeship program registered
 1459 with the Department of Labor and Employment Security and
 1460 demonstrates 4 years' verifiable practical experience in the
 1461 trade for which he or she is licensed, or demonstrates 6 years'
 1462 verifiable practical experience in the trade for which he or she
 1463 is licensed;

1464 (c) Has satisfactorily completed specialized and advanced
 1465 module coursework approved by the Florida Building Commission,
 1466 as part of the Building Code Training Program established in s.
 1467 553.841, specific to the discipline, ~~and successfully completed~~
 1468 ~~the program's core curriculum courses or passed an equivalency~~
 1469 ~~test in lieu of taking the core curriculum courses and provided~~
 1470 ~~proof of completion of such curriculum courses or examination~~
 1471 ~~and obtained a certificate from the board pursuant to this part~~
 1472 or, pursuant to authorization by the certifying authority,
 1473 provides proof of completion of such ~~curriculum or~~ coursework
 1474 within 6 months after such certification; and

1475 (d) Has not had a license suspended or revoked within the
 1476 last 5 years.

1477 Section 36. Subsection (19) of section 489.505, Florida
 1478 Statutes, is amended to read:

1479 489.505 Definitions.--As used in this part:

CS/CS/CS/HB 425

2009

1480 (19) "Specialty contractor" means a contractor whose scope
1481 of practice is limited to a specific segment of electrical or
1482 alarm system contracting established in a category adopted by
1483 board rule, including, but not limited to, residential
1484 electrical contracting, maintenance of electrical fixtures, and
1485 fabrication, erection, installation, and maintenance of
1486 electrical advertising signs together with the interrelated
1487 parts and supports thereof. ~~Categories of specialty contractor~~
1488 ~~shall be established by board rule.~~

1489 Section 37. Subsections (5), (6), and (7) of section
1490 489.513, Florida Statutes, are amended to read:

1491 489.513 Registration; application; requirements.--

1492 (5) Registration permits the registrant to engage in
1493 contracting only in the area and for the type of work covered by
1494 the registration, unless local licenses are issued for other
1495 areas and types of work or unless certification is obtained.
1496 When a registrant desires to register in an additional area of
1497 the state, he or she shall ~~first~~ comply with any local
1498 requirements of that area and then file a request with the
1499 department, together with evidence of holding a current
1500 ~~occupational license or~~ license issued by the county or
1501 municipality for the area or areas in which he or she desires to
1502 be registered, whereupon his or her evidence of registration
1503 shall be endorsed by the department to reflect valid
1504 registration for the new area or areas.

1505 (6) The local jurisdictions are ~~shall be~~ responsible for
1506 providing the following information to the board within 30 days

1507 after licensure of, or any disciplinary action against, a
 1508 locally licensed contractor who is registered under this part:

1509 (a) Licensure information.
 1510 (b) Code violation information pursuant to s. 553.781.
 1511 and

1512 (c) Disciplinary information. ~~on locally licensed~~
 1513 ~~individuals to the board within 30 days after licensure or any~~
 1514 ~~disciplinary action, and~~

1515
 1516 The board shall maintain such licensure and disciplinary
 1517 information as it is provided to the board ~~them~~, and shall make
 1518 the ~~such~~ information available through the automated information
 1519 system provided pursuant to s. 455.2286.

1520 ~~(7) In order to establish uniformity among the job scopes~~
 1521 ~~established by local jurisdictions, the board shall, by rule,~~
 1522 ~~establish the job scope for any licensure category registered by~~
 1523 ~~the board under this part. The board shall not arbitrarily limit~~
 1524 ~~such scopes and shall restrict the job scopes only to the~~
 1525 ~~minimum extent necessary to ensure uniformity.~~

1526 Section 38. Subsection (3) of section 489.516, Florida
 1527 Statutes, is amended to read:

1528 489.516 Qualifications to practice; restrictions;
 1529 prerequisites.--

1530 (3) When a certificateholder desires to engage in
 1531 contracting in any area of the state, as a prerequisite
 1532 therefor, he or she shall only be required to exhibit to the
 1533 local building official, tax collector, or other authorized
 1534 person in charge of the issuance of licenses and building or

1535 electrical permits in the area evidence of holding a current
 1536 certificate and a current business tax receipt issued by the
 1537 jurisdiction in which the certificateholder's principal place of
 1538 business is located, and having paid ~~to pay~~ the fee for the
 1539 ~~occupational license and permit~~ required of other persons.
 1540 However, a local construction regulation board may deny the
 1541 issuance of an electrical permit to a certified contractor, or
 1542 issue a permit with specific conditions, if the local
 1543 construction regulation board has found such contractor, through
 1544 the public hearing process, to be guilty of fraud or a willful
 1545 building code violation within the county or municipality that
 1546 the local construction regulation board represents, or if the
 1547 local construction regulation board has proof that such
 1548 contractor, through the public hearing process, has been found
 1549 guilty, in another county or municipality within the past 12
 1550 months, of fraud or a willful building code violation and finds,
 1551 after providing notice to the contractor, that such fraud or
 1552 violation would have been fraud or a violation if committed in
 1553 the county or municipality that the local construction board
 1554 represents. Notification of and information concerning such
 1555 permit denial shall be submitted to the Department of Business
 1556 and Professional Regulation within 15 days after the local
 1557 construction regulation board decides to deny the permit.

1558 Section 39. Subsection (3) of section 489.517, Florida
 1559 Statutes, is amended to read:

1560 489.517 Renewal of certificate or registration; continuing
 1561 education.--

1562 (3) ~~(a)~~ Each certificateholder or registrant shall provide

1563 proof, in a form established by rule of the board, that the
 1564 certificateholder or registrant has completed at least 14
 1565 classroom hours of at least 50 minutes each of continuing
 1566 education courses during each biennium since the issuance or
 1567 renewal of the certificate or registration. The board shall by
 1568 rule establish criteria for the approval of continuing education
 1569 courses and providers and may by rule establish criteria for
 1570 accepting alternative nonclassroom continuing education on an
 1571 hour-for-hour basis.

1572 ~~(b) Each certificateholder or registrant shall provide to~~
 1573 ~~the board proof of completion of the core curriculum courses or~~
 1574 ~~passing the equivalency test of the Building Code Training~~
 1575 ~~Program established under s. 553.841, specific to the licensing~~
 1576 ~~category sought, within 2 years after commencement of the~~
 1577 ~~program or of initial certification or registration, whichever~~
 1578 ~~is later. Classroom hours spent taking core curriculum courses~~
 1579 ~~shall count toward the number required for renewal of~~
 1580 ~~certificate or registration. A certificateholder or registrant~~
 1581 ~~who passes the equivalency test in lieu of taking the core~~
 1582 ~~curriculum courses shall receive full credit for core curriculum~~
 1583 ~~course hours.~~

1584 Section 40. Subsection (6) of section 489.521, Florida
 1585 Statutes, is amended to read:

1586 489.521 Business organizations; qualifying agents.--

1587 (6) When a business organization qualified to engage in
 1588 contracting makes application for a business tax receipt ~~an~~
 1589 ~~occupational license~~ in any municipality or county of this
 1590 state, the application shall be made with the tax collector in

1591 the name of the business organization, and the business tax
 1592 receipt license, when issued, shall be issued to the business
 1593 organization upon payment of the appropriate licensing fee and
 1594 exhibition to the tax collector of a valid certificate issued by
 1595 the department.

1596 Section 41. Section 489.5315, Florida Statutes, is amended
 1597 to read:

1598 489.5315 Proprietary electrical or alarm
 1599 contractors.--Businesses that obtain an electrical or burglar
 1600 alarm system license to work only on their own equipment, and
 1601 that do not offer electrical or alarm contracting services to
 1602 the public, are not electrical or burglar alarm system
 1603 contracting businesses and do not have to obtain a business tax
 1604 receipt ~~an occupational license~~ in addition to any they are
 1605 otherwise required to have.

1606 Section 42. Effective upon this act becoming a law,
 1607 paragraph (a) of subsection (1) of section 489.532, Florida
 1608 Statutes, is amended to read:

1609 489.532 Contracts entered into by unlicensed contractors
 1610 unenforceable.--

1611 (1) As a matter of public policy, contracts entered into
 1612 on or after October 1, 1990, by an unlicensed contractor shall
 1613 be unenforceable in law or in equity by the unlicensed
 1614 contractor.

1615 (a) For purposes of this section, an individual is
 1616 unlicensed if the individual does not have a license required by
 1617 this part concerning the scope of the work to be performed under
 1618 the contract. A business organization is unlicensed if the

1619 business organization does not have a primary or secondary
 1620 qualifying agent in accordance with this part concerning the
 1621 scope of the work to be performed under the contract. For
 1622 purposes of this section, if a ~~no~~ state ~~or local~~ license is not
 1623 required for the scope of work to be performed under the
 1624 contract, the individual performing that work is ~~shall~~ not ~~be~~
 1625 considered unlicensed.

1626 Section 43. Paragraph (b) of subsection (3) of section
 1627 489.537, Florida Statutes, is amended to read:

1628 489.537 Application of this part.--

1629 (3) Nothing in this act limits the power of a municipality
 1630 or county:

1631 (b) To collect fees for business tax receipts ~~occupational~~
 1632 ~~licenses~~ and inspections for engaging in contracting or
 1633 examination fees from persons who are registered with the local
 1634 boards pursuant to local examination requirements.

1635 Section 44. Section 509.233, Florida Statutes, is amended
 1636 to read:

1637 509.233 Public food service establishment requirements;
 1638 local exemption for dogs in designated outdoor portions; ~~pilot~~
 1639 ~~program~~.--

1640 ~~(1) INTENT.--It is the intent of the Legislature by this~~
 1641 ~~section to establish a 3-year pilot program for local~~
 1642 ~~governments to allow patrons' dogs within certain designated~~
 1643 ~~outdoor portions of public food service establishments.~~

1644 (1)(2) LOCAL EXEMPTION AUTHORIZED.--Notwithstanding s.
 1645 509.032(7), the governing body of a local government may
 1646 ~~participating in the pilot program is authorized to establish,~~

1647 | by ordinance, a local exemption procedure to certain provisions
 1648 | of the Food and Drug Administration Food Code, as currently
 1649 | adopted by the division, in order to allow patrons' dogs within
 1650 | certain designated outdoor portions of public food service
 1651 | establishments.

1652 | (2)~~(3)~~ LOCAL DISCRETION; CODIFICATION.--

1653 | (a) The adoption of the local exemption procedure shall be
 1654 | at the sole discretion of the governing body of a participating
 1655 | local government. Nothing in this section shall be construed to
 1656 | require or compel a local governing body to adopt an ordinance
 1657 | pursuant to this section.

1658 | (b) Any ordinance adopted pursuant to this section shall
 1659 | provide for codification within the land development code of a
 1660 | participating local government.

1661 | (3)~~(4)~~ LIMITATIONS ON EXEMPTION; PERMIT REQUIREMENTS.--

1662 | (a) Any local exemption procedure adopted pursuant to this
 1663 | section shall only provide a variance to those portions of the
 1664 | currently adopted Food and Drug Administration Food Code in
 1665 | order to allow patrons' dogs within certain designated outdoor
 1666 | portions of public food service establishments.

1667 | (b) In order to protect the health, safety, and general
 1668 | welfare of the public, the local exemption procedure shall
 1669 | require participating public food service establishments to
 1670 | apply for and receive a permit from the governing body of the
 1671 | local government before allowing patrons' dogs on their
 1672 | premises. The local government shall require from the applicant
 1673 | such information as the local government deems reasonably
 1674 | necessary to enforce the provisions of this section, but shall

1675 require, at a minimum, the following information:

1676 1. The name, location, and mailing address of the public
1677 food service establishment.

1678 2. The name, mailing address, and telephone contact
1679 information of the permit applicant.

1680 3. A diagram and description of the outdoor area to be
1681 designated as available to patrons' dogs, including dimensions
1682 of the designated area; a depiction of the number and placement
1683 of tables, chairs, and restaurant equipment, if any; the
1684 entryways and exits to the designated outdoor area; the
1685 boundaries of the designated area and of other areas of outdoor
1686 dining not available for patrons' dogs; any fences or other
1687 barriers; surrounding property lines and public rights-of-way,
1688 including sidewalks and common pathways; and such other
1689 information reasonably required by the permitting authority. The
1690 diagram or plan shall be accurate and to scale but need not be
1691 prepared by a licensed design professional.

1692 4. A description of the days of the week and hours of
1693 operation that patrons' dogs will be permitted in the designated
1694 outdoor area.

1695 (c) In order to protect the health, safety, and general
1696 welfare of the public, the local exemption ordinance shall
1697 include such regulations and limitations as deemed necessary by
1698 the participating local government and shall include, but not be
1699 limited to, the following requirements:

1700 1. All public food service establishment employees shall
1701 wash their hands promptly after touching, petting, or otherwise
1702 handling dogs. Employees shall be prohibited from touching,

1703 petting, or otherwise handling dogs while serving food or
1704 beverages or handling tableware or before entering other parts
1705 of the public food service establishment.

1706 2. Patrons in a designated outdoor area shall be advised
1707 that they should wash their hands before eating. Waterless hand
1708 sanitizer shall be provided at all tables in the designated
1709 outdoor area.

1710 3. Employees and patrons shall be instructed that they
1711 shall not allow dogs to come into contact with serving dishes,
1712 utensils, tableware, linens, paper products, or any other items
1713 involved in food service operations.

1714 4. Patrons shall keep their dogs on a leash at all times
1715 and shall keep their dogs under reasonable control.

1716 5. Dogs shall not be allowed on chairs, tables, or other
1717 furnishings.

1718 6. All table and chair surfaces shall be cleaned and
1719 sanitized with an approved product between seating of patrons.
1720 Spilled food and drink shall be removed from the floor or ground
1721 between seating of patrons.

1722 7. Accidents involving dog waste shall be cleaned
1723 immediately and the area sanitized with an approved product. A
1724 kit with the appropriate materials for this purpose shall be
1725 kept near the designated outdoor area.

1726 8. A sign or signs reminding employees of the applicable
1727 rules shall be posted on premises in a manner and place as
1728 determined by the local permitting authority.

1729 9. A sign or signs reminding patrons of the applicable
1730 rules shall be posted on premises in a manner and place as

1731 determined by the local permitting authority.

1732 10. A sign or signs shall be posted in a manner and place
 1733 as determined by the local permitting authority that places the
 1734 public on notice that the designated outdoor area is available
 1735 for the use of patrons and patrons' dogs.

1736 11. Dogs shall not be permitted to travel through indoor
 1737 or nondesignated outdoor portions of the public food service
 1738 establishment, and ingress and egress to the designated outdoor
 1739 portions of the public food service establishment must not
 1740 require entrance into or passage through any indoor area of the
 1741 food establishment.

1742 (d) A permit issued pursuant to this section shall not be
 1743 transferred to a subsequent owner upon the sale of a public food
 1744 service establishment but shall expire automatically upon the
 1745 sale of the establishment. The subsequent owner shall be
 1746 required to reapply for a permit pursuant to this section if the
 1747 subsequent owner wishes to continue to accommodate patrons'
 1748 dogs.

1749 (4)~~(5)~~ POWERS; ENFORCEMENT.--Participating local
 1750 governments shall have such powers as are reasonably necessary
 1751 to regulate and enforce the provisions of this section.

1752 (5)~~(6)~~ STATE AND LOCAL COOPERATION.--The division shall
 1753 provide reasonable assistance to participating local governments
 1754 in the development of enforcement procedures and regulations,
 1755 and participating local governments shall monitor permitholders
 1756 for compliance in cooperation with the division. At a minimum,
 1757 participating local governments shall establish a procedure to
 1758 accept, document, and respond to complaints and to timely report

1759 to the division all such complaints and the participating local
 1760 governments' enforcement responses to such complaints. A
 1761 participating local government shall provide the division with a
 1762 copy of all approved applications and permits issued, and the
 1763 participating local government shall require that all
 1764 applications, permits, and other related materials contain the
 1765 appropriate division-issued license number for each public food
 1766 service establishment.

1767 ~~(7) FUTURE REVIEW AND REPEAL. This section shall expire~~
 1768 ~~July 1, 2009, unless reviewed and saved from repeal through~~
 1769 ~~reenactment by the Legislature.~~

1770 Section 45. Subsections (8) through (22) of section
 1771 548.002, Florida Statutes, are renumbered as subsections (9)
 1772 through (23), respectively, and a new subsection (8) is added to
 1773 that section, to read:

1774 548.002 Definitions.--As used in this chapter, the term:
 1775 (8) "Event" means one or more matches comprising a show.

1776 Section 46. Paragraph (k) of subsection (2) of section
 1777 548.003, Florida Statutes, is amended to read:

1778 548.003 Florida State Boxing Commission.--

1779 (2) The Florida State Boxing Commission, as created by
 1780 subsection (1), shall administer the provisions of this chapter.
 1781 The commission has authority to adopt rules pursuant to ss.
 1782 120.536(1) and 120.54 to implement the provisions of this
 1783 chapter and to implement each of the duties and responsibilities
 1784 conferred upon the commission, including, but not limited to:

1785 (k) Establishment of criteria for approval, disapproval,
 1786 suspension of approval, and revocation of approval of amateur

1787 | sanctioning organizations for amateur boxing, ~~and~~ kickboxing,
 1788 | and mixed martial arts matches held in this state, including,
 1789 | but not limited to, the health and safety standards the
 1790 | organizations use before, during, and after the matches to
 1791 | ensure the health, safety, and well-being of the amateurs
 1792 | participating in the matches, including the qualifications and
 1793 | numbers of health care personnel required to be present, the
 1794 | qualifications required for referees, and other requirements
 1795 | relating to the health, safety, and well-being of the amateurs
 1796 | participating in the matches. The commission may adopt by rule,
 1797 | or incorporate by reference into rule, the health and safety
 1798 | standards of USA Boxing as the minimum health and safety
 1799 | standards for an amateur boxing sanctioning organization, ~~and~~
 1800 | the health and safety standards of the International Sport
 1801 | Kickboxing Association as the minimum health and safety
 1802 | standards for an amateur kickboxing sanctioning organization,
 1803 | and the minimum health and safety standards for an amateur mixed
 1804 | martial arts sanctioning organization. The commission shall
 1805 | review its rules for necessary revision at least every 2 years
 1806 | and may adopt by rule, or incorporate by reference into rule,
 1807 | the then-existing current health and safety standards of USA
 1808 | Boxing and the International Sport Kickboxing Association. The
 1809 | commission may adopt emergency rules to administer this
 1810 | paragraph.

1811 | Section 47. For the purpose of incorporating the amendment
 1812 | made by this act to subsection (1) of section 455.227, Florida
 1813 | Statutes, in a reference thereto, paragraph (a) of subsection
 1814 | (2) of section 468.436, Florida Statutes, is reenacted to read:

1815 468.436 Disciplinary proceedings.--

1816 (2) The following acts constitute grounds for which the

1817 disciplinary actions in subsection (4) may be taken:

1818 (a) Violation of any provision of s. 455.227(1).

1819 Section 48. For the purpose of incorporating the amendment

1820 made by this act to subsection (1) of section 455.227, Florida

1821 Statutes, in a reference thereto, paragraph (a) of subsection

1822 (1) of section 468.832, Florida Statutes, is reenacted to read:

1823 468.832 Disciplinary proceedings.--

1824 (1) The following acts constitute grounds for which the

1825 disciplinary actions in subsection (2) may be taken:

1826 (a) Violation of any provision of this part or s.

1827 455.227(1);

1828 Section 49. For the purpose of incorporating the amendment

1829 made by this act to subsection (1) of section 455.227, Florida

1830 Statutes, in a reference thereto, paragraph (a) of subsection

1831 (1) of section 468.842, Florida Statutes, is reenacted to read:

1832 468.842 Disciplinary proceedings.--

1833 (1) The following acts constitute grounds for which the

1834 disciplinary actions in subsection (2) may be taken:

1835 (a) Violation of any provision of this part or s.

1836 455.227(1);

1837 Section 50. For the purpose of incorporating the amendment

1838 made by this act to subsection (1) of section 455.227, Florida

1839 Statutes, in a reference thereto, paragraph (a) of subsection

1840 (1) of section 471.033, Florida Statutes, is reenacted to read:

1841 471.033 Disciplinary proceedings.--

1842 (1) The following acts constitute grounds for which the
 1843 disciplinary actions in subsection (3) may be taken:

1844 (a) Violating any provision of s. 455.227(1), s. 471.025,
 1845 or s. 471.031, or any other provision of this chapter or rule of
 1846 the board or department.

1847 Section 51. For the purpose of incorporating the amendment
 1848 made by this act to section (1) of section 455.227, Florida
 1849 Statutes, in a reference thereto, paragraph (a) of subsection
 1850 (1) of section 472.033, Florida Statutes, is reenacted to read:

1851 472.033 Disciplinary proceedings.--

1852 (1) The following acts constitute grounds for which the
 1853 disciplinary actions in subsection (2) may be taken:

1854 (a) Violation of any provision of s. 472.031 or s.
 1855 455.227(1);

1856 Section 52. For the purpose of incorporating the amendment
 1857 made by this act to subsection (1) of section 455.227, Florida
 1858 Statutes, in a reference thereto, paragraph (a) of subsection
 1859 (1) of section 473.323, Florida Statutes, is reenacted to read:

1860 473.323 Disciplinary proceedings.--

1861 (1) The following acts constitute grounds for which the
 1862 disciplinary actions in subsection (3) may be taken:

1863 (a) Violation of any provision of s. 455.227(1) or any
 1864 other provision of this chapter.

1865 Section 53. For the purpose of incorporating the amendment
 1866 made by this act to subsection (1) of section 455.227, Florida
 1867 Statutes, in a reference thereto, paragraph (a) of subsection
 1868 (1) of section 475.25, Florida Statutes, is reenacted to read:

1869 475.25 Discipline.--

1870 (1) The commission may deny an application for licensure,
1871 registration, or permit, or renewal thereof; may place a
1872 licensee, registrant, or permittee on probation; may suspend a
1873 license, registration, or permit for a period not exceeding 10
1874 years; may revoke a license, registration, or permit; may impose
1875 an administrative fine not to exceed \$5,000 for each count or
1876 separate offense; and may issue a reprimand, and any or all of
1877 the foregoing, if it finds that the licensee, registrant,
1878 permittee, or applicant:

1879 (a) Has violated any provision of s. 455.227(1) or s.
1880 475.42. However, licensees under this part are exempt from the
1881 provisions of s. 455.227(1)(i).

1882 Section 54. For the purpose of incorporating the amendment
1883 made by this act to subsection (1) of section 455.227, Florida
1884 Statutes, in a reference thereto, subsection (1) of section
1885 475.624, Florida Statutes, is reenacted to read:

1886 475.624 Discipline.--The board may deny an application for
1887 registration or certification; may investigate the actions of
1888 any appraiser registered, licensed, or certified under this
1889 part; may reprimand or impose an administrative fine not to
1890 exceed \$5,000 for each count or separate offense against any
1891 such appraiser; and may revoke or suspend, for a period not to
1892 exceed 10 years, the registration, license, or certification of
1893 any such appraiser, or place any such appraiser on probation, if
1894 it finds that the registered trainee, licensee, or
1895 certificateholder:

1896 (1) Has violated any provisions of this part or s.
1897 455.227(1); however, certificateholders, registrants, and

1898 licensees under this part are exempt from the provisions of s.
 1899 455.227(1) (i).

1900 Section 55. For the purpose of incorporating the amendment
 1901 made by this act to subsection (1) of section 455.227, Florida
 1902 Statutes, in a reference thereto, paragraph (h) of subsection
 1903 (1) of section 476.204, Florida Statutes, is reenacted to read:

1904 476.204 Penalties.--

1905 (1) It is unlawful for any person to:

1906 (h) Violate any provision of s. 455.227(1), s. 476.194, or
 1907 s. 476.214.

1908 Section 56. For the purpose of incorporating the amendment
 1909 made by this act to subsection (1) of section 455.227, Florida
 1910 Statutes, in a reference thereto, paragraph (h) of subsection
 1911 (1) of section 477.029, Florida Statutes, is reenacted to read:

1912 477.029 Penalty.--

1913 (1) It is unlawful for any person to:

1914 (h) Violate any provision of s. 455.227(1), s. 477.0265,
 1915 or s. 477.028.

1916 Section 57. For the purpose of incorporating the amendment
 1917 made by this act to subsection (1) of section 455.227, Florida
 1918 Statutes, in a reference thereto, paragraph (a) of subsection
 1919 (1) of section 481.225, Florida Statutes, is reenacted to read:

1920 481.225 Disciplinary proceedings against registered
 1921 architects.--

1922 (1) The following acts constitute grounds for which the
 1923 disciplinary actions in subsection (3) may be taken:

1924 (a) Violating any provision of s. 455.227(1), s. 481.221,
 1925 or s. 481.223, or any rule of the board or department lawfully
 1926 adopted pursuant to this part or chapter 455.

1927 Section 58. For the purpose of incorporating the amendment
 1928 made by this act to subsection (1) of section 455.227, Florida
 1929 Statutes, in a reference thereto, paragraph (a) of subsection
 1930 (1) of section 481.325, Florida Statutes, is reenacted to read:

1931 481.325 Disciplinary proceedings.--

1932 (1) The following acts constitute grounds for which the
 1933 disciplinary actions in subsection (3) may be taken:

1934 (a) Violation of any provision of s. 455.227(1), s.
 1935 481.321, or s. 481.323.

1936 Section 59. Section 509.201, Florida Statutes, is
 1937 repealed.

1938 Section 60. Effective upon this act becoming a law, the
 1939 amendments made by this act to ss. 489.128(1)(a) and
 1940 489.532(1)(a), Florida Statutes, shall apply retroactively to
 1941 contracts entered into on or after October 1, 2000, and shall
 1942 apply retroactively to all actions pending when this act becomes
 1943 a law.

1944 Section 61. Except as otherwise expressly provided in this
 1945 act, this act shall take effect October 1, 2009.