

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 s. 477.026, F.S.; increasing maximum fees for
70 | cosmetology licenses; amending ss. 481.215 and 481.313,
71 | F.S.; deleting provisions requiring architect, interior
72 | designer, and landscape architect licensees to complete a
73 | certain core curriculum or pass an equivalency test of the
74 | Florida Building Code Compliance and Mitigation Program;
75 | amending s. 489.103, F.S.; revising a disclosure statement
76 | that a local permitting agency must provide to property
77 | owners who apply for building permits and claim certain
78 | exemptions from provisions regulating construction
79 | contracting; amending s. 489.105, F.S.; revising the term
80 | "specialty contractor" to require that the scope of work
81 | and responsibility of a specialty contractor be
82 | established in a category of construction contracting
83 | adopted by rule of the Construction Industry Licensing
84 | Board; amending s. 489.109, F.S.; increasing maximum fees

85 | for construction contractor certifications; establishing
86 | fees for registration or certification to qualify a
87 | business organization for contracting; deleting provisions
88 | relating to a business organization's certificate of
89 | authority to conform to changes made by the act; amending
90 | s. 489.114, F.S.; deleting provisions relating to a
91 | business organization's certificate of authority to
92 | conform to changes made by the act; amending s. 489.115,
93 | F.S.; deleting provisions requiring construction
94 | contractor certificateholders and registrants to complete
95 | a certain core curriculum or pass an equivalency test of
96 | the Florida Building Code Compliance and Mitigation
97 | Program; amending s. 489.117, F.S.; revising requirements
98 | for the registration of certain contractors; deleting
99 | provisions requiring a contractor applicant to submit
100 | proof of a local occupational license; specifying
101 | circumstances under which a specialty contractor holding a
102 | local license is not required to register with the board;
103 | deleting provisions for the issuance of tracking
104 | registrations to certain contractors who are not eligible
105 | for registration as specialty contractors; limiting the
106 | licensing and disciplinary actions that local
107 | jurisdictions must report to the board to certain actions
108 | of registered contractors; deleting provisions requiring
109 | the board to establish uniform job scopes for any
110 | construction contracting license category; amending s.
111 | 489.119, F.S.; deleting provisions for the issuance of a
112 | certificate of authority to a business organization for

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

141 | equivalency test of the Florida Building Code Compliance
142 | and Mitigation Program; amending s. 489.505, F.S.;
143 | revising the term "specialty contractor" to require that
144 | the scope of practice of a specialty contractor be
145 | established in a category of electrical or alarm system
146 | contracting adopted by rule of the Electrical Contractors'
147 | Licensing Board; amending s. 489.513, F.S.; deleting a
148 | requirement that the local license required for an
149 | electrical or alarm system contractor be an occupational
150 | license; limiting the licensing and disciplinary actions
151 | that local jurisdictions must report to the board to
152 | certain actions of registered contractors; deleting
153 | provisions requiring the board to establish uniform job
154 | scopes for any electrical and alarm system contracting
155 | license category; amending s. 489.516, F.S.; authorizing
156 | local officials to require a contractor to obtain a
157 | business tax receipt; deleting provisions requiring a
158 | contractor to pay an occupational license fee; amending s.
159 | 489.517, F.S.; deleting provisions requiring electrical
160 | and alarm system contractor certificateholders and
161 | registrants to complete a certain core curriculum or pass
162 | an equivalency test of the Florida Building Code
163 | Compliance and Mitigation Program; amending s. 489.521,
164 | F.S.; providing application procedures and requirements
165 | for the issuance of a business tax receipt to a business
166 | organization; deleting provisions for the issuance of an
167 | occupational license to a business organization; amending
168 | s. 489.5315, F.S.; specifying that certain electrical or

169 alarm system contractors are not required to obtain a
 170 business tax receipt; deleting a provision exempting
 171 certain contractors from requirements for an occupational
 172 license to conform to changes made by the act; amending s.
 173 489.532, F.S.; revising the circumstances under which a
 174 person is considered an unlicensed electrical or alarm
 175 system contractor; amending s. 489.537, F.S.; authorizing
 176 a county or municipality to collect fees for business tax
 177 receipts from electrical and alarm system contractors;
 178 deleting a provision authorizing the collection of
 179 occupational license fees; amending s. 509.233, F.S.;

180 authorizing local governments to establish, by ordinance,
 181 local exemption procedures to allow patrons' dogs within
 182 certain designated outdoor portions of public food service
 183 establishments; deleting provisions for a pilot program
 184 that limits the authority for such local exemption
 185 procedures to a specified time; deleting a provision that
 186 provides for the future review and repeal of such pilot
 187 program; amending s. 548.002, F.S.; defining the term
 188 "event" for regulation of pugilistic exhibitions; amending
 189 s. 548.003, F.S.; authorizing the Florida State Boxing
 190 Commission to adopt criteria for the approval of certain
 191 amateur sanctioning organizations; authorizing the
 192 commission to adopt health and safety standards for
 193 amateur mixed martial arts; reenacting ss. 468.436(2)(a),
 194 468.832(1)(a), 468.842(1)(a), 471.033(1)(a),
 195 472.033(1)(a), 473.323(1)(a), 475.25(1)(a), 475.624(1),
 196 476.204(1)(h), 477.029(1)(h), 481.225(1)(a), and

197 481.325(1)(a), F.S., relating to the discipline of
 198 community association managers or firms, home inspectors,
 199 mold assessors and remediators, engineers, surveyors and
 200 mappers, certified public accountants and accounting
 201 firms, real estate brokers and sales associates, real
 202 estate appraisers, barbers, cosmetologists, architects,
 203 and landscape architects, to incorporate the amendment
 204 made to s. 455.227, F.S., in references thereto; repealing
 205 s. 509.201, F.S., relating to posting and advertising the
 206 room rates of a public lodging establishment and related
 207 penalties; providing effective dates.

208

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

210

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

213 455.213 General licensing provisions.--

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

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

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

255 455.227 Grounds for discipline; penalties; enforcement.--

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

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

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

272 Section 3. Section 455.2274, Florida Statutes, is created
 273 to read:

274 455.2274 Criminal proceedings against licensees;
 275 appearances by department representatives.--A representative of
 276 the department may voluntarily appear in a criminal proceeding
 277 brought against a person licensed by the department to practice
 278 a profession regulated by the state. The department's
 279 representative is authorized to furnish pertinent information,
 280 make recommendations regarding specific conditions of probation,

281 and provide other assistance to the court necessary to promote
 282 justice or protect the public. The court may order a
 283 representative of the department to appear in a criminal
 284 proceeding if the crime charged is substantially related to the
 285 qualifications, functions, or duties of a license regulated by
 286 the department.

287 Section 4. Paragraph (i) of subsection (1) of section
 288 468.402, Florida Statutes, is amended to read:

289 468.402 Duties of the department; authority to issue and
 290 revoke license; adoption of rules.--

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

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

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

299 468.403 License requirements.--

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

309 agency.

310 Section 6. Section 468.409, Florida Statutes, is amended
311 to read:

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

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

328 468.410 Prohibition against registration fees; referral.--

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

335 Section 8. Subsections (5) and (8) of section 468.412,
336 Florida Statutes, are amended, and subsection (11) is added to

337 that section, to read:

338 468.412 Talent agency regulations; prohibited acts.--

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

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

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

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

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

367 468.413 Legal requirements; penalties.--

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

378 Section 10. Paragraph (d) of subsection (3) of section
 379 468.609, Florida Statutes, is amended to read:

380 468.609 Administration of this part; standards for
 381 certification; additional categories of certification.--

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

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

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

391 468.627 Application; examination; renewal; fees.--

392 ~~(6) Each certificateholder shall provide to the board~~

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

402 Section 12. Section 471.0195, Florida Statutes, is amended
 403 to read:

404 471.0195 Florida Building Code training for
 405 engineers.--All licensees actively participating in the design
 406 of engineering works or systems in connection with buildings,
 407 structures, or facilities and systems covered by the Florida
 408 Building Code shall take continuing education courses and submit
 409 proof to the board, at such times and in such manner as
 410 established by the board by rule, that the licensee has
 411 completed ~~the core curriculum courses and~~ any specialized or
 412 advanced courses on any portion of the Florida Building Code
 413 applicable to the licensee's area of practice ~~or has passed the~~
 414 ~~appropriate equivalency test of the Building Code Training~~
 415 ~~Program as required by s. 553.841.~~ The board shall record
 416 reported continuing education courses on a system easily
 417 accessed by code enforcement jurisdictions for evaluation when
 418 determining license status for purposes of processing design
 419 documents. Local jurisdictions shall be responsible for
 420 notifying the board when design documents are submitted for

421 building construction permits by persons who are not in
 422 compliance with this section. The board shall take appropriate
 423 action as provided by its rules when such noncompliance is
 424 determined to exist.

425 Section 13. Section 473.305, Florida Statutes, is amended
 426 to read:

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

449 the provisions of law with respect to the regulation of
 450 certified public accountants.

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

453 473.311 Renewal of license.--

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

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

464 473.313 Inactive status.--

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

472 Section 16. Paragraph (a) of subsection (1) of section
 473 475.175, Florida Statutes, is amended to read:

474 475.175 Examinations.--

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

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

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

495 475.451 Schools teaching real estate practice.--

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

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

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

521 475.615 Qualifications for registration or
522 certification.--

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

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

532 476.134 Examinations.--

533 (1) Examinations of applicants for licenses as barbers
 534 shall be offered not less than four times each year. The
 535 examination of applicants for licenses as barbers shall ~~may~~
 536 include ~~both a practical demonstration and~~ a written test. The
 537 board shall have the authority to adopt rules with respect to
 538 the examination of applicants for licensure. The board may
 539 provide rules with respect to written ~~or practical~~ examinations
 540 in such manner as the board may deem fit.

541 Section 20. Paragraph (b) of subsection (6) of section
 542 476.144, Florida Statutes, is amended to read:

543 476.144 Licensure.--

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

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

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

555 Section 21. Paragraph (a) of subsection (1) of section
 556 477.026, Florida Statutes, is amended to read:

557 477.026 Fees; disposition.--

558 (1) The board shall set fees according to the following
 559 schedule:

560 (a) For cosmetologists, fees for original licensing,
 561 license renewal, and delinquent renewal shall not exceed \$50
 562 ~~\$25~~.

563 Section 22. Subsection (6) of section 481.215, Florida
 564 Statutes, is renumbered as subsection (5), and present
 565 subsection (5) of that section is amended to read:

566 481.215 Renewal of license.--

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

577 Section 23. Subsection (6) of section 481.313, Florida
 578 Statutes, is renumbered as subsection (5), and present
 579 subsection (5) of that section is amended to read:

580 481.313 Renewal of license.--

581 ~~(5) Each licenseholder shall provide to the board proof of~~
 582 ~~completion of the core curriculum courses, or passing the~~
 583 ~~equivalency test of the Building Code Training Program~~
 584 ~~established by s. 553.841, within 2 years after commencement of~~
 585 ~~the program or of initial licensure, whichever is later. Hours~~
 586 ~~spent taking core curriculum courses shall count toward the~~
 587 ~~number required for license renewal. A licensee who passes the~~

588 ~~equivalency test in lieu of taking the core curriculum courses~~
 589 ~~shall receive full credit for core curriculum course hours.~~

590 Section 24. Subsection (7) of section 489.103, Florida
 591 Statutes, is amended to read:

592 489.103 Exemptions.--This part does not apply to:

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

596 (a) When building or improving farm outbuildings or one-
 597 family or two-family residences on such property for the
 598 occupancy or use of such owners and not offered for sale or
 599 lease, or building or improving commercial buildings, at a cost
 600 not to exceed \$75,000, on such property for the occupancy or use
 601 of such owners and not offered for sale or lease. In an action
 602 brought under this part, proof of the sale or lease, or offering
 603 for sale or lease, of any such structure by the owner-builder
 604 within 1 year after completion of same creates a presumption
 605 that the construction was undertaken for purposes of sale or
 606 lease.

607 (b) When repairing or replacing wood shakes or asphalt or
 608 fiberglass shingles on one-family, two-family, or three-family
 609 residences for the occupancy or use of such owner or tenant of
 610 the owner and not offered for sale within 1 year after
 611 completion of the work and when the property has been damaged by
 612 natural causes from an event recognized as an emergency
 613 situation designated by executive order issued by the Governor
 614 declaring the existence of a state of emergency as a result and
 615 consequence of a serious threat posed to the public health,

616 safety, and property in this state.

617
618 This subsection does not exempt any person who is employed by or
619 has a contract with such owner and who acts in the capacity of a
620 contractor. The owner may not delegate the owner's
621 responsibility to directly supervise all work to any other
622 person unless that person is registered or certified under this
623 part and the work being performed is within the scope of that
624 person's license. For the purposes of this subsection, the term
625 "owners of property" includes the owner of a mobile home
626 situated on a leased lot. To qualify for exemption under this
627 subsection, an owner must personally appear and sign the
628 building permit application and must satisfy local permitting
629 agency requirements, if any, proving that the owner has a
630 complete understanding of the owner's obligations under the law
631 as specified in the disclosure statement in this section. If any
632 person violates the requirements of this subsection, the local
633 permitting agency shall withhold final approval, revoke the
634 permit, or pursue any action or remedy for unlicensed activity
635 against the owner and any person performing work that requires
636 licensure under the permit issued. The local permitting agency
637 shall provide the person with a disclosure statement in
638 substantially the following form:

639
640 DISCLOSURE STATEMENT

641
642 1. I understand that state law requires construction to
643 be done by a licensed contractor and have applied for an

644 owner-builder permit under an exemption from the law. The
645 exemption specifies that I, as the owner of the property
646 listed, may act as my own contractor with certain
647 restrictions even though I do not have a license.

648
649 2. I understand that building permits are not required to
650 be signed by a property owner unless he or she is
651 responsible for the construction and is not hiring a
652 licensed contractor to assume responsibility.

653
654 3. I understand that, as an owner-builder, I am the
655 responsible party of record on a permit. I understand that
656 I may protect myself from potential financial risk by
657 hiring a licensed contractor and having the permit filed
658 in his or her name instead of my own name. I also
659 understand that a contractor is required by law to be
660 licensed in Florida and to list his or her license numbers
661 on permits and contracts.

662
663 4. I understand that I may build or improve a one-family
664 or two-family residence or a farm outbuilding. I may also
665 build or improve a commercial building if the costs do not
666 exceed \$75,000. The building or residence must be for my
667 own use or occupancy. It may not be built or substantially
668 improved for sale or lease. If a building or residence
669 that I have built or substantially improved myself is sold
670 or leased within 1 year after the construction is
671 complete, the law will presume that I built or

672 substantially improved it for sale or lease, which
673 violates the exemption.

674
675 5. I understand that, as the owner-builder, I must
676 provide direct, onsite supervision of the construction.

677
678 6. I understand that I may not hire an unlicensed person
679 to act as my contractor or to supervise persons working on
680 my building or residence. It is my responsibility to
681 ensure that the persons whom I employ have the licenses
682 required by law and by county or municipal ordinance.

683
684 7. I understand that it is a frequent practice of
685 unlicensed persons to have the property owner obtain an
686 owner-builder permit that erroneously implies that the
687 property owner is providing his or her own labor and
688 materials. I, as an owner-builder, may be held liable and
689 subjected to serious financial risk for any injuries
690 sustained by an unlicensed person or his or her employees
691 while working on my property. My homeowner's insurance may
692 not provide coverage for those injuries. I am willfully
693 acting as an owner-builder and am aware of the limits of
694 my insurance coverage for injuries to workers on my
695 property.

696
697 8. I understand that I may not delegate the
698 responsibility for supervising work to a licensed
699 contractor who is not licensed to perform the work being

700 done. Any person working on my building who is not
701 licensed must work under my direct supervision and must be
702 employed by me, which means that I must comply with laws
703 requiring the withholding of federal income tax and social
704 security contributions under the Federal Insurance
705 Contributions Act (FICA) and must provide workers'
706 compensation for the employee. I understand that my
707 failure to follow these laws may subject me to serious
708 financial risk.

709
710 9. I agree that, as the party legally and financially
711 responsible for this proposed construction activity, I
712 will abide by all applicable laws and requirements that
713 govern owner-builders as well as employers. I also
714 understand that the construction must comply with all
715 applicable laws, ordinances, building codes, and zoning
716 regulations.

717
718 10. I understand that I may obtain more information
719 regarding my obligations as an employer from the Internal
720 Revenue Service, the United States Small Business
721 Administration, the Florida Department of Financial
722 Services, and the Florida Department of Revenue. I also
723 understand that I may contact the Florida Construction
724 Industry Licensing Board at ... (telephone number) ... or
725 ... (Internet website address) ... for more information
726 about licensed contractors.

727

728 11. I am aware of, and consent to, an owner-builder
729 building permit applied for in my name and understand that
730 I am the party legally and financially responsible for the
731 proposed construction activity at the following address:
732 ...(address of property)....

734 12. I agree to notify ...(issuer of disclosure
735 statements)... immediately of any additions, deletions, or
736 changes to any of the information that I have provided on
737 this disclosure.

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

754
755 Before a building permit can be issued, this disclosure

756 statement must be completed and signed by the property
757 owner and returned to the local permitting agency
758 responsible for issuing the permit. A copy of the property
759 owner's driver license, the notarized signature of the
760 property owner, or other type of verification acceptable
761 to the local permitting agency is required when the permit
762 is issued.

763
764 Signature: ... (signature of property owner)....
765 Date: ... (date)....
766

767 ~~State law requires construction to be done by licensed~~
768 ~~contractors. You have applied for a permit under an exemption to~~
769 ~~that law. The exemption allows you, as the owner of your~~
770 ~~property, to act as your own contractor with certain~~
771 ~~restrictions even though you do not have a license. You must~~
772 ~~provide direct, onsite supervision of the construction yourself.~~
773 ~~You may build or improve a one-family or two-family residence or~~
774 ~~a farm outbuilding. You may also build or improve a commercial~~
775 ~~building, provided your costs do not exceed \$75,000. The~~
776 ~~building or residence must be for your own use or occupancy. It~~
777 ~~may not be built or substantially improved for sale or lease. If~~
778 ~~you sell or lease a building you have built or substantially~~
779 ~~improved yourself within 1 year after the construction is~~
780 ~~complete, the law will presume that you built or substantially~~
781 ~~improved it for sale or lease, which is a violation of this~~
782 ~~exemption. You may not hire an unlicensed person to act as your~~
783 ~~contractor or to supervise people working on your building. It~~

784 ~~is your responsibility to make sure that people employed by you~~
 785 ~~have licenses required by state law and by county or municipal~~
 786 ~~licensing ordinances. You may not delegate the responsibility~~
 787 ~~for supervising work to a licensed contractor who is not~~
 788 ~~licensed to perform the work being done. Any person working on~~
 789 ~~your building who is not licensed must work under your direct~~
 790 ~~supervision and must be employed by you, which means that you~~
 791 ~~must deduct F.I.C.A. and withholding tax and provide workers'~~
 792 ~~compensation for that employee, all as prescribed by law. Your~~
 793 ~~construction must comply with all applicable laws, ordinances,~~
 794 ~~building codes, and zoning regulations.~~

795 Section 25. Paragraph (q) of subsection (3) of section
 796 489.105, Florida Statutes, is amended to read:

797 489.105 Definitions.--As used in this part:

798 (3) "Contractor" means the person who is qualified for,
 799 and shall only be responsible for, the project contracted for
 800 and means, except as exempted in this part, the person who, for
 801 compensation, undertakes to, submits a bid to, or does himself
 802 or herself or by others construct, repair, alter, remodel, add
 803 to, demolish, subtract from, or improve any building or
 804 structure, including related improvements to real estate, for
 805 others or for resale to others; and whose job scope is
 806 substantially similar to the job scope described in one of the
 807 subsequent paragraphs of this subsection. For the purposes of
 808 regulation under this part, "demolish" applies only to
 809 demolition of steel tanks over 50 feet in height; towers over 50
 810 feet in height; other structures over 50 feet in height, other
 811 than buildings or residences over three stories tall; and

812 buildings or residences over three stories tall. Contractors are
 813 subdivided into two divisions, Division I, consisting of those
 814 contractors defined in paragraphs (a)-(c), and Division II,
 815 consisting of those contractors defined in paragraphs (d)-(q):

816 (q) "Specialty contractor" means a contractor whose scope
 817 of work and responsibility is limited to a particular phase of
 818 construction established in a category adopted by board rule and
 819 whose scope is limited to a subset of the activities described
 820 in ~~the categories established in~~ one of the paragraphs of this
 821 subsection.

822 Section 26. Paragraphs (a) and (d) of subsection (1) of
 823 section 489.109, Florida Statutes, are amended to read:

824 489.109 Fees.--

825 (1) The board, by rule, shall establish reasonable fees to
 826 be paid for applications, certification and renewal,
 827 registration and renewal, and recordmaking and recordkeeping.
 828 The fees shall be established as follows:

829 (a) With respect to an applicant for a certificate, the
 830 initial application fee may not exceed \$150, and, if an
 831 examination cost is included in the application fee, the
 832 combined amount may not exceed \$350. The initial certification
 833 fee and the renewal fee may not exceed \$250 ~~\$200~~. However, any
 834 applicant who seeks certification under this part by taking a
 835 practical examination must pay as an examination fee the actual
 836 cost incurred by the department in developing, preparing,
 837 administering, scoring, score reporting, and evaluating the
 838 examination, if the examination is conducted by the department.

839 (d) With respect to an application for registration or
840 certification to qualify a business organization, the initial
841 application fee and the renewal fee shall be \$50 ~~The board, by~~
842 ~~rule, may establish a fee for transfer of a certificate of~~
843 ~~authority from one business organization to another, not to~~
844 ~~exceed the applicable renewal fee.~~

845 Section 27. Section 489.114, Florida Statutes, is amended
846 to read:

847 489.114 Evidence of workers' compensation
848 coverage.--Except as provided in s. 489.115(5)(d), any person,
849 business organization, or qualifying agent engaged in the
850 business of contracting in this state and certified or
851 registered under this part shall, as a condition precedent to
852 the issuance or renewal of a certificate or ~~registration, or~~
853 ~~certificate of authority~~ of the contractor, provide to the
854 Construction Industry Licensing Board, as provided by board
855 rule, evidence of workers' compensation coverage pursuant to
856 chapter 440. In the event that the Division of Workers'
857 Compensation of the Department of Financial Services receives
858 notice of the cancellation of a policy of workers' compensation
859 insurance insuring a person or entity governed by this section,
860 the Division of Workers' Compensation shall certify and identify
861 all persons or entities by certification or registration license
862 number to the department after verification is made by the
863 Division of Workers' Compensation that persons or entities
864 governed by this section are no longer covered by workers'
865 compensation insurance. Such certification and verification by
866 the Division of Workers' Compensation may result from records

867 furnished to the Division of Workers' Compensation by the
 868 persons or entities governed by this section or an investigation
 869 completed by the Division of Workers' Compensation. The
 870 department shall notify the persons or entities governed by this
 871 section who have been determined to be in noncompliance with
 872 chapter 440, and the persons or entities notified shall provide
 873 certification of compliance with chapter 440 to the department
 874 and pay an administrative fine in the amount of \$500. The
 875 failure to maintain workers' compensation coverage as required
 876 by law shall be grounds for the board to revoke, suspend, or
 877 deny the issuance or renewal of a certificate or registration,
 878 ~~or certificate of authority~~ of the contractor under the
 879 provisions of s. 489.129.

880 Section 28. Paragraph (b) of subsection (4) of section
 881 489.115, Florida Statutes, is amended to read:

882 489.115 Certification and registration; endorsement;
 883 reciprocity; renewals; continuing education.--

884 (4)

885 (b)1. Each certificateholder or registrant shall provide
 886 proof, in a form established by rule of the board, that the
 887 certificateholder or registrant has completed at least 14
 888 classroom hours of at least 50 minutes each of continuing
 889 education courses during each biennium since the issuance or
 890 renewal of the certificate or registration. The board shall
 891 establish by rule that a portion of the required 14 hours must
 892 deal with the subject of workers' compensation, business
 893 practices, workplace safety, and, for applicable licensure
 894 categories, wind mitigation methodologies, and 1 hour of which

895 must deal with laws and rules. The board shall by rule establish
896 criteria for the approval of continuing education courses and
897 providers, including requirements relating to the content of
898 courses and standards for approval of providers, and may by rule
899 establish criteria for accepting alternative nonclassroom
900 continuing education on an hour-for-hour basis. The board shall
901 prescribe by rule the continuing education, if any, which is
902 required during the first biennium of initial licensure. A
903 person who has been licensed for less than an entire biennium
904 must not be required to complete the full 14 hours of continuing
905 education.

906 2. In addition, the board may approve specialized
907 continuing education courses on compliance with the wind
908 resistance provisions for one and two family dwellings contained
909 in the Florida Building Code and any alternate methodologies for
910 providing such wind resistance which have been approved for use
911 by the Florida Building Commission. Division I
912 certificateholders or registrants who demonstrate proficiency
913 upon completion of such specialized courses may certify plans
914 and specifications for one and two family dwellings to be in
915 compliance with the code or alternate methodologies, as
916 appropriate, except for dwellings located in floodways or
917 coastal hazard areas as defined in ss. 60.3D and E of the
918 National Flood Insurance Program.

919 ~~3. Each certificateholder or registrant shall provide to~~
920 ~~the board proof of completion of the core curriculum courses, or~~
921 ~~passing the equivalency test of the Building Code Training~~
922 ~~Program established under s. 553.841, specific to the licensing~~

923 ~~category sought, within 2 years after commencement of the~~
 924 ~~program or of initial certification or registration, whichever~~
 925 ~~is later. Classroom hours spent taking core curriculum courses~~
 926 ~~shall count toward the number required for renewal of~~
 927 ~~certificates or registration. A certificateholder or registrant~~
 928 ~~who passes the equivalency test in lieu of taking the core~~
 929 ~~curriculum courses shall receive full credit for core curriculum~~
 930 ~~course hours.~~

931 3.4. The board shall require, by rule adopted pursuant to
 932 ss. 120.536(1) and 120.54, a specified number of hours in
 933 specialized or advanced module courses, approved by the Florida
 934 Building Commission, on any portion of the Florida Building
 935 Code, adopted pursuant to part IV of chapter 553, relating to
 936 the contractor's respective discipline.

937 Section 29. Paragraph (a) of subsection (1) and
 938 subsections (4) and (5) of section 489.117, Florida Statutes,
 939 are amended to read:

940 489.117 Registration; specialty contractors.--

941 (1) (a) Any person engaged in the business of a contractor
 942 as defined in s. 489.105(3) (a)-(o) must in the state shall be
 943 ~~registered in the proper classification, unless he or she is~~
 944 ~~certified. Any person entering the business of a contractor~~
 945 ~~shall be registered before prior to~~ engaging in business as a
 946 contractor in this state, unless he or she is certified. To be
 947 initially registered, the applicant shall submit the required
 948 fee and file evidence, ~~in a form provided by the department, of~~
 949 ~~holding a current local occupational license required by any~~
 950 ~~municipality, county, or development district, if any, for the~~

951 ~~type of work for which registration is desired and evidence of~~
 952 successful compliance with the local examination and licensing
 953 requirements, if any, in the area for which registration is
 954 desired. An ~~No~~ examination is not ~~shall be~~ required for
 955 registration.

956 (4) (a) A person holding a local license whose job scope
 957 does not substantially correspond to either the job scope of one
 958 of the contractor categories defined in s. 489.105(3) (a)-(o), or
 959 the job scope of one of the certified specialty contractor
 960 categories ~~previously established by board rule as of the~~
 961 ~~effective date of this provision,~~ is ~~shall~~ not be required to
 962 register with the board to perform contracting activities within
 963 the scope of such specialty license.

964 ~~(b) A local jurisdiction may require an individual holding~~
 965 ~~a local specialty contractor license in a category which~~
 966 ~~pursuant to paragraph (a) does not permit registration to obtain~~
 967 ~~a tracking registration from the board, provided that the board~~
 968 ~~has established by rule that the activities which comprise the~~
 969 ~~job scope of the local specialty contractor license involve~~
 970 ~~lifesafety considerations and a significant potential danger to~~
 971 ~~the consumer.~~

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

- 976 1. Licensure information.7
- 977 2. Code violation information pursuant to s. 553.781.7 ~~and~~
- 978 3. Disciplinary information. ~~on locally licensed~~

979 ~~individuals to the board within 30 days after licensure or any~~
 980 ~~disciplinary action, and~~

981
 982 The board shall maintain such licensure and disciplinary
 983 information as it is provided to the board ~~them~~, and shall make
 984 the ~~such~~ information available through the automated information
 985 system provided pursuant to s. 455.2286. ~~The biennial tracking~~
 986 ~~registration fee shall not exceed \$40.~~

987 ~~(c)(d) Neither the board nor the department assumes any~~
 988 ~~responsibility for providing discipline pursuant to having~~
 989 ~~provided the tracking registration. Providing discipline to such~~
 990 locally licensed contractors ~~is individuals shall be the~~
 991 responsibility of the local jurisdiction. ~~Failure to obtain a~~
 992 ~~tracking registration shall not be considered a violation of~~
 993 ~~this chapter; however, a local jurisdiction requiring such~~
 994 ~~tracking registration may levy such penalties for failure to~~
 995 ~~obtain the tracking registration as it chooses to provide~~
 996 ~~through local ordinance.~~

997 ~~(d)(e)~~ Any person who is not required to obtain
 998 registration or certification pursuant to s. 489.105(3) (d)-(o)
 999 may perform ~~specialty~~ contracting services for the construction,
 1000 remodeling, repair, or improvement of single-family residences,
 1001 including a townhouse as defined in the Florida Building Code,
 1002 without obtaining a local ~~professional~~ license if such person is
 1003 under the supervision of a certified or registered general,
 1004 building, or residential contractor. As used in this paragraph,
 1005 supervision shall not be deemed to require the existence of a
 1006 direct contract between the certified or registered general,

1007 building, or residential contractor and the person performing
 1008 specialty contracting services.

1009 ~~(5) In order to establish uniformity among the job scopes~~
 1010 ~~established by local jurisdictions, the board shall, by rule,~~
 1011 ~~establish the job scope for any licensure category registered by~~
 1012 ~~the board under this part. The board shall not arbitrarily limit~~
 1013 ~~such scopes and shall restrict the job scopes only to the~~
 1014 ~~minimum extent necessary to ensure uniformity.~~

1015 Section 30. Section 489.119, Florida Statutes, is amended
 1016 to read:

1017 489.119 Business organizations; qualifying agents.--

1018 (1) If an individual proposes to engage in contracting in
 1019 the individual's own name, or a fictitious name where the
 1020 individual is doing business as a sole proprietorship,
 1021 registration or certification may be issued only to that
 1022 individual.

1023 (2) If the applicant proposes to engage in contracting as
 1024 a business organization, including any partnership, corporation,
 1025 business trust, or other legal entity, or in any name other than
 1026 the applicant's legal name or a fictitious name where the
 1027 applicant is doing business as a sole proprietorship, the
 1028 applicant business organization must apply for registration or
 1029 certification as the ~~for a certificate of authority through a~~
 1030 qualifying agent of the business organization ~~and under the~~
 1031 ~~fictitious name, if any.~~

1032 (a) An ~~The~~ application for registration or certification
 1033 to qualify a business organization ~~a certificate of authority~~
 1034 must state the name of the partnership and of its partners; the

1035 name of the corporation and of its officers and directors and
 1036 the name of each of its stockholders who is also an officer or
 1037 director; the name of the business trust and its trustees; or
 1038 the name of such other legal entity and its members; and must
 1039 state the fictitious name, if any, under which the business
 1040 organization is doing business.

1041 (b)1. An ~~The~~ application for registration or certification
 1042 to qualify a business organization ~~primary qualifying agent~~ must
 1043 include an affidavit on a form provided by the board attesting
 1044 that the applicant has final approval authority for all
 1045 construction work performed by the business organization ~~entity~~
 1046 and that the applicant has final approval authority on all
 1047 business matters, including contracts, specifications, checks,
 1048 drafts, or payments, regardless of the form of payment, made by
 1049 the business organization ~~entity~~, except where a financially
 1050 responsible officer is approved.

1051 2. The application for financially responsible officer
 1052 must include an affidavit on a form provided by the board
 1053 attesting that the applicant's approval is required for all
 1054 checks, drafts, or payments, regardless of the form of payment,
 1055 made by the business organization ~~entity~~ and that the applicant
 1056 has authority to act for the business organization in all
 1057 financial matters.

1058 3. The application for secondary qualifying agent must
 1059 include an affidavit on a form provided by the board attesting
 1060 that the applicant has authority to supervise all construction
 1061 work performed by the business organization ~~entity~~ as provided
 1062 in s. 489.1195(2).

1063 (c) The board may deny an application for registration or
 1064 certification to qualify a business organization if the
 1065 applicant, or any person listed in paragraph (a), has been
 1066 involved in past disciplinary actions or on any grounds for
 1067 which an individual registration or certification may be denied.

1068 ~~(d) (b)~~ The applicant must furnish evidence of statutory
 1069 compliance if a fictitious name is used, the provisions of s.
 1070 865.09(7) notwithstanding.

1071 ~~(e) (e)~~ A joint venture, including a joint venture composed
 1072 of qualified business organizations, is itself a separate and
 1073 distinct organization that must be qualified ~~and obtain a~~
 1074 ~~certificate of authority~~ in accordance with board rules.

1075 ~~(d) A certificate of authority must be renewed every 2~~
 1076 ~~years. If there is a change in any information that is required~~
 1077 ~~to be stated on the application, the business organization~~
 1078 ~~shall, within 45 days after such change occurs, mail the correct~~
 1079 ~~information to the department.~~

1080 (3) (a) A ~~The~~ qualifying agent must ~~shall~~ be certified or
 1081 registered under this part in order for the business
 1082 organization to operate ~~be issued a certificate of authority~~ in
 1083 the category of contracting in the business ~~conducted for~~ which
 1084 the qualifying agent is certified or registered. If any
 1085 qualifying agent ceases to be affiliated with a ~~such~~ business
 1086 organization, he or she shall ~~se~~ inform the department. In
 1087 addition, if the ~~such~~ qualifying agent is the only certified or
 1088 registered contractor affiliated with the business organization,
 1089 the business organization shall notify the department of the
 1090 termination of the qualifying agent and shall have 60 days from

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2009

1091 the termination of the qualifying agent's affiliation with the
1092 business organization in which to employ another qualifying
1093 agent. The business organization may not engage in contracting
1094 until a qualifying agent is employed, unless the executive
1095 director or chair of the board has granted a temporary
1096 nonrenewable certificate or registration to the financially
1097 responsible officer, the president, a partner, or, in the case
1098 of a limited partnership, the general partner, who assumes all
1099 responsibilities of a primary qualifying agent for the business
1100 organization ~~entity~~. This temporary certificate or registration
1101 shall only allow the business organization ~~entity~~ to proceed
1102 with incomplete contracts. For the purposes of this paragraph,
1103 an incomplete contract is one which has been awarded to, or
1104 entered into by, the business organization prior to the
1105 cessation of affiliation of the qualifying agent with the
1106 business organization or one on which the business organization
1107 was the low bidder and the contract is subsequently awarded,
1108 regardless of whether any actual work has commenced under the
1109 contract prior to the qualifying agent ceasing to be affiliated
1110 with the business organization.

1111 (b) The qualifying agent shall inform the department in
1112 writing when he or she proposes to engage in contracting in his
1113 or her own name or in affiliation with another business
1114 organization, and he or she or such new business organization
1115 shall supply the same information to the department as required
1116 of applicants under this part.

1117 ~~(c) Upon a favorable determination by the board, after~~
1118 ~~investigation of the financial responsibility, credit, and~~

1119 ~~business reputation of the qualifying agent and the new business~~
 1120 ~~organization, the department shall issue, without an~~
 1121 ~~examination, a new certificate of authority in the business~~
 1122 ~~organization's name.~~

1123 ~~(4) Disciplinary action against a business organization~~
 1124 ~~holding a certificate of authority shall be administered in the~~
 1125 ~~same manner and on the same grounds as disciplinary action~~
 1126 ~~against a contractor. The board may deny the certification of~~
 1127 ~~any person cited in subsection (2) if the person has been~~
 1128 ~~involved in past disciplinary actions or on any grounds for~~
 1129 ~~which individual certification can be denied.~~

1130 ~~(4)~~(5) When a certified qualifying agent, on behalf of a
 1131 business organization, makes application for a business tax
 1132 receipt ~~an occupational license~~ in any municipality or county of
 1133 this state, the application shall be made with the tax collector
 1134 in the name of the business organization and the qualifying
 1135 agent; and the license, when issued, shall be issued to the
 1136 business organization, upon payment of the appropriate licensing
 1137 fee and exhibition to the tax collector of a valid certificate
 1138 for the qualifying agent ~~and a valid certificate of authority~~
 1139 ~~for the business organization~~ issued by the department, and the
 1140 state license numbers shall be noted thereon.

1141 ~~(5)~~(6)(a) Each registered or certified contractor shall
 1142 affix the number of his or her registration or certification to
 1143 each application for a building permit and on each building
 1144 permit issued and recorded. Each city or county building
 1145 department shall require, as a precondition for the issuance of
 1146 the building permit, that the contractor taking out the permit

1147 must provide verification giving his or her Construction
1148 Industry Licensing Board registration or certification number.

1149 (b) The registration or certification number of each
1150 contractor ~~or certificate of authority number for each business~~
1151 ~~organization~~ shall appear in each offer of services, business
1152 proposal, bid, contract, or advertisement, regardless of medium,
1153 as defined by board rule, used by that contractor or business
1154 organization in the practice of contracting.

1155 (c) If a vehicle bears the name of a contractor or
1156 business organization, or any text or artwork which would lead a
1157 reasonable person to believe that the vehicle is used for
1158 contracting, the registration or certification number of the
1159 contractor ~~or certificate of authority number of the business~~
1160 ~~organization~~ must be conspicuously and legibly displayed with
1161 the name, text, or artwork. Local governments may also require
1162 that locally licensed contractors must also display their
1163 certificate of competency or license numbers. Nothing in this
1164 paragraph shall be construed to create a mandatory vehicle
1165 signage requirement.

1166 (d) For the purposes of this part, the term
1167 "advertisement" does not include business stationery or any
1168 promotional novelties such as balloons, pencils, trinkets, or
1169 articles of clothing.

1170 (e) The board shall issue a notice of noncompliance for
1171 the first offense, and may assess a fine or issue a citation for
1172 failure to correct the offense within 30 days or for any
1173 subsequent offense, to any contractor or business organization
1174 that fails to include the certification or registration, ~~or~~

1175 ~~certificate of authority~~ number as required by this part when
 1176 submitting an advertisement for publication, broadcast, or
 1177 printing or fails to display the certification or registration,
 1178 ~~or certificate of authority~~ number as required by this part.

1179 (f) In addition to any other penalty prescribed by law, a
 1180 local government may impose a civil fine pursuant to s.
 1181 489.127(5) against a person who is not certified or registered
 1182 under this part if the person:

1183 1. Claims to be licensed in any offer of services,
 1184 business proposal, bid, contract, or advertisement, but who does
 1185 not possess a valid competency-based license issued by a local
 1186 government in this state to perform the specified construction
 1187 services; or

1188 2. Claims to be insured in any offer of services, business
 1189 proposal, bid, contract, or advertisement, but whose performance
 1190 of the subject work is not covered by a general liability or
 1191 workers' compensation insurance policy.

1192 (6) ~~(7)~~ Each qualifying agent shall pay the department an
 1193 amount equal to the original fee for registration or
 1194 certification to qualify ~~a certificate of authority of~~ a new
 1195 business organization. If the qualifying agent for a business
 1196 organization desires to qualify additional business
 1197 organizations, the board shall require the qualifying agent ~~him~~
 1198 ~~or her~~ to present evidence of his or her ability to supervise
 1199 the construction activities ~~and financial responsibility~~ of each
 1200 such organization. Approval of each business organization ~~The~~
 1201 ~~issuance of such certificate of authority~~ is discretionary with
 1202 the board.

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1203 (7)~~(8)~~ (a) A business organization proposing to engage in
1204 contracting is not required to apply for or obtain authorization
1205 under this part to engage in contracting if:

1206 1. The business organization employs one or more
1207 registered or certified contractors licensed in accordance with
1208 this part who are responsible for obtaining permits and
1209 supervising all of the business organization's contracting
1210 activities;

1211 2. The business organization engages only in contracting
1212 on property owned by the business organization or by its parent,
1213 subsidiary, or affiliated entities; and

1214 3. The business organization, or its parent entity if the
1215 business organization is a wholly owned subsidiary, maintains a
1216 minimum net worth of \$20 million.

1217 (b) Any business organization engaging in contracting
1218 under this subsection shall provide the board with the name and
1219 license number of each registered or certified contractor
1220 employed by the business organization to supervise its
1221 contracting activities. The business organization is not
1222 required to post a bond or otherwise evidence any financial or
1223 credit information except as necessary to demonstrate compliance
1224 with paragraph (a).

1225 (c) A registered or certified contractor employed by a
1226 business organization to supervise its contracting activities
1227 under this subsection shall not be required to post a bond or
1228 otherwise evidence any personal financial or credit information
1229 so long as the individual performs contracting activities

1230 exclusively on behalf of a business organization meeting all of
 1231 the requirements of paragraph (a).

1232 Section 31. Subsection (1) of section 489.127, Florida
 1233 Statutes, is amended to read:

1234 489.127 Prohibitions; penalties.--

1235 (1) No person shall:

1236 (a) Falsely hold himself or herself or a business
 1237 organization out as a licensee, certificateholder, or
 1238 registrant;

1239 (b) Falsely impersonate a certificateholder or registrant;

1240 (c) Present as his or her own the certificate or
 1241 registration, ~~or certificate of authority~~ of another;

1242 (d) Knowingly give false or forged evidence to the board
 1243 or a member thereof;

1244 (e) Use or attempt to use a certificate or registration
 1245 ~~that, or certificate of authority which~~ has been suspended or
 1246 revoked;

1247 (f) Engage in the business or act in the capacity of a
 1248 contractor or advertise himself or herself or a business
 1249 organization as available to engage in the business or act in
 1250 the capacity of a contractor without being duly registered or
 1251 certified ~~or having a certificate of authority~~;

1252 (g) Operate a business organization engaged in contracting
 1253 after 60 days following the termination of its only qualifying
 1254 agent without designating another primary qualifying agent,
 1255 except as provided in ss. 489.119 and 489.1195;

1256 (h) Commence or perform work for which a building permit
 1257 is required pursuant to part IV of chapter 553 without such
 1258 building permit being in effect; or

1259 (i) Willfully or deliberately disregard or violate any
 1260 municipal or county ordinance relating to uncertified or
 1261 unregistered contractors.

1262
 1263 For purposes of this subsection, a person or business
 1264 organization operating on an inactive or suspended certificate
 1265 or, registration, ~~or certificate of authority~~ is not duly
 1266 certified or registered and is considered unlicensed. A business
 1267 tax receipt issued under the authority of chapter 205 is not a
 1268 license for purposes of this part.

1269 Section 32. Effective upon this act becoming a law,
 1270 paragraph (a) of subsection (1) of section 489.128, Florida
 1271 Statutes, is amended to read:

1272 489.128 Contracts entered into by unlicensed contractors
 1273 unenforceable.--

1274 (1) As a matter of public policy, contracts entered into
 1275 on or after October 1, 1990, by an unlicensed contractor shall
 1276 be unenforceable in law or in equity by the unlicensed
 1277 contractor.

1278 (a) For purposes of this section, an individual is
 1279 unlicensed if the individual does not have a license required by
 1280 this part concerning the scope of the work to be performed under
 1281 the contract. A business organization is unlicensed if the
 1282 business organization does not have a primary or secondary
 1283 qualifying agent in accordance with this part concerning the

1284 scope of the work to be performed under the contract. For
 1285 purposes of this section, if a ~~no~~ state ~~or local~~ license is not
 1286 required for the scope of work to be performed under the
 1287 contract, the individual performing that work is ~~shall~~ not be
 1288 considered unlicensed.

1289 Section 33. Paragraph (b) of subsection (1) of section
 1290 489.128, Florida Statutes, is amended to read:

1291 489.128 Contracts entered into by unlicensed contractors
 1292 unenforceable.--

1293 (1) As a matter of public policy, contracts entered into
 1294 on or after October 1, 1990, by an unlicensed contractor shall
 1295 be unenforceable in law or in equity by the unlicensed
 1296 contractor.

1297 (b) For purposes of this section, an individual or
 1298 business organization may not be considered unlicensed for
 1299 failing to have a business tax receipt issued under the
 1300 authority of chapter 205. ~~A business organization may not be~~
 1301 ~~considered unlicensed for failing to have a certificate of~~
 1302 ~~authority as required by ss. 489.119 and 489.127. For purposes~~
 1303 ~~of this section, a business organization entering into the~~
 1304 ~~contract may not be considered unlicensed if, before the date~~
 1305 ~~established by paragraph (c), an individual possessing a license~~
 1306 ~~required by this part concerning the scope of the work to be~~
 1307 ~~performed under the contract has submitted an application for a~~
 1308 ~~certificate of authority designating that individual as a~~
 1309 ~~qualifying agent for the business organization entering into the~~
 1310 ~~contract, and the application was not acted upon by the~~

1311 ~~department or applicable board within the time limitations~~
 1312 ~~imposed by s. 120.60.~~

1313 Section 34. Subsections (1), (5), and (7) of section
 1314 489.129, Florida Statutes, are amended to read:

1315 489.129 Disciplinary proceedings.--

1316 (1) The board may take any of the following actions
 1317 against any certificateholder or registrant: place on probation
 1318 or reprimand the licensee, revoke, suspend, or deny the issuance
 1319 or renewal of the certificate or registration, ~~or certificate~~
 1320 ~~of authority~~, require financial restitution to a consumer for
 1321 financial harm directly related to a violation of a provision of
 1322 this part, impose an administrative fine not to exceed \$10,000
 1323 per violation, require continuing education, or assess costs
 1324 associated with investigation and prosecution, if the
 1325 contractor, financially responsible officer, or business
 1326 organization for which the contractor is a primary qualifying
 1327 agent, a financially responsible officer, or a secondary
 1328 qualifying agent responsible under s. 489.1195 is found guilty
 1329 of any of the following acts:

1330 (a) Obtaining a certificate or registration, ~~or~~
 1331 ~~certificate of authority~~ by fraud or misrepresentation.

1332 (b) Being convicted or found guilty of, or entering a plea
 1333 of nolo contendere to, regardless of adjudication, a crime in
 1334 any jurisdiction which directly relates to the practice of
 1335 contracting or the ability to practice contracting.

1336 (c) Violating any provision of chapter 455.

1337 (d) Performing any act which assists a person or entity in
 1338 engaging in the prohibited uncertified and unregistered practice

1339 of contracting, if the certificateholder or registrant knows or
 1340 has reasonable grounds to know that the person or entity was
 1341 uncertified and unregistered.

1342 (e) Knowingly combining or conspiring with an uncertified
 1343 or unregistered person by allowing his or her certificate or,
 1344 ~~registration, or certificate of authority~~ to be used by the
 1345 uncertified or unregistered person with intent to evade the
 1346 provisions of this part. When a certificateholder or registrant
 1347 allows his or her certificate or registration to be used by one
 1348 or more business organizations without having any active
 1349 participation in the operations, management, or control of such
 1350 business organizations, such act constitutes prima facie
 1351 evidence of an intent to evade the provisions of this part.

1352 (f) Acting in the capacity of a contractor under any
 1353 certificate or registration issued hereunder except in the name
 1354 of the certificateholder or registrant as set forth on the
 1355 issued certificate or registration, or in accordance with the
 1356 personnel of the certificateholder or registrant as set forth in
 1357 the application for the certificate or registration, or as later
 1358 changed as provided in this part.

1359 (g) Committing mismanagement or misconduct in the practice
 1360 of contracting that causes financial harm to a customer.
 1361 Financial mismanagement or misconduct occurs when:

1362 1. Valid liens have been recorded against the property of
 1363 a contractor's customer for supplies or services ordered by the
 1364 contractor for the customer's job; the contractor has received
 1365 funds from the customer to pay for the supplies or services; and
 1366 the contractor has not had the liens removed from the property,

1367 by payment or by bond, within 75 days after the date of such
 1368 liens;

1369 2. The contractor has abandoned a customer's job and the
 1370 percentage of completion is less than the percentage of the
 1371 total contract price paid to the contractor as of the time of
 1372 abandonment, unless the contractor is entitled to retain such
 1373 funds under the terms of the contract or refunds the excess
 1374 funds within 30 days after the date the job is abandoned; or

1375 3. The contractor's job has been completed, and it is
 1376 shown that the customer has had to pay more for the contracted
 1377 job than the original contract price, as adjusted for subsequent
 1378 change orders, unless such increase in cost was the result of
 1379 circumstances beyond the control of the contractor, was the
 1380 result of circumstances caused by the customer, or was otherwise
 1381 permitted by the terms of the contract between the contractor
 1382 and the customer.

1383 (h) Being disciplined by any municipality or county for an
 1384 act or violation of this part.

1385 (i) Failing in any material respect to comply with the
 1386 provisions of this part or violating a rule or lawful order of
 1387 the board.

1388 (j) Abandoning a construction project in which the
 1389 contractor is engaged or under contract as a contractor. A
 1390 project may be presumed abandoned after 90 days if the
 1391 contractor terminates the project without just cause or without
 1392 proper notification to the owner, including the reason for
 1393 termination, or fails to perform work without just cause for 90
 1394 consecutive days.

1395 (k) Signing a statement with respect to a project or
 1396 contract falsely indicating that the work is bonded; falsely
 1397 indicating that payment has been made for all subcontracted
 1398 work, labor, and materials which results in a financial loss to
 1399 the owner, purchaser, or contractor; or falsely indicating that
 1400 workers' compensation and public liability insurance are
 1401 provided.

1402 (l) Committing fraud or deceit in the practice of
 1403 contracting.

1404 (m) Committing incompetency or misconduct in the practice
 1405 of contracting.

1406 (n) Committing gross negligence, repeated negligence, or
 1407 negligence resulting in a significant danger to life or
 1408 property.

1409 (o) Proceeding on any job without obtaining applicable
 1410 local building department permits and inspections.

1411 (p) Intimidating, threatening, coercing, or otherwise
 1412 discouraging the service of a notice to owner under part I of
 1413 chapter 713 or a notice to contractor under chapter 255 or part
 1414 I of chapter 713.

1415 (q) Failing to satisfy within a reasonable time, the terms
 1416 of a civil judgment obtained against the licensee, or the
 1417 business organization qualified by the licensee, relating to the
 1418 practice of the licensee's profession.

1419
 1420 For the purposes of this subsection, construction is considered
 1421 to be commenced when the contract is executed and the contractor
 1422 has accepted funds from the customer or lender. A contractor

1423 does not commit a violation of this subsection when the
 1424 contractor relies on a building code interpretation rendered by
 1425 a building official or person authorized by s. 553.80 to enforce
 1426 the building code, absent a finding of fraud or deceit in the
 1427 practice of contracting, or gross negligence, repeated
 1428 negligence, or negligence resulting in a significant danger to
 1429 life or property on the part of the building official, in a
 1430 proceeding under chapter 120.

1431 (5) The board may not reinstate the certification or
 1432 registration, ~~or certificate of authority~~ of, or cause a
 1433 certificate or registration, ~~or certificate of authority~~ to be
 1434 issued to, a person who or business organization which the board
 1435 has determined is unqualified or whose certificate or
 1436 registration, ~~or certificate of authority~~ the board has
 1437 suspended until it is satisfied that such person or business
 1438 organization has complied with all the terms and conditions set
 1439 forth in the final order and is capable of competently engaging
 1440 in the business of contracting.

1441 (7) The board shall not issue or renew a certificate or
 1442 registration, ~~or certificate of authority~~ to any person or
 1443 business organization that has been assessed a fine, interest,
 1444 or costs associated with investigation and prosecution, or has
 1445 been ordered to pay restitution, until such fine, interest, or
 1446 costs associated with investigation and prosecution or
 1447 restitution are paid in full or until all terms and conditions
 1448 of the final order have been satisfied.

1449 Section 35. Subsection (5) of section 489.132, Florida
 1450 Statutes, is amended to read:

1451 489.132 Prohibited acts by unlicensed principals;
 1452 investigation; hearing; penalties.--

1453 (5) The department may suspend, revoke, or deny issuance
 1454 or renewal of a certificate or, registration, ~~or certificate of~~
 1455 ~~authority~~ for any individual or business organization that
 1456 associates a person as an officer, director, or partner, or in a
 1457 managerial or supervisory capacity, after such person has been
 1458 found under a final order to have violated this section or was
 1459 an officer, director, partner, trustee, or manager of a business
 1460 organization disciplined by the board by revocation, suspension,
 1461 or fine in excess of \$2,500, upon finding reasonable cause that
 1462 such person knew or reasonably should have known of the conduct
 1463 leading to the discipline.

1464 Section 36. Subsection (1) of section 489.1455, Florida
 1465 Statutes, is amended to read:

1466 489.1455 Journeyman; reciprocity; standards.--

1467 (1) An individual who holds a valid, active journeyman
 1468 license in the plumbing/pipe fitting, mechanical, or HVAC trades
 1469 issued by any county or municipality in this state may work as a
 1470 journeyman in the trade in which he or she is licensed in any
 1471 county or municipality of this state without taking an
 1472 additional examination or paying an additional license fee, if
 1473 he or she:

1474 (a) Has scored at least 70 percent, or after October 1,
 1475 1997, at least 75 percent, on a proctored journeyman Block and
 1476 Associates examination or other proctored examination approved
 1477 by the board for the trade in which he or she is licensed;

1478 (b) Has completed an apprenticeship program registered

1479 with the Department of Labor and Employment Security and
 1480 demonstrates 4 years' verifiable practical experience in the
 1481 trade for which he or she is licensed, or demonstrates 6 years'
 1482 verifiable practical experience in the trade for which he or she
 1483 is licensed;

1484 (c) Has satisfactorily completed specialized and advanced
 1485 module coursework approved by the Florida Building Commission,
 1486 as part of the Building Code Training Program established in s.
 1487 553.841, specific to the discipline, ~~and successfully completed~~
 1488 ~~the program's core curriculum courses or passed an equivalency~~
 1489 ~~test in lieu of taking the core curriculum courses and provided~~
 1490 ~~proof of completion of such curriculum courses or examination~~
 1491 ~~and obtained a certificate from the board pursuant to this part~~
 1492 or, pursuant to authorization by the certifying authority,
 1493 provides proof of completion of such ~~curriculum or~~ coursework
 1494 within 6 months after such certification; and

1495 (d) Has not had a license suspended or revoked within the
 1496 last 5 years.

1497 Section 37. Subsection (19) of section 489.505, Florida
 1498 Statutes, is amended to read:

1499 489.505 Definitions.--As used in this part:

1500 (19) "Specialty contractor" means a contractor whose scope
 1501 of practice is limited to a specific segment of electrical or
 1502 alarm system contracting established in a category adopted by
 1503 board rule, including, but not limited to, residential
 1504 electrical contracting, maintenance of electrical fixtures, and
 1505 fabrication, erection, installation, and maintenance of
 1506 electrical advertising signs together with the interrelated

1507 parts and supports thereof. ~~Categories of specialty contractor~~
 1508 ~~shall be established by board rule.~~

1509 Section 38. Subsections (5), (6), and (7) of section
 1510 489.513, Florida Statutes, are amended to read:

1511 489.513 Registration; application; requirements.--

1512 (5) Registration permits the registrant to engage in
 1513 contracting only in the area and for the type of work covered by
 1514 the registration, unless local licenses are issued for other
 1515 areas and types of work or unless certification is obtained.
 1516 When a registrant desires to register in an additional area of
 1517 the state, he or she shall ~~first~~ comply with any local
 1518 requirements of that area and then file a request with the
 1519 department, together with evidence of holding a current
 1520 ~~occupational license or~~ license issued by the county or
 1521 municipality for the area or areas in which he or she desires to
 1522 be registered, whereupon his or her evidence of registration
 1523 shall be endorsed by the department to reflect valid
 1524 registration for the new area or areas.

1525 (6) The local jurisdictions are ~~shall be~~ responsible for
 1526 providing the following information to the board within 30 days
 1527 after licensure of, or any disciplinary action against, a
 1528 locally licensed contractor who is registered under this part:

1529 (a) Licensure information.┐

1530 (b) Code violation information pursuant to s. 553.781.┐

1531 and

1532 (c) Disciplinary information. ~~on locally licensed~~
 1533 ~~individuals to the board within 30 days after licensure or any~~
 1534 ~~disciplinary action, and~~

1535
1536 The board shall maintain such licensure and disciplinary
1537 information as it is provided to the board ~~them~~, and shall make
1538 the ~~such~~ information available through the automated information
1539 system provided pursuant to s. 455.2286.

1540 ~~(7) In order to establish uniformity among the job scopes~~
1541 ~~established by local jurisdictions, the board shall, by rule,~~
1542 ~~establish the job scope for any licensure category registered by~~
1543 ~~the board under this part. The board shall not arbitrarily limit~~
1544 ~~such scopes and shall restrict the job scopes only to the~~
1545 ~~minimum extent necessary to ensure uniformity.~~

1546 Section 39. Subsection (3) of section 489.516, Florida
1547 Statutes, is amended to read:

1548 489.516 Qualifications to practice; restrictions;
1549 prerequisites.--

1550 (3) When a certificateholder desires to engage in
1551 contracting in any area of the state, as a prerequisite
1552 therefor, he or she shall only be required to exhibit to the
1553 local building official, tax collector, or other authorized
1554 person in charge of the issuance of licenses and building or
1555 electrical permits in the area evidence of holding a current
1556 certificate and a current business tax receipt issued by the
1557 jurisdiction in which the certificateholder's principal place of
1558 business is located, and having paid ~~to pay~~ the fee for the
1559 ~~occupational license and permit~~ required of other persons.
1560 However, a local construction regulation board may deny the
1561 issuance of an electrical permit to a certified contractor, or
1562 issue a permit with specific conditions, if the local

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1563 construction regulation board has found such contractor, through
 1564 the public hearing process, to be guilty of fraud or a willful
 1565 building code violation within the county or municipality that
 1566 the local construction regulation board represents, or if the
 1567 local construction regulation board has proof that such
 1568 contractor, through the public hearing process, has been found
 1569 guilty, in another county or municipality within the past 12
 1570 months, of fraud or a willful building code violation and finds,
 1571 after providing notice to the contractor, that such fraud or
 1572 violation would have been fraud or a violation if committed in
 1573 the county or municipality that the local construction board
 1574 represents. Notification of and information concerning such
 1575 permit denial shall be submitted to the Department of Business
 1576 and Professional Regulation within 15 days after the local
 1577 construction regulation board decides to deny the permit.

1578 Section 40. Subsection (3) of section 489.517, Florida
 1579 Statutes, is amended to read:

1580 489.517 Renewal of certificate or registration; continuing
 1581 education.--

1582 (3)~~(a)~~ Each certificateholder or registrant shall provide
 1583 proof, in a form established by rule of the board, that the
 1584 certificateholder or registrant has completed at least 14
 1585 classroom hours of at least 50 minutes each of continuing
 1586 education courses during each biennium since the issuance or
 1587 renewal of the certificate or registration. The board shall by
 1588 rule establish criteria for the approval of continuing education
 1589 courses and providers and may by rule establish criteria for
 1590 accepting alternative nonclassroom continuing education on an

1591 hour-for-hour basis.

1592 ~~(b) Each certificateholder or registrant shall provide to~~
 1593 ~~the board proof of completion of the core curriculum courses or~~
 1594 ~~passing the equivalency test of the Building Code Training~~
 1595 ~~Program established under s. 553.841, specific to the licensing~~
 1596 ~~category sought, within 2 years after commencement of the~~
 1597 ~~program or of initial certification or registration, whichever~~
 1598 ~~is later. Classroom hours spent taking core curriculum courses~~
 1599 ~~shall count toward the number required for renewal of~~
 1600 ~~certificate or registration. A certificateholder or registrant~~
 1601 ~~who passes the equivalency test in lieu of taking the core~~
 1602 ~~curriculum courses shall receive full credit for core curriculum~~
 1603 ~~course hours.~~

1604 Section 41. Subsection (6) of section 489.521, Florida
 1605 Statutes, is amended to read:

1606 489.521 Business organizations; qualifying agents.--

1607 (6) When a business organization qualified to engage in
 1608 contracting makes application for a business tax receipt ~~an~~
 1609 ~~occupational license~~ in any municipality or county of this
 1610 state, the application shall be made with the tax collector in
 1611 the name of the business organization, and the business tax
 1612 receipt ~~license~~, when issued, shall be issued to the business
 1613 organization upon payment of the appropriate licensing fee and
 1614 exhibition to the tax collector of a valid certificate issued by
 1615 the department.

1616 Section 42. Section 489.5315, Florida Statutes, is amended
 1617 to read:

1618 489.5315 Proprietary electrical or alarm
 1619 contractors.--Businesses that obtain an electrical or burglar
 1620 alarm system license to work only on their own equipment, and
 1621 that do not offer electrical or alarm contracting services to
 1622 the public, are not electrical or burglar alarm system
 1623 contracting businesses and do not have to obtain a business tax
 1624 receipt ~~an occupational license~~ in addition to any they are
 1625 otherwise required to have.

1626 Section 43. Effective upon this act becoming a law,
 1627 paragraph (a) of subsection (1) of section 489.532, Florida
 1628 Statutes, is amended to read:

1629 489.532 Contracts entered into by unlicensed contractors
 1630 unenforceable.--

1631 (1) As a matter of public policy, contracts entered into
 1632 on or after October 1, 1990, by an unlicensed contractor shall
 1633 be unenforceable in law or in equity by the unlicensed
 1634 contractor.

1635 (a) For purposes of this section, an individual is
 1636 unlicensed if the individual does not have a license required by
 1637 this part concerning the scope of the work to be performed under
 1638 the contract. A business organization is unlicensed if the
 1639 business organization does not have a primary or secondary
 1640 qualifying agent in accordance with this part concerning the
 1641 scope of the work to be performed under the contract. For
 1642 purposes of this section, if a ~~no~~ state ~~or local~~ license is not
 1643 required for the scope of work to be performed under the
 1644 contract, the individual performing that work is ~~shall~~ not ~~be~~
 1645 considered unlicensed.

1646 Section 44. Paragraph (b) of subsection (3) of section
 1647 489.537, Florida Statutes, is amended to read:

1648 489.537 Application of this part.--

1649 (3) Nothing in this act limits the power of a municipality
 1650 or county:

1651 (b) To collect fees for business tax receipts ~~occupational~~
 1652 ~~licenses~~ and inspections for engaging in contracting or
 1653 examination fees from persons who are registered with the local
 1654 boards pursuant to local examination requirements.

1655 Section 45. Section 509.233, Florida Statutes, is amended
 1656 to read:

1657 509.233 Public food service establishment requirements;
 1658 local exemption for dogs in designated outdoor portions; ~~pilot~~
 1659 ~~program~~.--

1660 ~~(1) INTENT.--It is the intent of the Legislature by this~~
 1661 ~~section to establish a 3-year pilot program for local~~
 1662 ~~governments to allow patrons' dogs within certain designated~~
 1663 ~~outdoor portions of public food service establishments.~~

1664 (1) ~~(2)~~ LOCAL EXEMPTION AUTHORIZED.--Notwithstanding s.
 1665 509.032(7), the governing body of a local government may
 1666 ~~participating in the pilot program is authorized to~~ establish,
 1667 by ordinance, a local exemption procedure to certain provisions
 1668 of the Food and Drug Administration Food Code, as currently
 1669 adopted by the division, in order to allow patrons' dogs within
 1670 certain designated outdoor portions of public food service
 1671 establishments.

1672 (2) ~~(3)~~ LOCAL DISCRETION; CODIFICATION.--

1673 (a) The adoption of the local exemption procedure shall be

1674 at the sole discretion of the governing body of a participating
 1675 local government. Nothing in this section shall be construed to
 1676 require or compel a local governing body to adopt an ordinance
 1677 pursuant to this section.

1678 (b) Any ordinance adopted pursuant to this section shall
 1679 provide for codification within the land development code of a
 1680 participating local government.

1681 (3)~~(4)~~ LIMITATIONS ON EXEMPTION; PERMIT REQUIREMENTS.--

1682 (a) Any local exemption procedure adopted pursuant to this
 1683 section shall only provide a variance to those portions of the
 1684 currently adopted Food and Drug Administration Food Code in
 1685 order to allow patrons' dogs within certain designated outdoor
 1686 portions of public food service establishments.

1687 (b) In order to protect the health, safety, and general
 1688 welfare of the public, the local exemption procedure shall
 1689 require participating public food service establishments to
 1690 apply for and receive a permit from the governing body of the
 1691 local government before allowing patrons' dogs on their
 1692 premises. The local government shall require from the applicant
 1693 such information as the local government deems reasonably
 1694 necessary to enforce the provisions of this section, but shall
 1695 require, at a minimum, the following information:

1696 1. The name, location, and mailing address of the public
 1697 food service establishment.

1698 2. The name, mailing address, and telephone contact
 1699 information of the permit applicant.

1700 3. A diagram and description of the outdoor area to be
 1701 designated as available to patrons' dogs, including dimensions

1702 of the designated area; a depiction of the number and placement
1703 of tables, chairs, and restaurant equipment, if any; the
1704 entryways and exits to the designated outdoor area; the
1705 boundaries of the designated area and of other areas of outdoor
1706 dining not available for patrons' dogs; any fences or other
1707 barriers; surrounding property lines and public rights-of-way,
1708 including sidewalks and common pathways; and such other
1709 information reasonably required by the permitting authority. The
1710 diagram or plan shall be accurate and to scale but need not be
1711 prepared by a licensed design professional.

1712 4. A description of the days of the week and hours of
1713 operation that patrons' dogs will be permitted in the designated
1714 outdoor area.

1715 (c) In order to protect the health, safety, and general
1716 welfare of the public, the local exemption ordinance shall
1717 include such regulations and limitations as deemed necessary by
1718 the participating local government and shall include, but not be
1719 limited to, the following requirements:

1720 1. All public food service establishment employees shall
1721 wash their hands promptly after touching, petting, or otherwise
1722 handling dogs. Employees shall be prohibited from touching,
1723 petting, or otherwise handling dogs while serving food or
1724 beverages or handling tableware or before entering other parts
1725 of the public food service establishment.

1726 2. Patrons in a designated outdoor area shall be advised
1727 that they should wash their hands before eating. Waterless hand
1728 sanitizer shall be provided at all tables in the designated
1729 outdoor area.

1730 3. Employees and patrons shall be instructed that they
1731 shall not allow dogs to come into contact with serving dishes,
1732 utensils, tableware, linens, paper products, or any other items
1733 involved in food service operations.

1734 4. Patrons shall keep their dogs on a leash at all times
1735 and shall keep their dogs under reasonable control.

1736 5. Dogs shall not be allowed on chairs, tables, or other
1737 furnishings.

1738 6. All table and chair surfaces shall be cleaned and
1739 sanitized with an approved product between seating of patrons.
1740 Spilled food and drink shall be removed from the floor or ground
1741 between seating of patrons.

1742 7. Accidents involving dog waste shall be cleaned
1743 immediately and the area sanitized with an approved product. A
1744 kit with the appropriate materials for this purpose shall be
1745 kept near the designated outdoor area.

1746 8. A sign or signs reminding employees of the applicable
1747 rules shall be posted on premises in a manner and place as
1748 determined by the local permitting authority.

1749 9. A sign or signs reminding patrons of the applicable
1750 rules shall be posted on premises in a manner and place as
1751 determined by the local permitting authority.

1752 10. A sign or signs shall be posted in a manner and place
1753 as determined by the local permitting authority that places the
1754 public on notice that the designated outdoor area is available
1755 for the use of patrons and patrons' dogs.

1756 11. Dogs shall not be permitted to travel through indoor
1757 or nondesignated outdoor portions of the public food service

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1758 establishment, and ingress and egress to the designated outdoor
1759 portions of the public food service establishment must not
1760 require entrance into or passage through any indoor area of the
1761 food establishment.

1762 (d) A permit issued pursuant to this section shall not be
1763 transferred to a subsequent owner upon the sale of a public food
1764 service establishment but shall expire automatically upon the
1765 sale of the establishment. The subsequent owner shall be
1766 required to reapply for a permit pursuant to this section if the
1767 subsequent owner wishes to continue to accommodate patrons'
1768 dogs.

1769 (4)~~(5)~~ POWERS; ENFORCEMENT.--Participating local
1770 governments shall have such powers as are reasonably necessary
1771 to regulate and enforce the provisions of this section.

1772 (5)~~(6)~~ STATE AND LOCAL COOPERATION.--The division shall
1773 provide reasonable assistance to participating local governments
1774 in the development of enforcement procedures and regulations,
1775 and participating local governments shall monitor permitholders
1776 for compliance in cooperation with the division. At a minimum,
1777 participating local governments shall establish a procedure to
1778 accept, document, and respond to complaints and to timely report
1779 to the division all such complaints and the participating local
1780 governments' enforcement responses to such complaints. A
1781 participating local government shall provide the division with a
1782 copy of all approved applications and permits issued, and the
1783 participating local government shall require that all
1784 applications, permits, and other related materials contain the
1785 appropriate division-issued license number for each public food

1786 service establishment.

1787 ~~(7) FUTURE REVIEW AND REPEAL.--This section shall expire~~
 1788 ~~July 1, 2009, unless reviewed and saved from repeal through~~
 1789 ~~reenactment by the Legislature.~~

1790 Section 46. Subsections (8) through (22) of section
 1791 548.002, Florida Statutes, are renumbered as subsections (9)
 1792 through (23), respectively, and a new subsection (8) is added to
 1793 that section, to read:

1794 548.002 Definitions.--As used in this chapter, the term:

1795 (8) "Event" means one or more matches comprising a show.

1796 Section 47. Paragraph (k) of subsection (2) of section
 1797 548.003, Florida Statutes, is amended to read:

1798 548.003 Florida State Boxing Commission.--

1799 (2) The Florida State Boxing Commission, as created by
 1800 subsection (1), shall administer the provisions of this chapter.
 1801 The commission has authority to adopt rules pursuant to ss.
 1802 120.536(1) and 120.54 to implement the provisions of this
 1803 chapter and to implement each of the duties and responsibilities
 1804 conferred upon the commission, including, but not limited to:

1805 (k) Establishment of criteria for approval, disapproval,
 1806 suspension of approval, and revocation of approval of amateur
 1807 sanctioning organizations for amateur boxing, and kickboxing,
 1808 and mixed martial arts matches held in this state, including,
 1809 but not limited to, the health and safety standards the
 1810 organizations use before, during, and after the matches to
 1811 ensure the health, safety, and well-being of the amateurs
 1812 participating in the matches, including the qualifications and
 1813 numbers of health care personnel required to be present, the

1814 qualifications required for referees, and other requirements
 1815 relating to the health, safety, and well-being of the amateurs
 1816 participating in the matches. The commission may adopt by rule,
 1817 or incorporate by reference into rule, the health and safety
 1818 standards of USA Boxing as the minimum health and safety
 1819 standards for an amateur boxing sanctioning organization, ~~and~~
 1820 the health and safety standards of the International Sport
 1821 Kickboxing Association as the minimum health and safety
 1822 standards for an amateur kickboxing sanctioning organization,
 1823 and the minimum health and safety standards for an amateur mixed
 1824 martial arts sanctioning organization. The commission shall
 1825 review its rules for necessary revision at least every 2 years
 1826 and may adopt by rule, or incorporate by reference into rule,
 1827 the then-existing current health and safety standards of USA
 1828 Boxing and the International Sport Kickboxing Association. The
 1829 commission may adopt emergency rules to administer this
 1830 paragraph.

1831 Section 48. For the purpose of incorporating the amendment
 1832 made by this act to subsection (1) of section 455.227, Florida
 1833 Statutes, in a reference thereto, paragraph (a) of subsection
 1834 (2) of section 468.436, Florida Statutes, is reenacted to read:

1835 468.436 Disciplinary proceedings.--

1836 (2) The following acts constitute grounds for which the
 1837 disciplinary actions in subsection (4) may be taken:

1838 (a) Violation of any provision of s. 455.227(1).

1839 Section 49. For the purpose of incorporating the amendment
 1840 made by this act to subsection (1) of section 455.227, Florida

1841 Statutes, in a reference thereto, paragraph (a) of subsection
 1842 (1) of section 468.832, Florida Statutes, is reenacted to read:
 1843 468.832 Disciplinary proceedings.--

1844 (1) The following acts constitute grounds for which the
 1845 disciplinary actions in subsection (2) may be taken:

1846 (a) Violation of any provision of this part or s.
 1847 455.227(1);

1848 Section 50. For the purpose of incorporating the amendment
 1849 made by this act to subsection (1) of section 455.227, Florida
 1850 Statutes, in a reference thereto, paragraph (a) of subsection
 1851 (1) of section 468.842, Florida Statutes, is reenacted to read:

1852 468.842 Disciplinary proceedings.--

1853 (1) The following acts constitute grounds for which the
 1854 disciplinary actions in subsection (2) may be taken:

1855 (a) Violation of any provision of this part or s.
 1856 455.227(1);

1857 Section 51. For the purpose of incorporating the amendment
 1858 made by this act to subsection (1) of section 455.227, Florida
 1859 Statutes, in a reference thereto, paragraph (a) of subsection
 1860 (1) of section 471.033, Florida Statutes, is reenacted to read:

1861 471.033 Disciplinary proceedings.--

1862 (1) The following acts constitute grounds for which the
 1863 disciplinary actions in subsection (3) may be taken:

1864 (a) Violating any provision of s. 455.227(1), s. 471.025,
 1865 or s. 471.031, or any other provision of this chapter or rule of
 1866 the board or department.

1867 Section 52. For the purpose of incorporating the amendment
 1868 made by this act to section (1) of section 455.227, Florida

1869 Statutes, in a reference thereto, paragraph (a) of subsection
 1870 (1) of section 472.033, Florida Statutes, is reenacted to read:
 1871 472.033 Disciplinary proceedings.--

1872 (1) The following acts constitute grounds for which the
 1873 disciplinary actions in subsection (2) may be taken:

1874 (a) Violation of any provision of s. 472.031 or s.
 1875 455.227(1);

1876 Section 53. For the purpose of incorporating the amendment
 1877 made by this act to subsection (1) of section 455.227, Florida
 1878 Statutes, in a reference thereto, paragraph (a) of subsection
 1879 (1) of section 473.323, Florida Statutes, is reenacted to read:

1880 473.323 Disciplinary proceedings.--

1881 (1) The following acts constitute grounds for which the
 1882 disciplinary actions in subsection (3) may be taken:

1883 (a) Violation of any provision of s. 455.227(1) or any
 1884 other provision of this chapter.

1885 Section 54. For the purpose of incorporating the amendment
 1886 made by this act to subsection (1) of section 455.227, Florida
 1887 Statutes, in a reference thereto, paragraph (a) of subsection
 1888 (1) of section 475.25, Florida Statutes, is reenacted to read:

1889 475.25 Discipline.--

1890 (1) The commission may deny an application for licensure,
 1891 registration, or permit, or renewal thereof; may place a
 1892 licensee, registrant, or permittee on probation; may suspend a
 1893 license, registration, or permit for a period not exceeding 10
 1894 years; may revoke a license, registration, or permit; may impose
 1895 an administrative fine not to exceed \$5,000 for each count or
 1896 separate offense; and may issue a reprimand, and any or all of

1897 the foregoing, if it finds that the licensee, registrant,
 1898 permittee, or applicant:

1899 (a) Has violated any provision of s. 455.227(1) or s.
 1900 475.42. However, licensees under this part are exempt from the
 1901 provisions of s. 455.227(1)(i).

1902 Section 55. For the purpose of incorporating the amendment
 1903 made by this act to subsection (1) of section 455.227, Florida
 1904 Statutes, in a reference thereto, subsection (1) of section
 1905 475.624, Florida Statutes, is reenacted to read:

1906 475.624 Discipline.--The board may deny an application for
 1907 registration or certification; may investigate the actions of
 1908 any appraiser registered, licensed, or certified under this
 1909 part; may reprimand or impose an administrative fine not to
 1910 exceed \$5,000 for each count or separate offense against any
 1911 such appraiser; and may revoke or suspend, for a period not to
 1912 exceed 10 years, the registration, license, or certification of
 1913 any such appraiser, or place any such appraiser on probation, if
 1914 it finds that the registered trainee, licensee, or
 1915 certificateholder:

1916 (1) Has violated any provisions of this part or s.
 1917 455.227(1); however, certificateholders, registrants, and
 1918 licensees under this part are exempt from the provisions of s.
 1919 455.227(1)(i).

1920 Section 56. For the purpose of incorporating the amendment
 1921 made by this act to subsection (1) of section 455.227, Florida
 1922 Statutes, in a reference thereto, paragraph (h) of subsection
 1923 (1) of section 476.204, Florida Statutes, is reenacted to read:

1924 476.204 Penalties.--

1925 (1) It is unlawful for any person to:
 1926 (h) Violate any provision of s. 455.227(1), s. 476.194, or
 1927 s. 476.214.

1928 Section 57. For the purpose of incorporating the amendment
 1929 made by this act to subsection (1) of section 455.227, Florida
 1930 Statutes, in a reference thereto, paragraph (h) of subsection
 1931 (1) of section 477.029, Florida Statutes, is reenacted to read:
 1932 477.029 Penalty.--

1933 (1) It is unlawful for any person to:
 1934 (h) Violate any provision of s. 455.227(1), s. 477.0265,
 1935 or s. 477.028.

1936 Section 58. For the purpose of incorporating the amendment
 1937 made by this act to subsection (1) of section 455.227, Florida
 1938 Statutes, in a reference thereto, paragraph (a) of subsection
 1939 (1) of section 481.225, Florida Statutes, is reenacted to read:
 1940 481.225 Disciplinary proceedings against registered
 1941 architects.--

1942 (1) The following acts constitute grounds for which the
 1943 disciplinary actions in subsection (3) may be taken:
 1944 (a) Violating any provision of s. 455.227(1), s. 481.221,
 1945 or s. 481.223, or any rule of the board or department lawfully
 1946 adopted pursuant to this part or chapter 455.

1947 Section 59. For the purpose of incorporating the amendment
 1948 made by this act to subsection (1) of section 455.227, Florida
 1949 Statutes, in a reference thereto, paragraph (a) of subsection
 1950 (1) of section 481.325, Florida Statutes, is reenacted to read:
 1951 481.325 Disciplinary proceedings.--

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1952 (1) The following acts constitute grounds for which the
1953 disciplinary actions in subsection (3) may be taken:

1954 (a) Violation of any provision of s. 455.227(1), s.
1955 481.321, or s. 481.323.

1956 Section 60. Section 509.201, Florida Statutes, is
1957 repealed.

1958 Section 61. Except as otherwise expressly provided in this
1959 act, this act shall take effect October 1, 2009.