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CS/CS/CS/CS/HB 425, Engrossed 1

2009 Legislature

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

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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

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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. 481.229, F.S.; exempting certain persons or
 76 | entities engaged in the manufacture, sale, or installation
 77 | of commercial food service equipment from provisions
 78 | regulating architecture and interior design under certain
 79 | circumstances; amending s. 489.103, F.S.; revising a
 80 | disclosure statement that a local permitting agency must
 81 | provide to property owners who apply for building permits
 82 | and claim certain exemptions from provisions regulating
 83 | construction contracting; amending s. 489.105, F.S.;
 84 | revising the term "specialty contractor" to require that

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85 | the scope of work and responsibility of a specialty
86 | contractor be established in a category of construction
87 | contracting adopted by rule of the Construction Industry
88 | Licensing Board; amending s. 489.109, F.S.; increasing
89 | maximum fees for construction contractor certifications;
90 | establishing fees for registration or certification to
91 | qualify a business organization for contracting; deleting
92 | provisions relating to a business organization's
93 | certificate of authority to conform to changes made by the
94 | act; amending s. 489.114, F.S.; deleting provisions
95 | relating to a business organization's certificate of
96 | authority to conform to changes made by the act; amending
97 | s. 489.115, F.S.; deleting provisions requiring
98 | construction contractor certificateholders and registrants
99 | to complete a certain core curriculum or pass an
100 | equivalency test of the Florida Building Code Compliance
101 | and Mitigation Program; amending s. 489.117, F.S.;
102 | revising requirements for the registration of certain
103 | contractors; deleting provisions requiring a contractor
104 | applicant to submit proof of a local occupational license;
105 | specifying circumstances under which a specialty
106 | contractor holding a local license is not required to
107 | register with the board; deleting provisions for the
108 | issuance of tracking registrations to certain contractors
109 | who are not eligible for registration as specialty
110 | contractors; limiting the licensing and disciplinary
111 | actions that local jurisdictions must report to the board
112 | to certain actions of registered contractors; deleting

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113 provisions requiring the board to establish uniform job
114 scopes for any construction contracting license category;
115 amending s. 489.119, F.S.; deleting provisions for the
116 issuance of a certificate of authority to a business
117 organization for contracting; requiring a contractor to
118 apply for registration or certification to qualify a
119 business organization as the qualifying agent; authorizing
120 the board to deny a registration or certification to
121 qualify a business organization under certain
122 circumstances; providing application procedures and
123 requirements for the issuance of a business tax receipt to
124 a business organization; deleting provisions for the
125 issuance of an occupational license to a business
126 organization; authorizing a local government to impose
127 fines against certified or registered contractors under
128 certain circumstances; requiring the qualifying agent of a
129 business organization to present certain evidence to the
130 board; providing that the board has discretion to approve
131 a business organization; amending s. 489.127, F.S.;
132 deleting provisions relating to a business organization's
133 certificate of authority for contracting to conform to
134 changes made by the act; amending s. 489.128, F.S.;
135 revising the circumstances under which a person is
136 considered an unlicensed contractor; deleting provisions
137 relating to a business organization's certificate of
138 authority for contracting to conform to changes made by
139 the act; amending ss. 489.129 and 489.132, F.S.; deleting
140 provisions relating to a business organization's

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141 certificate of authority for contracting to conform to
 142 changes made by the act; amending s. 489.1455, F.S.;
 143 deleting provisions requiring certain journeymen licensees
 144 to complete a certain core curriculum or pass an
 145 equivalency test of the Florida Building Code Compliance
 146 and Mitigation Program; amending s. 489.505, F.S.;
 147 revising the term "specialty contractor" to require that
 148 the scope of practice of a specialty contractor be
 149 established in a category of electrical or alarm system
 150 contracting adopted by rule of the Electrical Contractors'
 151 Licensing Board; amending s. 489.513, F.S.; deleting a
 152 requirement that the local license required for an
 153 electrical or alarm system contractor be an occupational
 154 license; limiting the licensing and disciplinary actions
 155 that local jurisdictions must report to the board to
 156 certain actions of registered contractors; deleting
 157 provisions requiring the board to establish uniform job
 158 scopes for any electrical and alarm system contracting
 159 license category; amending s. 489.516, F.S.; authorizing
 160 local officials to require a contractor to obtain a
 161 business tax receipt; deleting provisions requiring a
 162 contractor to pay an occupational license fee; amending s.
 163 489.517, F.S.; deleting provisions requiring electrical
 164 and alarm system contractor certificateholders and
 165 registrants to complete a certain core curriculum or pass
 166 an equivalency test of the Florida Building Code
 167 Compliance and Mitigation Program; amending s. 489.521,
 168 F.S.; providing application procedures and requirements

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169 | for the issuance of a business tax receipt to a business
 170 | organization; deleting provisions for the issuance of an
 171 | occupational license to a business organization; amending
 172 | s. 489.5315, F.S.; specifying that certain electrical or
 173 | alarm system contractors are not required to obtain a
 174 | business tax receipt; deleting a provision exempting
 175 | certain contractors from requirements for an occupational
 176 | license to conform to changes made by the act; amending s.
 177 | 489.532, F.S.; revising the circumstances under which a
 178 | person is considered an unlicensed electrical or alarm
 179 | system contractor; amending s. 489.537, F.S.; authorizing
 180 | a county or municipality to collect fees for business tax
 181 | receipts from electrical and alarm system contractors;
 182 | deleting a provision authorizing the collection of
 183 | occupational license fees; amending s. 509.233, F.S.;
 184 | authorizing local governments to establish, by ordinance,
 185 | local exemption procedures to allow patrons' dogs within
 186 | certain designated outdoor portions of public food service
 187 | establishments; deleting provisions for a pilot program
 188 | that limits the authority for such local exemption
 189 | procedures to a specified time; deleting a provision that
 190 | provides for the future review and repeal of such pilot
 191 | program; amending s. 509.302, F.S.; defining the term
 192 | "hospitality industry"; revising the purpose of the
 193 | program to focus on certain training and transition
 194 | programs; requiring a statewide nonprofit organization
 195 | that receives the program's grant funding to represent a
 196 | hospitality industry in the state; requiring the Division

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197 of Hotels and Restaurants of the Department of Business
 198 and Professional Regulation to use a portion of certain
 199 annual licenses fees for programs directed to careers in
 200 the restaurant industry and a portion of the fees for
 201 programs directed to careers in the lodging industry;
 202 authorizing the division to use a portion of the fees for
 203 administration of the program; deleting provisions related
 204 to the allocation of the funds to various programs;
 205 revising the criteria for the award of grants to conform
 206 to changes made by the act; removing an expired provision
 207 that authorized administrative fines to be used for the
 208 program; amending s. 548.002, F.S.; defining the term
 209 "event" for regulation of pugilistic exhibitions; amending
 210 s. 548.003, F.S.; authorizing the Florida State Boxing
 211 Commission to adopt criteria for the approval of certain
 212 amateur sanctioning organizations; authorizing the
 213 commission to adopt health and safety standards for
 214 amateur mixed martial arts; reenacting ss. 468.436(2)(a),
 215 468.832(1)(a), 468.842(1)(a), 471.033(1)(a),
 216 472.033(1)(a), 473.323(1)(a), 475.25(1)(a), 475.624(1),
 217 476.204(1)(h), 477.029(1)(h), 481.225(1)(a), and
 218 481.325(1)(a), F.S., relating to the discipline of
 219 community association managers or firms, home inspectors,
 220 mold assessors and remediators, engineers, surveyors and
 221 mappers, certified public accountants and accounting
 222 firms, real estate brokers and sales associates, real
 223 estate appraisers, barbers, cosmetologists, architects,
 224 and landscape architects, to incorporate the amendment

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225 made to s. 455.227, F.S., in references thereto; amending
226 s. 20.165, F.S.; creating the Division of Service
227 Operations of the department; amending s. 455.217, F.S.;
228 conforming provisions and transferring to the Division of
229 Service Operations from the Division of Technology certain
230 responsibilities related to examinations; revising certain
231 requirements for the department concerning the use of
232 outside vendors for the development, preparation, and
233 evaluation of examinations; amending s. 471.003, F.S.;
234 revises the types of construction projects for which
235 certain contractors are exempt from licensure as an
236 engineer; requiring that the Office of Program Policy
237 Analysis and Government Accountability perform a study and
238 make certain recommendations to the Legislature by a
239 specified date regarding the enactment of laws to provide
240 for protection and remedies from certain online poker
241 activities; providing for retroactive application;
242 repealing s. 509.201, F.S., relating to posting and
243 advertising the room rates of a public lodging
244 establishment and related penalties; providing effective
245 dates.

246
247 Be It Enacted by the Legislature of the State of Florida:

248
249 Section 1. Subsection (1) of section 455.213, Florida
250 Statutes, is amended to read:

251 455.213 General licensing provisions.--

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252 (1) Any person desiring to be licensed shall apply to the
253 department in writing. The application for licensure shall be
254 submitted ~~made~~ on a form prescribed ~~prepared and furnished~~ by
255 the department and must include the applicant's social security
256 number. Notwithstanding any other provision of law, the
257 department is the sole authority for determining the contents of
258 any documents to be submitted for initial licensure and
259 licensure renewal. Such documents may contain information
260 including, as appropriate: demographics, education, work
261 history, personal background, criminal history, finances,
262 business information, complaints, inspections, investigations,
263 discipline, bonding, ~~signature notarization~~, photographs,
264 performance periods, reciprocity, local government approvals,
265 supporting documentation, periodic reporting requirements,
266 fingerprint requirements, continuing education requirements, and
267 ongoing education monitoring. The application shall be
268 supplemented as needed to reflect any material change in any
269 circumstance or condition stated in the application which takes
270 place between the initial filing of the application and the
271 final grant or denial of the license and which might affect the
272 decision of the department. In order to further the economic
273 development goals of the state, and notwithstanding any law to
274 the contrary, the department may enter into an agreement with
275 the county tax collector for the purpose of appointing the
276 county tax collector as the department's agent to accept
277 applications for licenses and applications for renewals of
278 licenses. The agreement must specify the time within which the
279 tax collector must forward any applications and accompanying

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280 application fees to the department. In cases where a person
 281 applies or schedules directly with a national examination
 282 organization or examination vendor to take an examination
 283 required for licensure, any organization- or vendor-related fees
 284 associated with the examination may be paid directly to the
 285 organization or vendor. An application is received for purposes
 286 of s. 120.60 upon the department's receipt of the application
 287 submitted in the format prescribed by the department; the
 288 application fee set by the board or, if there is no board, set
 289 by the department; and any other fee required by law or rule to
 290 be remitted with the application.

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

293 455.227 Grounds for discipline; penalties; enforcement.--

294 (1) The following acts shall constitute grounds for which
 295 the disciplinary actions specified in subsection (2) may be
 296 taken:

297 (t) Failing to report in writing to the board or, if there
 298 is no board, to the department within 30 days after the licensee
 299 is convicted or found guilty of, or entered a plea of nolo
 300 contendere or guilty to, regardless of adjudication, a crime in
 301 any jurisdiction. A licensee must report a conviction, finding
 302 of guilt, plea, or adjudication entered before the effective
 303 date of this paragraph within 30 days after the effective date
 304 of this paragraph.

305 (u) Termination from a treatment program for impaired
 306 practitioners as described in s. 456.076 for failure to comply,
 307 without good cause, with the terms of the monitoring or

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308 treatment contract entered into by the licensee or failing to
 309 successfully complete a drug or alcohol treatment program.

310 Section 3. Section 455.2274, Florida Statutes, is created
 311 to read:

312 455.2274 Criminal proceedings against licensees;
 313 appearances by department representatives.--A representative of
 314 the department may voluntarily appear in a criminal proceeding
 315 brought against a person licensed by the department to practice
 316 a profession regulated by the state. The department's
 317 representative is authorized to furnish pertinent information,
 318 make recommendations regarding specific conditions of probation,
 319 and provide other assistance to the court necessary to promote
 320 justice or protect the public. The court may order a
 321 representative of the department to appear in a criminal
 322 proceeding if the crime charged is substantially related to the
 323 qualifications, functions, or duties of a license regulated by
 324 the department.

325 Section 4. Paragraph (i) of subsection (1) of section
 326 468.402, Florida Statutes, is amended to read:

327 468.402 Duties of the department; authority to issue and
 328 revoke license; adoption of rules.--

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

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

335 Section 5. Subsection (1) of section 468.403, Florida

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336 Statutes, is amended to read:

337 468.403 License requirements.--

338 (1) A person may not own, operate, solicit business, or
 339 otherwise engage in or carry on the occupation of a talent
 340 agency in this state unless the ~~such~~ person first procures a
 341 license for the talent agency from the department. ~~However,~~ A
 342 license is not required for a person who acts as an agent for
 343 herself or himself, a family member, or exclusively for one
 344 artist. However, a person may not advertise or otherwise hold
 345 herself or himself out as a "talent agency" or "talent agent"
 346 unless the person is licensed under this section as a talent
 347 agency.

348 Section 6. Section 468.409, Florida Statutes, is amended
 349 to read:

350 468.409 Records required to be kept.--Each talent agency
 351 shall keep on file the application, registration, or contract of
 352 each artist. In addition, such file must include the name and
 353 address of each artist, the amount of the compensation received,
 354 and all attempts to procure engagements for the artist. No such
 355 agency or employee thereof shall knowingly make any false entry
 356 in applicant files or receipt files. Each card or document in
 357 such files shall be preserved for a period of 1 year after the
 358 date of the last entry thereon. Records required under this
 359 section shall be readily available for inspection by the
 360 department during reasonable business hours at the talent
 361 agency's principal office. A talent agency must provide the
 362 department with true copies of the records in the manner
 363 prescribed by the department.

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

366 468.410 Prohibition against registration fees; referral.--

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

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

376 468.412 Talent agency regulations; prohibited acts.--

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

381 (b) A talent agency must advise an artist, in writing,
 382 that the artist has a right to rescind a contract for employment
 383 within the first 3 business days after the contract's execution.
 384 Any engagement procured by the talent agency for the artist
 385 during the first 3 business days of the contract remains
 386 commissionable to the talent agency.

387 (8) No talent agency, without the written consent of the
 388 artist, may divide fees with anyone, including, but not limited
 389 to, an agent or other employee of an employer, a buyer, a
 390 casting director, a producer, a director, or any venue that uses
 391 entertainment. For purposes of this subsection, to "divide fees"

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392 includes the sharing among two or more persons of those fees
 393 charged to an artist for services performed on behalf of that
 394 artist, the total amount of which fees exceeds the amount that
 395 would have been charged to the artist by the talent agency
 396 alone.

397 (11) A talent agency may assign an engagement contract to
 398 another talent agency licensed in this state only if the artist
 399 agrees in writing to the assignment. The assignment must occur,
 400 and written notice of the assignment must be given to the
 401 artist, within 30 days after the artist agrees in writing to the
 402 assignment.

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

405 468.413 Legal requirements; penalties.--

406 (4) In the event the department or any state attorney
 407 shall have probable cause to believe that a talent agency or
 408 other person has violated any provision of subsection (1), an
 409 action may be brought by the department or any state attorney to
 410 enjoin such talent agency or any person from continuing such
 411 violation, or engaging therein or doing any acts in furtherance
 412 thereof, and for such other relief as to the court seems
 413 appropriate. In addition to this remedy, the department may
 414 assess a penalty against any talent agency or any person in an
 415 amount not to exceed \$5,000 ~~\$1,000~~.

416 Section 10. Paragraph (d) of subsection (3) of section
 417 468.609, Florida Statutes, is amended to read:

418 468.609 Administration of this part; standards for
 419 certification; additional categories of certification.--

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420 (3) A person may take the examination for certification as
 421 a building code administrator pursuant to this part if the
 422 person:

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

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

429 468.627 Application; examination; renewal; fees.--

430 ~~(6) Each certificateholder shall provide to the board~~
 431 ~~proof of completion of the core curriculum courses of the~~
 432 ~~building code training program established by s. 553.841, within~~
 433 ~~2 years after commencement of the program. Each new~~
 434 ~~certificateholder shall provide to the board proof of completion~~
 435 ~~of the core curriculum courses of the building code training~~
 436 ~~program established in s. 553.841 within the first 2-year period~~
 437 ~~after initial licensure. Continuing education hours spent taking~~
 438 ~~such core curriculum courses shall count toward the number~~
 439 ~~required for license renewal.~~

440 Section 12. Section 471.0195, Florida Statutes, is amended
 441 to read:

442 471.0195 Florida Building Code training for
 443 engineers.--All licensees actively participating in the design
 444 of engineering works or systems in connection with buildings,
 445 structures, or facilities and systems covered by the Florida
 446 Building Code shall take continuing education courses and submit
 447 proof to the board, at such times and in such manner as

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448 established by the board by rule, that the licensee has
 449 completed ~~the core curriculum courses and~~ any specialized or
 450 advanced courses on any portion of the Florida Building Code
 451 applicable to the licensee's area of practice ~~or has passed the~~
 452 ~~appropriate equivalency test of the Building Code Training~~
 453 ~~Program as required by s. 553.841.~~ The board shall record
 454 reported continuing education courses on a system easily
 455 accessed by code enforcement jurisdictions for evaluation when
 456 determining license status for purposes of processing design
 457 documents. Local jurisdictions shall be responsible for
 458 notifying the board when design documents are submitted for
 459 building construction permits by persons who are not in
 460 compliance with this section. The board shall take appropriate
 461 action as provided by its rules when such noncompliance is
 462 determined to exist.

463 Section 13. Section 473.305, Florida Statutes, is amended
 464 to read:

465 473.305 Fees.--The board, by rule, may establish fees to
 466 be paid for applications, examination, reexamination, licensing
 467 and renewal, reinstatement, and recordmaking and recordkeeping.
 468 The fee for the examination shall be established at an amount
 469 that covers the costs for the procurement or development,
 470 administration, grading, and review of the examination. The fee
 471 for the examination is refundable if the applicant is found to
 472 be ineligible to sit for the examination. The fee for initial
 473 application is nonrefundable, and the combined fees for
 474 application and examination may not exceed \$250 plus the actual
 475 per applicant cost to the department for purchase of the

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476 examination from the American Institute of Certified Public
 477 Accountants or a similar national organization. The biennial
 478 renewal fee may not exceed \$250. The board may also establish,
 479 by rule, a reactivation fee, ~~a late filing fee for the law and~~
 480 ~~rules examination,~~ and a delinquency fee not to exceed \$50 for
 481 continuing professional education reporting forms. The board
 482 shall establish fees which are adequate to ensure the continued
 483 operation of the board and to fund the proportionate expenses
 484 incurred by the department which are allocated to the regulation
 485 of public accountants. Fees shall be based on department
 486 estimates of the revenue required to implement this chapter and
 487 the provisions of law with respect to the regulation of
 488 certified public accountants.

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

491 473.311 Renewal of license.--

492 (1) The department shall renew a license upon receipt of
 493 the renewal application and fee and upon certification by the
 494 board that the licensee has satisfactorily completed the
 495 continuing education requirements of s. 473.312 ~~and has passed~~
 496 ~~an examination approved by the board on chapter 455 and this~~
 497 ~~chapter and the related administrative rules. However, each~~
 498 ~~licensee must complete the requirements of s. 473.312(1)(c)~~
 499 ~~prior to taking the examination.~~

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

502 473.313 Inactive status.--

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503 (3) Any licensee holding an inactive license may be
 504 permitted to reactivate such license in a conditional manner.
 505 The conditions of reactivation shall require, in addition to the
 506 payment of fees, ~~the passing of the examination approved by the~~
 507 ~~board concerning chapter 455 and this chapter, and the related~~
 508 ~~administrative rules, and~~ the completion of required continuing
 509 education.

510 Section 16. Paragraph (a) of subsection (1) of section
 511 475.175, Florida Statutes, is amended to read:

512 475.175 Examinations.--

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

515 (a) Submits to the department the appropriate ~~notarized or~~
 516 electronically authenticated application and fee, and a
 517 fingerprint card. The fingerprint card shall be forwarded to the
 518 Division of Criminal Justice Information Systems within the
 519 Department of Law Enforcement for purposes of processing the
 520 fingerprint card to determine if the applicant has a criminal
 521 history record. The fingerprint card shall also be forwarded to
 522 the Federal Bureau of Investigation for purposes of processing
 523 the fingerprint card to determine if the applicant has a
 524 criminal history record. The information obtained by the
 525 processing of the fingerprint card by the Florida Department of
 526 Law Enforcement and the Federal Bureau of Investigation shall be
 527 sent to the department for the purpose of determining if the
 528 applicant is statutorily qualified for examination. Effective
 529 July 1, 2006, an applicant shall provide fingerprints in
 530 electronic format.

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

533 475.451 Schools teaching real estate practice.--

534 (6) Any course prescribed by the commission as a condition
 535 precedent to any person's becoming initially licensed as a sales
 536 associate may be taught in any real estate school through the
 537 use of a video tape of instruction by a currently permitted
 538 instructor from any such school or may be taught by distance
 539 learning pursuant to s. 475.17(2). The commission may require
 540 that any such video tape course have a single session of live
 541 instruction by a currently permitted instructor from any such
 542 school; however, this requirement shall not exceed 3 classroom
 543 hours. All other prescribed courses, except the continuing
 544 education course required by s. 475.182, shall be taught by a
 545 currently permitted school instructor personally in attendance
 546 at such course or by distance learning pursuant to s. 475.17.
 547 The continuing education course required by s. 475.182 may be
 548 taught by distance learning pursuant to s. 475.17 or by an
 549 equivalent correspondence course; however, any such
 550 correspondence course shall be required to have a final
 551 examination, prepared and administered by the school issuing the
 552 correspondence course. The continuing education requirements
 553 ~~provided in this section or provided in any other section in~~
 554 ~~this chapter do not apply with respect to~~ an any attorney who is
 555 otherwise qualified under ~~the provisions of this chapter~~ and who
 556 is a member in good standing of The Florida Bar.

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

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559 475.615 Qualifications for registration or
560 certification.--

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

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

570 476.134 Examinations.--

571 (1) Examinations of applicants for licenses as barbers
572 shall be offered not less than four times each year. The
573 examination of applicants for licenses as barbers shall ~~may~~
574 include ~~both a practical demonstration and~~ a written test. The
575 board shall have the authority to adopt rules with respect to
576 the examination of applicants for licensure. The board may
577 provide rules with respect to written ~~or practical~~ examinations
578 in such manner as the board may deem fit.

579 Section 20. Paragraph (b) of subsection (6) of section
580 476.144, Florida Statutes, is amended to read:

581 476.144 Licensure.--

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

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586 (b) Passes a written examination on the laws and rules
 587 governing the practice of barbering in Florida, as established
 588 by the board, ~~and a practical examination approved by the board.~~
 589

590 The restricted license shall limit the licensee's practice to
 591 those specific areas in which the applicant has demonstrated
 592 competence pursuant to rules adopted by the board.

593 Section 21. Paragraph (a) of subsection (1) of section
 594 477.026, Florida Statutes, is amended to read:

595 477.026 Fees; disposition.--

596 (1) The board shall set fees according to the following
 597 schedule:

598 (a) For cosmetologists, fees for original licensing,
 599 license renewal, and delinquent renewal shall not exceed \$50
 600 ~~\$25~~.

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

604 481.215 Renewal of license.--

605 ~~(5) Each licensee shall provide to the board proof of~~
 606 ~~completion of the core curriculum courses, or passing the~~
 607 ~~equivalency test of the Building Code Training Program~~
 608 ~~established by s. 553.841, within 2 years after commencement of~~
 609 ~~the program or after initial licensure, whichever is later.~~
 610 ~~Hours spent taking core curriculum courses shall count toward~~
 611 ~~the number required for license renewal. A licensee who passes~~
 612 ~~the equivalency test in lieu of taking the core curriculum~~
 613 ~~courses shall receive full credit for such core curriculum~~

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614 ~~course hours.~~

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

618 481.313 Renewal of license.--

619 ~~(5) Each licenseholder shall provide to the board proof of~~
 620 ~~completion of the core curriculum courses, or passing the~~
 621 ~~equivalency test of the Building Code Training Program~~
 622 ~~established by s. 553.841, within 2 years after commencement of~~
 623 ~~the program or of initial licensure, whichever is later. Hours~~
 624 ~~spent taking core curriculum courses shall count toward the~~
 625 ~~number required for license renewal. A licensee who passes the~~
 626 ~~equivalency test in lieu of taking the core curriculum courses~~
 627 ~~shall receive full credit for core curriculum course hours.~~

628 Section 24. Subsection (8) is added to section 481.229,
 629 Florida Statutes, to read:

630 481.229 Exceptions; exemptions from licensure.--

631 (8) A manufacturer of commercial food service equipment or
 632 the manufacturer's representative, distributor, or dealer or an
 633 employee thereof, who prepares designs, specifications, or
 634 layouts for the sale or installation of such equipment is exempt
 635 from licensure as an architect or interior designer, if:

636 (a) The designs, specifications, or layouts are not used
 637 for construction or installation that may affect structural,
 638 mechanical, plumbing, heating, air conditioning, ventilating,
 639 electrical, or vertical transportation systems.

640 (b) The designs, specifications, or layouts do not
 641 materially affect lifesafety systems pertaining to firesafety

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642 protection, smoke evacuation and compartmentalization, and
 643 emergency ingress or egress systems.

644 (c) Each design, specification, or layout document
 645 prepared by a person or entity exempt under this subsection
 646 contains a statement on each page of the document that the
 647 designs, specifications, or layouts are not architectural,
 648 interior design, or engineering designs, specifications, or
 649 layouts and not used for construction unless reviewed and
 650 approved by a licensed architect or engineer.

651 Section 25. Subsection (7) of section 489.103, Florida
 652 Statutes, is amended to read:

653 489.103 Exemptions.--This part does not apply to:

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

657 (a) When building or improving farm outbuildings or one-
 658 family or two-family residences on such property for the
 659 occupancy or use of such owners and not offered for sale or
 660 lease, or building or improving commercial buildings, at a cost
 661 not to exceed \$75,000, on such property for the occupancy or use
 662 of such owners and not offered for sale or lease. In an action
 663 brought under this part, proof of the sale or lease, or offering
 664 for sale or lease, of any such structure by the owner-builder
 665 within 1 year after completion of same creates a presumption
 666 that the construction was undertaken for purposes of sale or
 667 lease.

668 (b) When repairing or replacing wood shakes or asphalt or
 669 fiberglass shingles on one-family, two-family, or three-family

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670 residences for the occupancy or use of such owner or tenant of
 671 the owner and not offered for sale within 1 year after
 672 completion of the work and when the property has been damaged by
 673 natural causes from an event recognized as an emergency
 674 situation designated by executive order issued by the Governor
 675 declaring the existence of a state of emergency as a result and
 676 consequence of a serious threat posed to the public health,
 677 safety, and property in this state.

678
 679 This subsection does not exempt any person who is employed by or
 680 has a contract with such owner and who acts in the capacity of a
 681 contractor. The owner may not delegate the owner's
 682 responsibility to directly supervise all work to any other
 683 person unless that person is registered or certified under this
 684 part and the work being performed is within the scope of that
 685 person's license. For the purposes of this subsection, the term
 686 "owners of property" includes the owner of a mobile home
 687 situated on a leased lot. To qualify for exemption under this
 688 subsection, an owner must personally appear and sign the
 689 building permit application and must satisfy local permitting
 690 agency requirements, if any, proving that the owner has a
 691 complete understanding of the owner's obligations under the law
 692 as specified in the disclosure statement in this section. If any
 693 person violates the requirements of this subsection, the local
 694 permitting agency shall withhold final approval, revoke the
 695 permit, or pursue any action or remedy for unlicensed activity
 696 against the owner and any person performing work that requires
 697 licensure under the permit issued. The local permitting agency

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698 shall provide the person with a disclosure statement in
699 substantially the following form:

700

701

DISCLOSURE STATEMENT

702

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725

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

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

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

4. I understand that I may build or improve a one-family or two-family residence or a farm outbuilding. I may also

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726 build or improve a commercial building if the costs do not
727 exceed \$75,000. The building or residence must be for my
728 own use or occupancy. It may not be built or substantially
729 improved for sale or lease. If a building or residence
730 that I have built or substantially improved myself is sold
731 or leased within 1 year after the construction is
732 complete, the law will presume that I built or
733 substantially improved it for sale or lease, which
734 violates the exemption.

735
736 5. I understand that, as the owner-builder, I must
737 provide direct, onsite supervision of the construction.

738
739 6. I understand that I may not hire an unlicensed person
740 to act as my contractor or to supervise persons working on
741 my building or residence. It is my responsibility to
742 ensure that the persons whom I employ have the licenses
743 required by law and by county or municipal ordinance.

744
745 7. I understand that it is a frequent practice of
746 unlicensed persons to have the property owner obtain an
747 owner-builder permit that erroneously implies that the
748 property owner is providing his or her own labor and
749 materials. I, as an owner-builder, may be held liable and
750 subjected to serious financial risk for any injuries
751 sustained by an unlicensed person or his or her employees
752 while working on my property. My homeowner's insurance may
753 not provide coverage for those injuries. I am willfully

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754 acting as an owner-builder and am aware of the limits of
755 my insurance coverage for injuries to workers on my
756 property.

757
758 8. I understand that I may not delegate the
759 responsibility for supervising work to a licensed
760 contractor who is not licensed to perform the work being
761 done. Any person working on my building who is not
762 licensed must work under my direct supervision and must be
763 employed by me, which means that I must comply with laws
764 requiring the withholding of federal income tax and social
765 security contributions under the Federal Insurance
766 Contributions Act (FICA) and must provide workers'
767 compensation for the employee. I understand that my
768 failure to follow these laws may subject me to serious
769 financial risk.

770
771 9. I agree that, as the party legally and financially
772 responsible for this proposed construction activity, I
773 will abide by all applicable laws and requirements that
774 govern owner-builders as well as employers. I also
775 understand that the construction must comply with all
776 applicable laws, ordinances, building codes, and zoning
777 regulations.

778
779 10. I understand that I may obtain more information
780 regarding my obligations as an employer from the Internal
781 Revenue Service, the United States Small Business

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782 Administration, the Florida Department of Financial
 783 Services, and the Florida Department of Revenue. I also
 784 understand that I may contact the Florida Construction
 785 Industry Licensing Board at ...(telephone number)... or
 786 ...(Internet website address)... for more information
 787 about licensed contractors.

788
 789 11. I am aware of, and consent to, an owner-builder
 790 building permit applied for in my name and understand that
 791 I am the party legally and financially responsible for the
 792 proposed construction activity at the following address:
 793 ...(address of property)....

794
 795 12. I agree to notify ...(issuer of disclosure
 796 statements)... immediately of any additions, deletions, or
 797 changes to any of the information that I have provided on
 798 this disclosure.

799
 800 Licensed contractors are regulated by laws designed to
 801 protect the public. If you contract with a person who does
 802 not have a license, the Construction Industry Licensing
 803 Board and Department of Business and Professional
 804 Regulation may be unable to assist you with any financial
 805 loss that you sustain as a result of a complaint. Your
 806 only remedy against an unlicensed contractor may be in
 807 civil court. It is also important for you to understand
 808 that, if an unlicensed contractor or employee of an
 809 individual or firm is injured while working on your

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810 property, you may be held liable for damages. If you
 811 obtain an owner-builder permit and wish to hire a licensed
 812 contractor, you will be responsible for verifying whether
 813 the contractor is properly licensed and the status of the
 814 contractor's workers' compensation coverage.

815
 816 Before a building permit can be issued, this disclosure
 817 statement must be completed and signed by the property
 818 owner and returned to the local permitting agency
 819 responsible for issuing the permit. A copy of the property
 820 owner's driver license, the notarized signature of the
 821 property owner, or other type of verification acceptable
 822 to the local permitting agency is required when the permit
 823 is issued.

824
 825 Signature: ...(signature of property owner)....

826 Date: ...(date)....

827
 828 ~~State law requires construction to be done by licensed~~
 829 ~~contractors. You have applied for a permit under an exemption to~~
 830 ~~that law. The exemption allows you, as the owner of your~~
 831 ~~property, to act as your own contractor with certain~~
 832 ~~restrictions even though you do not have a license. You must~~
 833 ~~provide direct, onsite supervision of the construction yourself.~~
 834 ~~You may build or improve a one-family or two-family residence or~~
 835 ~~a farm outbuilding. You may also build or improve a commercial~~
 836 ~~building, provided your costs do not exceed \$75,000. The~~
 837 ~~building or residence must be for your own use or occupancy. It~~

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838 ~~may not be built or substantially improved for sale or lease. If~~
839 ~~you sell or lease a building you have built or substantially~~
840 ~~improved yourself within 1 year after the construction is~~
841 ~~complete, the law will presume that you built or substantially~~
842 ~~improved it for sale or lease, which is a violation of this~~
843 ~~exemption. You may not hire an unlicensed person to act as your~~
844 ~~contractor or to supervise people working on your building. It~~
845 ~~is your responsibility to make sure that people employed by you~~
846 ~~have licenses required by state law and by county or municipal~~
847 ~~licensing ordinances. You may not delegate the responsibility~~
848 ~~for supervising work to a licensed contractor who is not~~
849 ~~licensed to perform the work being done. Any person working on~~
850 ~~your building who is not licensed must work under your direct~~
851 ~~supervision and must be employed by you, which means that you~~
852 ~~must deduct F.I.C.A. and withholding tax and provide workers'~~
853 ~~compensation for that employee, all as prescribed by law. Your~~
854 ~~construction must comply with all applicable laws, ordinances,~~
855 ~~building codes, and zoning regulations.~~

856 Section 26. Paragraph (q) of subsection (3) of section
857 489.105, Florida Statutes, is amended to read:

858 489.105 Definitions.--As used in this part:

859 (3) "Contractor" means the person who is qualified for,
860 and shall only be responsible for, the project contracted for
861 and means, except as exempted in this part, the person who, for
862 compensation, undertakes to, submits a bid to, or does himself
863 or herself or by others construct, repair, alter, remodel, add
864 to, demolish, subtract from, or improve any building or
865 structure, including related improvements to real estate, for

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866 | others or for resale to others; and whose job scope is
 867 | substantially similar to the job scope described in one of the
 868 | subsequent paragraphs of this subsection. For the purposes of
 869 | regulation under this part, "demolish" applies only to
 870 | demolition of steel tanks over 50 feet in height; towers over 50
 871 | feet in height; other structures over 50 feet in height, other
 872 | than buildings or residences over three stories tall; and
 873 | buildings or residences over three stories tall. Contractors are
 874 | subdivided into two divisions, Division I, consisting of those
 875 | contractors defined in paragraphs (a)-(c), and Division II,
 876 | consisting of those contractors defined in paragraphs (d)-(q):

877 | (q) "Specialty contractor" means a contractor whose scope
 878 | of work and responsibility is limited to a particular phase of
 879 | construction established in a category adopted by board rule and
 880 | whose scope is limited to a subset of the activities described
 881 | ~~in the categories established in~~ one of the paragraphs of this
 882 | subsection.

883 | Section 27. Paragraphs (a) and (d) of subsection (1) of
 884 | section 489.109, Florida Statutes, are amended to read:

885 | 489.109 Fees.--

886 | (1) The board, by rule, shall establish reasonable fees to
 887 | be paid for applications, certification and renewal,
 888 | registration and renewal, and recordmaking and recordkeeping.
 889 | The fees shall be established as follows:

890 | (a) With respect to an applicant for a certificate, the
 891 | initial application fee may not exceed \$150, and, if an
 892 | examination cost is included in the application fee, the
 893 | combined amount may not exceed \$350. The initial certification

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894 fee and the renewal fee may not exceed \$250 ~~\$200~~. However, any
 895 applicant who seeks certification under this part by taking a
 896 practical examination must pay as an examination fee the actual
 897 cost incurred by the department in developing, preparing,
 898 administering, scoring, score reporting, and evaluating the
 899 examination, if the examination is conducted by the department.

900 (d) With respect to an application for registration or
 901 certification to qualify a business organization, the initial
 902 application fee and the renewal fee shall be \$50 ~~The board, by~~
 903 ~~rule, may establish a fee for transfer of a certificate of~~
 904 ~~authority from one business organization to another, not to~~
 905 ~~exceed the applicable renewal fee.~~

906 Section 28. Section 489.114, Florida Statutes, is amended
 907 to read:

908 489.114 Evidence of workers' compensation
 909 coverage.--Except as provided in s. 489.115(5) (d), any person,
 910 business organization, or qualifying agent engaged in the
 911 business of contracting in this state and certified or
 912 registered under this part shall, as a condition precedent to
 913 the issuance or renewal of a certificate or ~~registration, or~~
 914 ~~certificate of authority~~ of the contractor, provide to the
 915 Construction Industry Licensing Board, as provided by board
 916 rule, evidence of workers' compensation coverage pursuant to
 917 chapter 440. In the event that the Division of Workers'
 918 Compensation of the Department of Financial Services receives
 919 notice of the cancellation of a policy of workers' compensation
 920 insurance insuring a person or entity governed by this section,
 921 the Division of Workers' Compensation shall certify and identify

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922 all persons or entities by certification or registration license
 923 number to the department after verification is made by the
 924 Division of Workers' Compensation that persons or entities
 925 governed by this section are no longer covered by workers'
 926 compensation insurance. Such certification and verification by
 927 the Division of Workers' Compensation may result from records
 928 furnished to the Division of Workers' Compensation by the
 929 persons or entities governed by this section or an investigation
 930 completed by the Division of Workers' Compensation. The
 931 department shall notify the persons or entities governed by this
 932 section who have been determined to be in noncompliance with
 933 chapter 440, and the persons or entities notified shall provide
 934 certification of compliance with chapter 440 to the department
 935 and pay an administrative fine in the amount of \$500. The
 936 failure to maintain workers' compensation coverage as required
 937 by law shall be grounds for the board to revoke, suspend, or
 938 deny the issuance or renewal of a certificate or registration,
 939 ~~or certificate of authority~~ of the contractor under the
 940 provisions of s. 489.129.

941 Section 29. Paragraph (b) of subsection (4) of section
 942 489.115, Florida Statutes, is amended to read:

943 489.115 Certification and registration; endorsement;
 944 reciprocity; renewals; continuing education.--

945 (4)

946 (b)1. Each certificateholder or registrant shall provide
 947 proof, in a form established by rule of the board, that the
 948 certificateholder or registrant has completed at least 14
 949 classroom hours of at least 50 minutes each of continuing

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950 education courses during each biennium since the issuance or
951 renewal of the certificate or registration. The board shall
952 establish by rule that a portion of the required 14 hours must
953 deal with the subject of workers' compensation, business
954 practices, workplace safety, and, for applicable licensure
955 categories, wind mitigation methodologies, and 1 hour of which
956 must deal with laws and rules. The board shall by rule establish
957 criteria for the approval of continuing education courses and
958 providers, including requirements relating to the content of
959 courses and standards for approval of providers, and may by rule
960 establish criteria for accepting alternative nonclassroom
961 continuing education on an hour-for-hour basis. The board shall
962 prescribe by rule the continuing education, if any, which is
963 required during the first biennium of initial licensure. A
964 person who has been licensed for less than an entire biennium
965 must not be required to complete the full 14 hours of continuing
966 education.

967 2. In addition, the board may approve specialized
968 continuing education courses on compliance with the wind
969 resistance provisions for one and two family dwellings contained
970 in the Florida Building Code and any alternate methodologies for
971 providing such wind resistance which have been approved for use
972 by the Florida Building Commission. Division I
973 certificateholders or registrants who demonstrate proficiency
974 upon completion of such specialized courses may certify plans
975 and specifications for one and two family dwellings to be in
976 compliance with the code or alternate methodologies, as
977 appropriate, except for dwellings located in floodways or

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978 coastal hazard areas as defined in ss. 60.3D and E of the
 979 National Flood Insurance Program.

980 ~~3. Each certificateholder or registrant shall provide to~~
 981 ~~the board proof of completion of the core curriculum courses, or~~
 982 ~~passing the equivalency test of the Building Code Training~~
 983 ~~Program established under s. 553.841, specific to the licensing~~
 984 ~~category sought, within 2 years after commencement of the~~
 985 ~~program or of initial certification or registration, whichever~~
 986 ~~is later. Classroom hours spent taking core curriculum courses~~
 987 ~~shall count toward the number required for renewal of~~
 988 ~~certificates or registration. A certificateholder or registrant~~
 989 ~~who passes the equivalency test in lieu of taking the core~~
 990 ~~curriculum courses shall receive full credit for core curriculum~~
 991 ~~course hours.~~

992 ~~3.4.~~ The board shall require, by rule adopted pursuant to
 993 ss. 120.536(1) and 120.54, a specified number of hours in
 994 specialized or advanced module courses, approved by the Florida
 995 Building Commission, on any portion of the Florida Building
 996 Code, adopted pursuant to part IV of chapter 553, relating to
 997 the contractor's respective discipline.

998 Section 30. Paragraph (a) of subsection (1) and
 999 subsections (4) and (5) of section 489.117, Florida Statutes,
 1000 are amended to read:

1001 489.117 Registration; specialty contractors.--

1002 (1) (a) Any person engaged in the business of a contractor
 1003 as defined in s. 489.105(3) (a)-(o) must in the state shall be
 1004 ~~registered in the proper classification, unless he or she is~~
 1005 ~~certified. Any person entering the business of a contractor~~

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1006 ~~shall~~ be registered before ~~prior to~~ engaging in business as a
 1007 contractor in this state, unless he or she is certified. To be
 1008 initially registered, the applicant shall submit the required
 1009 fee and file evidence, ~~in a form provided by the department, of~~
 1010 ~~holding a current local occupational license required by any~~
 1011 ~~municipality, county, or development district, if any, for the~~
 1012 ~~type of work for which registration is desired and evidence of~~
 1013 successful compliance with the local examination and licensing
 1014 requirements, if any, in the area for which registration is
 1015 desired. An ~~No~~ examination is not ~~shall be~~ required for
 1016 registration.

1017 (4) (a) A person holding a local license whose job scope
 1018 does not substantially correspond to either the job scope of one
 1019 of the contractor categories defined in s. 489.105(3) (a)-(o), or
 1020 the job scope of one of the certified specialty contractor
 1021 categories ~~previously~~ established by board rule ~~as of the~~
 1022 ~~effective date of this provision, is~~ shall not be required to
 1023 register with the board to perform contracting activities within
 1024 the scope of such specialty license.

1025 ~~(b) A local jurisdiction may require an individual holding~~
 1026 ~~a local specialty contractor license in a category which~~
 1027 ~~pursuant to paragraph (a) does not permit registration to obtain~~
 1028 ~~a tracking registration from the board, provided that the board~~
 1029 ~~has established by rule that the activities which comprise the~~
 1030 ~~job scope of the local specialty contractor license involve~~
 1031 ~~lifesafety considerations and a significant potential danger to~~
 1032 ~~the consumer.~~

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1033 (b) ~~(e)~~ The local jurisdictions are ~~shall be~~ responsible
 1034 for providing the following information to the board within 30
 1035 days after licensure of, or any disciplinary action against, a
 1036 locally licensed contractor who is registered under this part:

- 1037 1. Licensure information. r
- 1038 2. Code violation information pursuant to s. 553.781. r ~~and~~
- 1039 3. Disciplinary information. on locally licensed
 1040 ~~individuals to the board within 30 days after licensure or any~~
 1041 ~~disciplinary action, and~~

1042
 1043 The board shall maintain such licensure and disciplinary
 1044 information as it is provided to the board ~~them~~, and shall make
 1045 the ~~such~~ information available through the automated information
 1046 system provided pursuant to s. 455.2286. ~~The biennial tracking~~
 1047 ~~registration fee shall not exceed \$40.~~

1048 (c) ~~(d)~~ ~~Neither the board nor the department assumes any~~
 1049 ~~responsibility for providing discipline pursuant to having~~
 1050 ~~provided the tracking registration.~~ Providing discipline to such
 1051 locally licensed contractors ~~is individuals~~ shall be the
 1052 responsibility of the local jurisdiction. ~~Failure to obtain a~~
 1053 ~~tracking registration shall not be considered a violation of~~
 1054 ~~this chapter; however, a local jurisdiction requiring such~~
 1055 ~~tracking registration may levy such penalties for failure to~~
 1056 ~~obtain the tracking registration as it chooses to provide~~
 1057 ~~through local ordinance.~~

1058 (d) ~~(e)~~ Any person who is not required to obtain
 1059 registration or certification pursuant to s. 489.105(3) ~~(d)-(o)~~
 1060 may perform ~~specialty~~ contracting services for the construction,

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1061 remodeling, repair, or improvement of single-family residences,
 1062 including a townhouse as defined in the Florida Building Code,
 1063 without obtaining a local ~~professional~~ license if such person is
 1064 under the supervision of a certified or registered general,
 1065 building, or residential contractor. As used in this paragraph,
 1066 supervision shall not be deemed to require the existence of a
 1067 direct contract between the certified or registered general,
 1068 building, or residential contractor and the person performing
 1069 specialty contracting services.

1070 ~~(5) In order to establish uniformity among the job scopes~~
 1071 ~~established by local jurisdictions, the board shall, by rule,~~
 1072 ~~establish the job scope for any licensure category registered by~~
 1073 ~~the board under this part. The board shall not arbitrarily limit~~
 1074 ~~such scopes and shall restrict the job scopes only to the~~
 1075 ~~minimum extent necessary to ensure uniformity.~~

1076 Section 31. Section 489.119, Florida Statutes, is amended
 1077 to read:

1078 489.119 Business organizations; qualifying agents.--

1079 (1) If an individual proposes to engage in contracting in
 1080 the individual's own name, or a fictitious name where the
 1081 individual is doing business as a sole proprietorship,
 1082 registration or certification may be issued only to that
 1083 individual.

1084 (2) If the applicant proposes to engage in contracting as
 1085 a business organization, including any partnership, corporation,
 1086 business trust, or other legal entity, or in any name other than
 1087 the applicant's legal name or a fictitious name where the
 1088 applicant is doing business as a sole proprietorship, the

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1089 applicant business organization must apply for registration or
 1090 certification as the ~~for a certificate of authority through a~~
 1091 qualifying agent of the business organization and under the
 1092 ~~fictitious name, if any.~~

1093 (a) An ~~The~~ application for registration or certification
 1094 to qualify a business organization ~~a certificate of authority~~
 1095 must state the name of the partnership and of its partners; the
 1096 name of the corporation and of its officers and directors and
 1097 the name of each of its stockholders who is also an officer or
 1098 director; the name of the business trust and its trustees; or
 1099 the name of such other legal entity and its members; and must
 1100 state the fictitious name, if any, under which the business
 1101 organization is doing business.

1102 (b)1. An ~~The~~ application for registration or certification
 1103 to qualify a business organization ~~primary qualifying agent~~ must
 1104 include an affidavit on a form provided by the board attesting
 1105 that the applicant has final approval authority for all
 1106 construction work performed by the business organization ~~entity~~
 1107 and that the applicant has final approval authority on all
 1108 business matters, including contracts, specifications, checks,
 1109 drafts, or payments, regardless of the form of payment, made by
 1110 the business organization ~~entity~~, except where a financially
 1111 responsible officer is approved.

1112 2. The application for financially responsible officer
 1113 must include an affidavit on a form provided by the board
 1114 attesting that the applicant's approval is required for all
 1115 checks, drafts, or payments, regardless of the form of payment,
 1116 made by the business organization ~~entity~~ and that the applicant

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1117 has authority to act for the business organization in all
 1118 financial matters.

1119 3. The application for secondary qualifying agent must
 1120 include an affidavit on a form provided by the board attesting
 1121 that the applicant has authority to supervise all construction
 1122 work performed by the business organization entity as provided
 1123 in s. 489.1195(2).

1124 (c) The board may deny an application for registration or
 1125 certification to qualify a business organization if the
 1126 applicant, or any person listed in paragraph (a), has been
 1127 involved in past disciplinary actions or on any grounds for
 1128 which an individual registration or certification may be denied.

1129 ~~(d)-(b)~~ The applicant must furnish evidence of statutory
 1130 compliance if a fictitious name is used, the provisions of s.
 1131 865.09(7) notwithstanding.

1132 ~~(e)-(e)~~ A joint venture, including a joint venture composed
 1133 of qualified business organizations, is itself a separate and
 1134 distinct organization that must be qualified ~~and obtain a~~
 1135 ~~certificate of authority~~ in accordance with board rules.

1136 ~~(d) A certificate of authority must be renewed every 2~~
 1137 ~~years. If there is a change in any information that is required~~
 1138 ~~to be stated on the application, the business organization~~
 1139 ~~shall, within 45 days after such change occurs, mail the correct~~
 1140 ~~information to the department.~~

1141 (3) (a) A The qualifying agent must ~~shall~~ be certified or
 1142 registered under this part in order for the business
 1143 organization to operate ~~be issued a certificate of authority in~~
 1144 the category of contracting in the business ~~conducted for which~~

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1145 the qualifying agent is certified or registered. If any
1146 qualifying agent ceases to be affiliated with a ~~such~~ business
1147 organization, he or she shall ~~so~~ inform the department. In
1148 addition, if the ~~such~~ qualifying agent is the only certified or
1149 registered contractor affiliated with the business organization,
1150 the business organization shall notify the department of the
1151 termination of the qualifying agent and shall have 60 days from
1152 the termination of the qualifying agent's affiliation with the
1153 business organization in which to employ another qualifying
1154 agent. The business organization may not engage in contracting
1155 until a qualifying agent is employed, unless the executive
1156 director or chair of the board has granted a temporary
1157 nonrenewable certificate or registration to the financially
1158 responsible officer, the president, a partner, or, in the case
1159 of a limited partnership, the general partner, who assumes all
1160 responsibilities of a primary qualifying agent for the business
1161 organization ~~entity~~. This temporary certificate or registration
1162 shall only allow the business organization ~~entity~~ to proceed
1163 with incomplete contracts. For the purposes of this paragraph,
1164 an incomplete contract is one which has been awarded to, or
1165 entered into by, the business organization prior to the
1166 cessation of affiliation of the qualifying agent with the
1167 business organization or one on which the business organization
1168 was the low bidder and the contract is subsequently awarded,
1169 regardless of whether any actual work has commenced under the
1170 contract prior to the qualifying agent ceasing to be affiliated
1171 with the business organization.

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1172 (b) The qualifying agent shall inform the department in
 1173 writing when he or she proposes to engage in contracting in his
 1174 or her own name or in affiliation with another business
 1175 organization, and he or she or such new business organization
 1176 shall supply the same information to the department as required
 1177 of applicants under this part.

1178 ~~(c) Upon a favorable determination by the board, after~~
 1179 ~~investigation of the financial responsibility, credit, and~~
 1180 ~~business reputation of the qualifying agent and the new business~~
 1181 ~~organization, the department shall issue, without an~~
 1182 ~~examination, a new certificate of authority in the business~~
 1183 ~~organization's name.~~

1184 ~~(4) Disciplinary action against a business organization~~
 1185 ~~holding a certificate of authority shall be administered in the~~
 1186 ~~same manner and on the same grounds as disciplinary action~~
 1187 ~~against a contractor. The board may deny the certification of~~
 1188 ~~any person cited in subsection (2) if the person has been~~
 1189 ~~involved in past disciplinary actions or on any grounds for~~
 1190 ~~which individual certification can be denied.~~

1191 (4)(5) When a certified qualifying agent, on behalf of a
 1192 business organization, makes application for a business tax
 1193 receipt ~~an occupational license~~ in any municipality or county of
 1194 this state, the application shall be made with the tax collector
 1195 in the name of the business organization and the qualifying
 1196 agent; and the license, when issued, shall be issued to the
 1197 business organization, upon payment of the appropriate licensing
 1198 fee and exhibition to the tax collector of a valid certificate
 1199 for the qualifying agent ~~and a valid certificate of authority~~

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1200 ~~for the business organization~~ issued by the department, and the
 1201 state license numbers shall be noted thereon.

1202 (5)~~(6)~~ (a) Each registered or certified contractor shall
 1203 affix the number of his or her registration or certification to
 1204 each application for a building permit and on each building
 1205 permit issued and recorded. Each city or county building
 1206 department shall require, as a precondition for the issuance of
 1207 the building permit, that the contractor taking out the permit
 1208 must provide verification giving his or her Construction
 1209 Industry Licensing Board registration or certification number.

1210 (b) The registration or certification number of each
 1211 contractor ~~or certificate of authority number for each business~~
 1212 ~~organization~~ shall appear in each offer of services, business
 1213 proposal, bid, contract, or advertisement, regardless of medium,
 1214 as defined by board rule, used by that contractor or business
 1215 organization in the practice of contracting.

1216 (c) If a vehicle bears the name of a contractor or
 1217 business organization, or any text or artwork which would lead a
 1218 reasonable person to believe that the vehicle is used for
 1219 contracting, the registration or certification number of the
 1220 contractor ~~or certificate of authority number of the business~~
 1221 ~~organization~~ must be conspicuously and legibly displayed with
 1222 the name, text, or artwork. Local governments may also require
 1223 that locally licensed contractors must also display their
 1224 certificate of competency or license numbers. Nothing in this
 1225 paragraph shall be construed to create a mandatory vehicle
 1226 signage requirement.

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1227 (d) For the purposes of this part, the term
 1228 "advertisement" does not include business stationery or any
 1229 promotional novelties such as balloons, pencils, trinkets, or
 1230 articles of clothing.

1231 (e) The board shall issue a notice of noncompliance for
 1232 the first offense, and may assess a fine or issue a citation for
 1233 failure to correct the offense within 30 days or for any
 1234 subsequent offense, to any contractor or business organization
 1235 that fails to include the certification or registration, ~~or~~
 1236 ~~certificate of authority~~ number as required by this part when
 1237 submitting an advertisement for publication, broadcast, or
 1238 printing or fails to display the certification or registration,
 1239 ~~or certificate of authority~~ number as required by this part.

1240 (f) In addition to any other penalty prescribed by law, a
 1241 local government may impose a civil fine pursuant to s.
 1242 489.127(5) against a person who is not certified or registered
 1243 under this part if the person:

1244 1. Claims to be licensed in any offer of services,
 1245 business proposal, bid, contract, or advertisement, but who does
 1246 not possess a valid competency-based license issued by a local
 1247 government in this state to perform the specified construction
 1248 services; or

1249 2. Claims to be insured in any offer of services, business
 1250 proposal, bid, contract, or advertisement, but whose performance
 1251 of the subject work is not covered by a general liability or
 1252 workers' compensation insurance policy.

1253 (6) (7) Each qualifying agent shall pay the department an
 1254 amount equal to the original fee for registration or

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1255 certification to qualify ~~a certificate of authority of~~ a new
 1256 business organization. If the qualifying agent for a business
 1257 organization desires to qualify additional business
 1258 organizations, the board shall require the qualifying agent ~~him~~
 1259 ~~or her~~ to present evidence of his or her ability to supervise
 1260 the construction activities and financial responsibility of each
 1261 such organization. Approval of each business organization ~~The~~
 1262 ~~issuance of such certificate of authority~~ is discretionary with
 1263 the board.

1264 ~~(7)~~ (8) (a) A business organization proposing to engage in
 1265 contracting is not required to apply for or obtain authorization
 1266 under this part to engage in contracting if:

1267 1. The business organization employs one or more
 1268 registered or certified contractors licensed in accordance with
 1269 this part who are responsible for obtaining permits and
 1270 supervising all of the business organization's contracting
 1271 activities;

1272 2. The business organization engages only in contracting
 1273 on property owned by the business organization or by its parent,
 1274 subsidiary, or affiliated entities; and

1275 3. The business organization, or its parent entity if the
 1276 business organization is a wholly owned subsidiary, maintains a
 1277 minimum net worth of \$20 million.

1278 (b) Any business organization engaging in contracting
 1279 under this subsection shall provide the board with the name and
 1280 license number of each registered or certified contractor
 1281 employed by the business organization to supervise its
 1282 contracting activities. The business organization is not

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1283 required to post a bond or otherwise evidence any financial or
 1284 credit information except as necessary to demonstrate compliance
 1285 with paragraph (a).

1286 (c) A registered or certified contractor employed by a
 1287 business organization to supervise its contracting activities
 1288 under this subsection shall not be required to post a bond or
 1289 otherwise evidence any personal financial or credit information
 1290 so long as the individual performs contracting activities
 1291 exclusively on behalf of a business organization meeting all of
 1292 the requirements of paragraph (a).

1293 Section 32. Subsection (1) of section 489.127, Florida
 1294 Statutes, is amended to read:

1295 489.127 Prohibitions; penalties.--

1296 (1) No person shall:

1297 (a) Falsely hold himself or herself or a business
 1298 organization out as a licensee, certificateholder, or
 1299 registrant;

1300 (b) Falsely impersonate a certificateholder or registrant;

1301 (c) Present as his or her own the certificate or
 1302 registration, ~~or certificate of authority~~ of another;

1303 (d) Knowingly give false or forged evidence to the board
 1304 or a member thereof;

1305 (e) Use or attempt to use a certificate or registration
 1306 ~~that, or certificate of authority which~~ has been suspended or
 1307 revoked;

1308 (f) Engage in the business or act in the capacity of a
 1309 contractor or advertise himself or herself or a business
 1310 organization as available to engage in the business or act in

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1311 the capacity of a contractor without being duly registered or
 1312 certified ~~or having a certificate of authority;~~
 1313 (g) Operate a business organization engaged in contracting
 1314 after 60 days following the termination of its only qualifying
 1315 agent without designating another primary qualifying agent,
 1316 except as provided in ss. 489.119 and 489.1195;
 1317 (h) Commence or perform work for which a building permit
 1318 is required pursuant to part IV of chapter 553 without such
 1319 building permit being in effect; or
 1320 (i) Willfully or deliberately disregard or violate any
 1321 municipal or county ordinance relating to uncertified or
 1322 unregistered contractors.

1323
 1324 For purposes of this subsection, a person or business
 1325 organization operating on an inactive or suspended certificate
 1326 or, registration, ~~or certificate of authority~~ is not duly
 1327 certified or registered and is considered unlicensed. A business
 1328 tax receipt issued under the authority of chapter 205 is not a
 1329 license for purposes of this part.

1330 Section 33. Effective upon this act becoming a law,
 1331 paragraph (a) of subsection (1) of section 489.128, Florida
 1332 Statutes, is amended to read:

1333 489.128 Contracts entered into by unlicensed contractors
 1334 unenforceable.--

1335 (1) As a matter of public policy, contracts entered into
 1336 on or after October 1, 1990, by an unlicensed contractor shall
 1337 be unenforceable in law or in equity by the unlicensed
 1338 contractor.

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1339 (a) For purposes of this section, an individual is
 1340 unlicensed if the individual does not have a license required by
 1341 this part concerning the scope of the work to be performed under
 1342 the contract. A business organization is unlicensed if the
 1343 business organization does not have a primary or secondary
 1344 qualifying agent in accordance with this part concerning the
 1345 scope of the work to be performed under the contract. For
 1346 purposes of this section, if a ~~no~~ state ~~or local~~ license is not
 1347 required for the scope of work to be performed under the
 1348 contract, the individual performing that work is ~~shall~~ not ~~be~~
 1349 considered unlicensed.

1350 Section 34. Paragraph (b) of subsection (1) of section
 1351 489.128, Florida Statutes, is amended to read:

1352 489.128 Contracts entered into by unlicensed contractors
 1353 unenforceable.--

1354 (1) As a matter of public policy, contracts entered into
 1355 on or after October 1, 1990, by an unlicensed contractor shall
 1356 be unenforceable in law or in equity by the unlicensed
 1357 contractor.

1358 (b) For purposes of this section, an individual or
 1359 business organization may not be considered unlicensed for
 1360 failing to have a business tax receipt issued under the
 1361 authority of chapter 205. ~~A business organization may not be~~
 1362 ~~considered unlicensed for failing to have a certificate of~~
 1363 ~~authority as required by ss. 489.119 and 489.127. For purposes~~
 1364 ~~of this section, a business organization entering into the~~
 1365 ~~contract may not be considered unlicensed if, before the date~~
 1366 ~~established by paragraph (c), an individual possessing a license~~

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1367 ~~required by this part concerning the scope of the work to be~~
 1368 ~~performed under the contract has submitted an application for a~~
 1369 ~~certificate of authority designating that individual as a~~
 1370 ~~qualifying agent for the business organization entering into the~~
 1371 ~~contract, and the application was not acted upon by the~~
 1372 ~~department or applicable board within the time limitations~~
 1373 ~~imposed by s. 120.60.~~

1374 Section 35. Subsections (1), (5), and (7) of section
 1375 489.129, Florida Statutes, are amended to read:

1376 489.129 Disciplinary proceedings.--

1377 (1) The board may take any of the following actions
 1378 against any certificateholder or registrant: place on probation
 1379 or reprimand the licensee, revoke, suspend, or deny the issuance
 1380 or renewal of the certificate or registration, ~~or certificate~~
 1381 ~~of authority~~, require financial restitution to a consumer for
 1382 financial harm directly related to a violation of a provision of
 1383 this part, impose an administrative fine not to exceed \$10,000
 1384 per violation, require continuing education, or assess costs
 1385 associated with investigation and prosecution, if the
 1386 contractor, financially responsible officer, or business
 1387 organization for which the contractor is a primary qualifying
 1388 agent, a financially responsible officer, or a secondary
 1389 qualifying agent responsible under s. 489.1195 is found guilty
 1390 of any of the following acts:

1391 (a) Obtaining a certificate or registration, ~~or~~
 1392 ~~certificate of authority~~ by fraud or misrepresentation.

1393 (b) Being convicted or found guilty of, or entering a plea
 1394 of nolo contendere to, regardless of adjudication, a crime in

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1395 any jurisdiction which directly relates to the practice of
 1396 contracting or the ability to practice contracting.

1397 (c) Violating any provision of chapter 455.

1398 (d) Performing any act which assists a person or entity in
 1399 engaging in the prohibited uncertified and unregistered practice
 1400 of contracting, if the certificateholder or registrant knows or
 1401 has reasonable grounds to know that the person or entity was
 1402 uncertified and unregistered.

1403 (e) Knowingly combining or conspiring with an uncertified
 1404 or unregistered person by allowing his or her certificate or
 1405 ~~registration, or certificate of authority~~ to be used by the
 1406 uncertified or unregistered person with intent to evade the
 1407 provisions of this part. When a certificateholder or registrant
 1408 allows his or her certificate or registration to be used by one
 1409 or more business organizations without having any active
 1410 participation in the operations, management, or control of such
 1411 business organizations, such act constitutes prima facie
 1412 evidence of an intent to evade the provisions of this part.

1413 (f) Acting in the capacity of a contractor under any
 1414 certificate or registration issued hereunder except in the name
 1415 of the certificateholder or registrant as set forth on the
 1416 issued certificate or registration, or in accordance with the
 1417 personnel of the certificateholder or registrant as set forth in
 1418 the application for the certificate or registration, or as later
 1419 changed as provided in this part.

1420 (g) Committing mismanagement or misconduct in the practice
 1421 of contracting that causes financial harm to a customer.

1422 Financial mismanagement or misconduct occurs when:

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1423 1. Valid liens have been recorded against the property of
 1424 a contractor's customer for supplies or services ordered by the
 1425 contractor for the customer's job; the contractor has received
 1426 funds from the customer to pay for the supplies or services; and
 1427 the contractor has not had the liens removed from the property,
 1428 by payment or by bond, within 75 days after the date of such
 1429 liens;

1430 2. The contractor has abandoned a customer's job and the
 1431 percentage of completion is less than the percentage of the
 1432 total contract price paid to the contractor as of the time of
 1433 abandonment, unless the contractor is entitled to retain such
 1434 funds under the terms of the contract or refunds the excess
 1435 funds within 30 days after the date the job is abandoned; or

1436 3. The contractor's job has been completed, and it is
 1437 shown that the customer has had to pay more for the contracted
 1438 job than the original contract price, as adjusted for subsequent
 1439 change orders, unless such increase in cost was the result of
 1440 circumstances beyond the control of the contractor, was the
 1441 result of circumstances caused by the customer, or was otherwise
 1442 permitted by the terms of the contract between the contractor
 1443 and the customer.

1444 (h) Being disciplined by any municipality or county for an
 1445 act or violation of this part.

1446 (i) Failing in any material respect to comply with the
 1447 provisions of this part or violating a rule or lawful order of
 1448 the board.

1449 (j) Abandoning a construction project in which the
 1450 contractor is engaged or under contract as a contractor. A

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1451 project may be presumed abandoned after 90 days if the
 1452 contractor terminates the project without just cause or without
 1453 proper notification to the owner, including the reason for
 1454 termination, or fails to perform work without just cause for 90
 1455 consecutive days.

1456 (k) Signing a statement with respect to a project or
 1457 contract falsely indicating that the work is bonded; falsely
 1458 indicating that payment has been made for all subcontracted
 1459 work, labor, and materials which results in a financial loss to
 1460 the owner, purchaser, or contractor; or falsely indicating that
 1461 workers' compensation and public liability insurance are
 1462 provided.

1463 (l) Committing fraud or deceit in the practice of
 1464 contracting.

1465 (m) Committing incompetency or misconduct in the practice
 1466 of contracting.

1467 (n) Committing gross negligence, repeated negligence, or
 1468 negligence resulting in a significant danger to life or
 1469 property.

1470 (o) Proceeding on any job without obtaining applicable
 1471 local building department permits and inspections.

1472 (p) Intimidating, threatening, coercing, or otherwise
 1473 discouraging the service of a notice to owner under part I of
 1474 chapter 713 or a notice to contractor under chapter 255 or part
 1475 I of chapter 713.

1476 (q) Failing to satisfy within a reasonable time, the terms
 1477 of a civil judgment obtained against the licensee, or the

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1478 business organization qualified by the licensee, relating to the
 1479 practice of the licensee's profession.

1480
 1481 For the purposes of this subsection, construction is considered
 1482 to be commenced when the contract is executed and the contractor
 1483 has accepted funds from the customer or lender. A contractor
 1484 does not commit a violation of this subsection when the
 1485 contractor relies on a building code interpretation rendered by
 1486 a building official or person authorized by s. 553.80 to enforce
 1487 the building code, absent a finding of fraud or deceit in the
 1488 practice of contracting, or gross negligence, repeated
 1489 negligence, or negligence resulting in a significant danger to
 1490 life or property on the part of the building official, in a
 1491 proceeding under chapter 120.

1492 (5) The board may not reinstate the certification or
 1493 registration, ~~or certificate of authority~~ of, or cause a
 1494 certificate or registration, ~~or certificate of authority~~ to be
 1495 issued to, a person who or business organization which the board
 1496 has determined is unqualified or whose certificate or
 1497 registration, ~~or certificate of authority~~ the board has
 1498 suspended until it is satisfied that such person or business
 1499 organization has complied with all the terms and conditions set
 1500 forth in the final order and is capable of competently engaging
 1501 in the business of contracting.

1502 (7) The board shall not issue or renew a certificate or
 1503 registration, ~~or certificate of authority~~ to any person or
 1504 business organization that has been assessed a fine, interest,
 1505 or costs associated with investigation and prosecution, or has

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1506 | been ordered to pay restitution, until such fine, interest, or
 1507 | costs associated with investigation and prosecution or
 1508 | restitution are paid in full or until all terms and conditions
 1509 | of the final order have been satisfied.

1510 | Section 36. Subsection (5) of section 489.132, Florida
 1511 | Statutes, is amended to read:

1512 | 489.132 Prohibited acts by unlicensed principals;
 1513 | investigation; hearing; penalties.--

1514 | (5) The department may suspend, revoke, or deny issuance
 1515 | or renewal of a certificate or, registration, ~~or certificate of~~
 1516 | ~~authority~~ for any individual or business organization that
 1517 | associates a person as an officer, director, or partner, or in a
 1518 | managerial or supervisory capacity, after such person has been
 1519 | found under a final order to have violated this section or was
 1520 | an officer, director, partner, trustee, or manager of a business
 1521 | organization disciplined by the board by revocation, suspension,
 1522 | or fine in excess of \$2,500, upon finding reasonable cause that
 1523 | such person knew or reasonably should have known of the conduct
 1524 | leading to the discipline.

1525 | Section 37. Subsection (1) of section 489.1455, Florida
 1526 | Statutes, is amended to read:

1527 | 489.1455 Journeyman; reciprocity; standards.--

1528 | (1) An individual who holds a valid, active journeyman
 1529 | license in the plumbing/pipe fitting, mechanical, or HVAC trades
 1530 | issued by any county or municipality in this state may work as a
 1531 | journeyman in the trade in which he or she is licensed in any
 1532 | county or municipality of this state without taking an
 1533 | additional examination or paying an additional license fee, if

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1534 he or she:

1535 (a) Has scored at least 70 percent, or after October 1,
 1536 1997, at least 75 percent, on a proctored journeyman Block and
 1537 Associates examination or other proctored examination approved
 1538 by the board for the trade in which he or she is licensed;

1539 (b) Has completed an apprenticeship program registered
 1540 with the Department of Labor and Employment Security and
 1541 demonstrates 4 years' verifiable practical experience in the
 1542 trade for which he or she is licensed, or demonstrates 6 years'
 1543 verifiable practical experience in the trade for which he or she
 1544 is licensed;

1545 (c) Has satisfactorily completed specialized and advanced
 1546 module coursework approved by the Florida Building Commission,
 1547 as part of the Building Code Training Program established in s.
 1548 553.841, specific to the discipline, ~~and successfully completed~~
 1549 ~~the program's core curriculum courses or passed an equivalency~~
 1550 ~~test in lieu of taking the core curriculum courses and provided~~
 1551 ~~proof of completion of such curriculum courses or examination~~
 1552 ~~and obtained a certificate from the board pursuant to this part~~
 1553 or, pursuant to authorization by the certifying authority,
 1554 provides proof of completion of such ~~curriculum or~~ coursework
 1555 within 6 months after such certification; and

1556 (d) Has not had a license suspended or revoked within the
 1557 last 5 years.

1558 Section 38. Subsection (19) of section 489.505, Florida
 1559 Statutes, is amended to read:

1560 489.505 Definitions.--As used in this part:

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1561 (19) "Specialty contractor" means a contractor whose scope
 1562 of practice is limited to a specific segment of electrical or
 1563 alarm system contracting established in a category adopted by
 1564 board rule, including, but not limited to, residential
 1565 electrical contracting, maintenance of electrical fixtures, and
 1566 fabrication, erection, installation, and maintenance of
 1567 electrical advertising signs together with the interrelated
 1568 parts and supports thereof. ~~Categories of specialty contractor~~
 1569 ~~shall be established by board rule.~~

1570 Section 39. Subsections (5), (6), and (7) of section
 1571 489.513, Florida Statutes, are amended to read:

1572 489.513 Registration; application; requirements.--

1573 (5) Registration permits the registrant to engage in
 1574 contracting only in the area and for the type of work covered by
 1575 the registration, unless local licenses are issued for other
 1576 areas and types of work or unless certification is obtained.
 1577 When a registrant desires to register in an additional area of
 1578 the state, he or she shall ~~first~~ comply with any local
 1579 requirements of that area and then file a request with the
 1580 department, together with evidence of holding a current
 1581 ~~occupational license or~~ license issued by the county or
 1582 municipality for the area or areas in which he or she desires to
 1583 be registered, whereupon his or her evidence of registration
 1584 shall be endorsed by the department to reflect valid
 1585 registration for the new area or areas.

1586 (6) The local jurisdictions are ~~shall be~~ responsible for
 1587 providing the following information to the board within 30 days

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1588 after licensure of, or any disciplinary action against, a
 1589 locally licensed contractor who is registered under this part:

1590 (a) Licensure information.

1591 (b) Code violation information pursuant to s. 553.781.

1592 and

1593 (c) Disciplinary information. ~~on locally licensed~~
 1594 ~~individuals to the board within 30 days after licensure or any~~
 1595 ~~disciplinary action, and~~

1596
 1597 The board shall maintain such licensure and disciplinary
 1598 information as it is provided to the board ~~them~~, and shall make
 1599 the ~~such~~ information available through the automated information
 1600 system provided pursuant to s. 455.2286.

1601 ~~(7) In order to establish uniformity among the job scopes~~
 1602 ~~established by local jurisdictions, the board shall, by rule,~~
 1603 ~~establish the job scope for any licensure category registered by~~
 1604 ~~the board under this part. The board shall not arbitrarily limit~~
 1605 ~~such scopes and shall restrict the job scopes only to the~~
 1606 ~~minimum extent necessary to ensure uniformity.~~

1607 Section 40. Subsection (3) of section 489.516, Florida
 1608 Statutes, is amended to read:

1609 489.516 Qualifications to practice; restrictions;
 1610 prerequisites.--

1611 (3) When a certificateholder desires to engage in
 1612 contracting in any area of the state, as a prerequisite
 1613 therefor, he or she shall only be required to exhibit to the
 1614 local building official, tax collector, or other authorized
 1615 person in charge of the issuance of licenses and building or

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1616 | electrical permits in the area evidence of holding a current
 1617 | certificate and a current business tax receipt issued by the
 1618 | jurisdiction in which the certificateholder's principal place of
 1619 | business is located, and having paid ~~to pay~~ the fee for the
 1620 | ~~occupational license and permit~~ required of other persons.
 1621 | However, a local construction regulation board may deny the
 1622 | issuance of an electrical permit to a certified contractor, or
 1623 | issue a permit with specific conditions, if the local
 1624 | construction regulation board has found such contractor, through
 1625 | the public hearing process, to be guilty of fraud or a willful
 1626 | building code violation within the county or municipality that
 1627 | the local construction regulation board represents, or if the
 1628 | local construction regulation board has proof that such
 1629 | contractor, through the public hearing process, has been found
 1630 | guilty, in another county or municipality within the past 12
 1631 | months, of fraud or a willful building code violation and finds,
 1632 | after providing notice to the contractor, that such fraud or
 1633 | violation would have been fraud or a violation if committed in
 1634 | the county or municipality that the local construction board
 1635 | represents. Notification of and information concerning such
 1636 | permit denial shall be submitted to the Department of Business
 1637 | and Professional Regulation within 15 days after the local
 1638 | construction regulation board decides to deny the permit.

1639 | Section 41. Subsection (3) of section 489.517, Florida
 1640 | Statutes, is amended to read:

1641 | 489.517 Renewal of certificate or registration; continuing
 1642 | education.--

1643 | (3) ~~(a)~~ Each certificateholder or registrant shall provide

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1644 proof, in a form established by rule of the board, that the
 1645 certificateholder or registrant has completed at least 14
 1646 classroom hours of at least 50 minutes each of continuing
 1647 education courses during each biennium since the issuance or
 1648 renewal of the certificate or registration. The board shall by
 1649 rule establish criteria for the approval of continuing education
 1650 courses and providers and may by rule establish criteria for
 1651 accepting alternative nonclassroom continuing education on an
 1652 hour-for-hour basis.

1653 ~~(b) Each certificateholder or registrant shall provide to~~
 1654 ~~the board proof of completion of the core curriculum courses or~~
 1655 ~~passing the equivalency test of the Building Code Training~~
 1656 ~~Program established under s. 553.841, specific to the licensing~~
 1657 ~~category sought, within 2 years after commencement of the~~
 1658 ~~program or of initial certification or registration, whichever~~
 1659 ~~is later. Classroom hours spent taking core curriculum courses~~
 1660 ~~shall count toward the number required for renewal of~~
 1661 ~~certificate or registration. A certificateholder or registrant~~
 1662 ~~who passes the equivalency test in lieu of taking the core~~
 1663 ~~curriculum courses shall receive full credit for core curriculum~~
 1664 ~~course hours.~~

1665 Section 42. Subsection (6) of section 489.521, Florida
 1666 Statutes, is amended to read:

1667 489.521 Business organizations; qualifying agents.--

1668 (6) When a business organization qualified to engage in
 1669 contracting makes application for a business tax receipt ~~an~~
 1670 ~~occupational license~~ in any municipality or county of this
 1671 state, the application shall be made with the tax collector in

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1672 the name of the business organization, and the business tax
 1673 receipt license, when issued, shall be issued to the business
 1674 organization upon payment of the appropriate licensing fee and
 1675 exhibition to the tax collector of a valid certificate issued by
 1676 the department.

1677 Section 43. Section 489.5315, Florida Statutes, is amended
 1678 to read:

1679 489.5315 Proprietary electrical or alarm
 1680 contractors.--Businesses that obtain an electrical or burglar
 1681 alarm system license to work only on their own equipment, and
 1682 that do not offer electrical or alarm contracting services to
 1683 the public, are not electrical or burglar alarm system
 1684 contracting businesses and do not have to obtain a business tax
 1685 receipt ~~an occupational license~~ in addition to any they are
 1686 otherwise required to have.

1687 Section 44. Effective upon this act becoming a law,
 1688 paragraph (a) of subsection (1) of section 489.532, Florida
 1689 Statutes, is amended to read:

1690 489.532 Contracts entered into by unlicensed contractors
 1691 unenforceable.--

1692 (1) As a matter of public policy, contracts entered into
 1693 on or after October 1, 1990, by an unlicensed contractor shall
 1694 be unenforceable in law or in equity by the unlicensed
 1695 contractor.

1696 (a) For purposes of this section, an individual is
 1697 unlicensed if the individual does not have a license required by
 1698 this part concerning the scope of the work to be performed under
 1699 the contract. A business organization is unlicensed if the

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1700 business organization does not have a primary or secondary
 1701 qualifying agent in accordance with this part concerning the
 1702 scope of the work to be performed under the contract. For
 1703 purposes of this section, if a ~~no~~ state ~~or local~~ license is not
 1704 required for the scope of work to be performed under the
 1705 contract, the individual performing that work is ~~shall~~ not ~~be~~
 1706 considered unlicensed.

1707 Section 45. Paragraph (b) of subsection (3) of section
 1708 489.537, Florida Statutes, is amended to read:

1709 489.537 Application of this part.--

1710 (3) Nothing in this act limits the power of a municipality
 1711 or county:

1712 (b) To collect fees for business tax receipts ~~occupational~~
 1713 ~~licenses~~ and inspections for engaging in contracting or
 1714 examination fees from persons who are registered with the local
 1715 boards pursuant to local examination requirements.

1716 Section 46. Section 509.233, Florida Statutes, is amended
 1717 to read:

1718 509.233 Public food service establishment requirements;
 1719 local exemption for dogs in designated outdoor portions; ~~pilot~~
 1720 ~~program~~.--

1721 ~~(1) INTENT.--It is the intent of the Legislature by this~~
 1722 ~~section to establish a 3-year pilot program for local~~
 1723 ~~governments to allow patrons' dogs within certain designated~~
 1724 ~~outdoor portions of public food service establishments.~~

1725 (1)(2) LOCAL EXEMPTION AUTHORIZED.--Notwithstanding s.
 1726 509.032(7), the governing body of a local government may
 1727 ~~participating in the pilot program is authorized to establish,~~

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1728 | by ordinance, a local exemption procedure to certain provisions
 1729 | of the Food and Drug Administration Food Code, as currently
 1730 | adopted by the division, in order to allow patrons' dogs within
 1731 | certain designated outdoor portions of public food service
 1732 | establishments.

1733 | (2)~~(3)~~ LOCAL DISCRETION; CODIFICATION.--

1734 | (a) The adoption of the local exemption procedure shall be
 1735 | at the sole discretion of the governing body of a participating
 1736 | local government. Nothing in this section shall be construed to
 1737 | require or compel a local governing body to adopt an ordinance
 1738 | pursuant to this section.

1739 | (b) Any ordinance adopted pursuant to this section shall
 1740 | provide for codification within the land development code of a
 1741 | participating local government.

1742 | (3)~~(4)~~ LIMITATIONS ON EXEMPTION; PERMIT REQUIREMENTS.--

1743 | (a) Any local exemption procedure adopted pursuant to this
 1744 | section shall only provide a variance to those portions of the
 1745 | currently adopted Food and Drug Administration Food Code in
 1746 | order to allow patrons' dogs within certain designated outdoor
 1747 | portions of public food service establishments.

1748 | (b) In order to protect the health, safety, and general
 1749 | welfare of the public, the local exemption procedure shall
 1750 | require participating public food service establishments to
 1751 | apply for and receive a permit from the governing body of the
 1752 | local government before allowing patrons' dogs on their
 1753 | premises. The local government shall require from the applicant
 1754 | such information as the local government deems reasonably
 1755 | necessary to enforce the provisions of this section, but shall

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1756 require, at a minimum, the following information:

1757 1. The name, location, and mailing address of the public
1758 food service establishment.

1759 2. The name, mailing address, and telephone contact
1760 information of the permit applicant.

1761 3. A diagram and description of the outdoor area to be
1762 designated as available to patrons' dogs, including dimensions
1763 of the designated area; a depiction of the number and placement
1764 of tables, chairs, and restaurant equipment, if any; the
1765 entryways and exits to the designated outdoor area; the
1766 boundaries of the designated area and of other areas of outdoor
1767 dining not available for patrons' dogs; any fences or other
1768 barriers; surrounding property lines and public rights-of-way,
1769 including sidewalks and common pathways; and such other
1770 information reasonably required by the permitting authority. The
1771 diagram or plan shall be accurate and to scale but need not be
1772 prepared by a licensed design professional.

1773 4. A description of the days of the week and hours of
1774 operation that patrons' dogs will be permitted in the designated
1775 outdoor area.

1776 (c) In order to protect the health, safety, and general
1777 welfare of the public, the local exemption ordinance shall
1778 include such regulations and limitations as deemed necessary by
1779 the participating local government and shall include, but not be
1780 limited to, the following requirements:

1781 1. All public food service establishment employees shall
1782 wash their hands promptly after touching, petting, or otherwise
1783 handling dogs. Employees shall be prohibited from touching,

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1784 petting, or otherwise handling dogs while serving food or
1785 beverages or handling tableware or before entering other parts
1786 of the public food service establishment.

1787 2. Patrons in a designated outdoor area shall be advised
1788 that they should wash their hands before eating. Waterless hand
1789 sanitizer shall be provided at all tables in the designated
1790 outdoor area.

1791 3. Employees and patrons shall be instructed that they
1792 shall not allow dogs to come into contact with serving dishes,
1793 utensils, tableware, linens, paper products, or any other items
1794 involved in food service operations.

1795 4. Patrons shall keep their dogs on a leash at all times
1796 and shall keep their dogs under reasonable control.

1797 5. Dogs shall not be allowed on chairs, tables, or other
1798 furnishings.

1799 6. All table and chair surfaces shall be cleaned and
1800 sanitized with an approved product between seating of patrons.
1801 Spilled food and drink shall be removed from the floor or ground
1802 between seating of patrons.

1803 7. Accidents involving dog waste shall be cleaned
1804 immediately and the area sanitized with an approved product. A
1805 kit with the appropriate materials for this purpose shall be
1806 kept near the designated outdoor area.

1807 8. A sign or signs reminding employees of the applicable
1808 rules shall be posted on premises in a manner and place as
1809 determined by the local permitting authority.

1810 9. A sign or signs reminding patrons of the applicable
1811 rules shall be posted on premises in a manner and place as

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1812 determined by the local permitting authority.

1813 10. A sign or signs shall be posted in a manner and place
 1814 as determined by the local permitting authority that places the
 1815 public on notice that the designated outdoor area is available
 1816 for the use of patrons and patrons' dogs.

1817 11. Dogs shall not be permitted to travel through indoor
 1818 or nondesignated outdoor portions of the public food service
 1819 establishment, and ingress and egress to the designated outdoor
 1820 portions of the public food service establishment must not
 1821 require entrance into or passage through any indoor area of the
 1822 food establishment.

1823 (d) A permit issued pursuant to this section shall not be
 1824 transferred to a subsequent owner upon the sale of a public food
 1825 service establishment but shall expire automatically upon the
 1826 sale of the establishment. The subsequent owner shall be
 1827 required to reapply for a permit pursuant to this section if the
 1828 subsequent owner wishes to continue to accommodate patrons'
 1829 dogs.

1830 (4)~~(5)~~ POWERS; ENFORCEMENT.--Participating local
 1831 governments shall have such powers as are reasonably necessary
 1832 to regulate and enforce the provisions of this section.

1833 (5)~~(6)~~ STATE AND LOCAL COOPERATION.--The division shall
 1834 provide reasonable assistance to participating local governments
 1835 in the development of enforcement procedures and regulations,
 1836 and participating local governments shall monitor permitholders
 1837 for compliance in cooperation with the division. At a minimum,
 1838 participating local governments shall establish a procedure to
 1839 accept, document, and respond to complaints and to timely report

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1840 to the division all such complaints and the participating local
 1841 governments' enforcement responses to such complaints. A
 1842 participating local government shall provide the division with a
 1843 copy of all approved applications and permits issued, and the
 1844 participating local government shall require that all
 1845 applications, permits, and other related materials contain the
 1846 appropriate division-issued license number for each public food
 1847 service establishment.

1848 ~~(7) FUTURE REVIEW AND REPEAL. This section shall expire~~
 1849 ~~July 1, 2009, unless reviewed and saved from repeal through~~
 1850 ~~reenactment by the Legislature.~~

1851 Section 47. Section 509.302, Florida Statutes, is amended
 1852 to read:

1853 509.302 Hospitality Education Program.--

1854 (1) (a) The division shall administer an educational
 1855 program, designated the "Hospitality Education Program," offered
 1856 for the benefit of the hospitality ~~restaurant and lodging~~
 1857 industries of this state. As used in this section, the term
 1858 "hospitality industry" means the restaurant industry or the
 1859 lodging industry.

1860 (b) ~~The~~ This program may affiliate with Florida State
 1861 University, Florida International University, and the University
 1862 of Central Florida. The program may also affiliate with any
 1863 other member of the State University System or Florida Community
 1864 College System, or with any privately funded college or
 1865 university, which offers a program of hospitality administration
 1866 and management.

1867 (c) The purpose ~~primary goal~~ of the ~~this~~ program is to

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1868 provide, support, and enhance ~~instruct and train all individuals~~
 1869 ~~and businesses licensed under this chapter, in cooperation with~~
 1870 ~~recognized associations that represent the licensees, in the~~
 1871 ~~application of state and federal laws and rules. Such programs~~
 1872 ~~shall also include:~~

1873 ~~(a) Management training.~~

1874 ~~(b) Inservice continuing education programs.~~

1875 ~~(c) Awareness of food-recovery programs, as promoted in s.~~
 1876 ~~570.0725.~~

1877 ~~(d) Enhancement of school-to-career training and~~
 1878 ~~transition programs for students interested in pursuing careers~~
 1879 ~~in a hospitality ~~the food service or lodging~~ industry.~~

1880 (d) The training and transition programs shall be funded
 1881 provided through the public school system using a nationally
 1882 recognized curriculum approved by the division, with the
 1883 enhancements funded under this section provided by grants to one
 1884 or more from nonprofit statewide organizations that represent a
 1885 in the hospitality industry of this state. The training and
 1886 transition programs shall be delivered through the public school
 1887 system using a nationally recognized curriculum approved by the
 1888 division. The division shall administer the ~~services field, and~~
 1889 the application process for the grants shall be administered by
 1890 the division.

1891 ~~(e) Such other programs as may be deemed appropriate by~~
 1892 ~~the director and the advisory council.~~

1893 (2) (a) All public lodging establishments and all public
 1894 food service establishments licensed under this chapter shall
 1895 pay an annual fee of no more than \$10, which shall be included

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1896 in the annual license fee and used for the sole purpose of
 1897 funding the Hospitality Education Program.

1898 (b) The division shall use at least 68 percent of the
 1899 funds collected under paragraph (a) for programs directed to
 1900 careers in the restaurant industry and at least 14 percent of
 1901 the funds for programs directed to careers in the lodging
 1902 industry. If the division does not receive a sufficient number
 1903 of grant applications, which are submitted timely and comply
 1904 with the division's requirements, to use all of the funds
 1905 reserved for programs directed to careers in one of the
 1906 industries, the division may use the remaining funds for
 1907 programs directed to careers in the other industry.

1908 (c) The division may use up to 10 percent of the funds
 1909 collected under paragraph (a) for administration of the program.

1910 (3) Notwithstanding any other provision of law to the
 1911 contrary, grant funding under this section ~~for the services~~
 1912 ~~described in paragraph (1)(d)~~ shall include all expenses related
 1913 ~~incident~~ to providing the programs ~~those services~~, including the
 1914 cost of staff support; student scholarships; compensation to
 1915 program instructors for time spent in relevant training; special
 1916 events or competitive events; and a reasonable stipend for
 1917 travel, lodging, and meals for instructors and students
 1918 participating in training or in related special events. All of
 1919 an applicant's ~~such~~ expenses must ~~shall~~ be consistent ~~in~~
 1920 ~~accordance~~ with the budget submitted by the applicant in the
 1921 grant application and approved by the division. The expenditure
 1922 of all funds distributed under this section is ~~shall be~~ subject
 1923 to audit by the division.

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1924 (4) The director shall develop ~~formulate~~ an annual budget,
 1925 programs, and activities to accomplish the purposes of this
 1926 section, in accordance with and subject to the advice and
 1927 recommendations of the advisory council.

1928 (a) The annual budget of the Hospitality Education Program
 1929 must show that the total fees estimated to be collected during
 1930 the next fiscal year under this section will be dedicated solely
 1931 to the estimated cost of funding the Hospitality Education
 1932 Program, less any trust fund service charge imposed by s.
 1933 215.20. If the estimated cost of funding the Hospitality
 1934 Education Program in any fiscal year is less than the total fees
 1935 estimated to be collected during that year, the director shall
 1936 submit a report to the advisory council demonstrating why the
 1937 amount of the ~~such~~ fee should not be immediately reduced to
 1938 eliminate the projected surplus. The director shall also submit
 1939 this report to the Secretary of Business and Professional
 1940 Regulation as part of the division's annual budget request.

1941 (b) Both the secretary's legislative budget requests
 1942 submitted under ~~pursuant to~~ ss. 216.023 and 216.031 and the
 1943 Governor's recommended budget submitted under ~~pursuant to~~ s.
 1944 216.163 must also show that the total fees estimated to be
 1945 collected during the next fiscal year under this section will be
 1946 dedicated solely to funding the Hospitality Education Program,
 1947 less any trust fund service charge imposed by s. 215.20. If the
 1948 estimated cost of funding the Hospitality Education Program in
 1949 any fiscal year is less than the total fees estimated to be
 1950 collected during that year, the secretary shall submit a report
 1951 demonstrating why the amount of the ~~such~~ fee should not be

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1952 immediately reduced to eliminate the projected surplus.

1953 ~~(5) The director, with the consent of the advisory~~

1954 ~~council, may designate funds, not to exceed \$250,000 annually,~~

1955 ~~to support school-to-career transition programs available~~

1956 ~~through statewide organizations in the hospitality services~~

1957 ~~field. Such programs shall be designed to prepare students for~~

1958 ~~progressive careers in the hospitality industry. The director,~~

1959 ~~with the consent of the advisory council, may also designate~~

1960 ~~funds, not to exceed \$50,000 annually, to support food safety~~

1961 ~~training programs available through statewide organizations in~~

1962 ~~the hospitality services field, and not to exceed \$50,000~~

1963 ~~annually, to support nontransient public lodging training~~

1964 ~~programs available through statewide organizations in the public~~

1965 ~~lodging services field.~~

1966 (5)~~(6)~~ The director shall supervise ~~have supervision over~~

1967 the administration of the programs set forth in this section

1968 ~~subsection~~ and shall report the status of the programs at all

1969 meetings of the advisory council and at ~~such~~ other times ~~as are~~

1970 prescribed by the advisory council.

1971 (6)~~(7)~~ The division shall adopt rules providing the

1972 criteria for grant approval and the procedures for processing

1973 grant applications. The criteria and procedures must ~~shall~~ be

1974 approved by the advisory council. The criteria shall give

1975 primary consideration to the experience and history of the

1976 applicant in representing a hospitality ~~the food service or~~

1977 ~~lodging~~ industry in the state, the applicant's prior commitment

1978 to school-to-career transition programs in a hospitality ~~the~~

1979 ~~food service or lodging~~ industry, and the applicant's

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1980 demonstrated ability to provide services statewide with industry
 1981 support and participation. Grants awarded under this section
 1982 shall be for a term of 4 years, with funding provided on an
 1983 annual basis.

1984 ~~(8) Revenue from administrative fines may be used to~~
 1985 ~~support this section. This subsection expires July 1, 2008.~~

1986 Section 48. Subsections (8) through (22) of section
 1987 548.002, Florida Statutes, are renumbered as subsections (9)
 1988 through (23), respectively, and a new subsection (8) is added to
 1989 that section, to read:

1990 548.002 Definitions.--As used in this chapter, the term:

1991 (8) "Event" means one or more matches comprising a show.

1992 Section 49. Paragraph (k) of subsection (2) of section
 1993 548.003, Florida Statutes, is amended to read:

1994 548.003 Florida State Boxing Commission.--

1995 (2) The Florida State Boxing Commission, as created by
 1996 subsection (1), shall administer the provisions of this chapter.
 1997 The commission has authority to adopt rules pursuant to ss.
 1998 120.536(1) and 120.54 to implement the provisions of this
 1999 chapter and to implement each of the duties and responsibilities
 2000 conferred upon the commission, including, but not limited to:

2001 (k) Establishment of criteria for approval, disapproval,
 2002 suspension of approval, and revocation of approval of amateur
 2003 sanctioning organizations for amateur boxing, ~~and~~ kickboxing,
 2004 and mixed martial arts matches held in this state, including,
 2005 but not limited to, the health and safety standards the
 2006 organizations use before, during, and after the matches to
 2007 ensure the health, safety, and well-being of the amateurs

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2008 participating in the matches, including the qualifications and
 2009 numbers of health care personnel required to be present, the
 2010 qualifications required for referees, and other requirements
 2011 relating to the health, safety, and well-being of the amateurs
 2012 participating in the matches. The commission may adopt by rule,
 2013 or incorporate by reference into rule, the health and safety
 2014 standards of USA Boxing as the minimum health and safety
 2015 standards for an amateur boxing sanctioning organization, ~~and~~
 2016 the health and safety standards of the International Sport
 2017 Kickboxing Association as the minimum health and safety
 2018 standards for an amateur kickboxing sanctioning organization,
 2019 and the minimum health and safety standards for an amateur mixed
 2020 martial arts sanctioning organization. The commission shall
 2021 review its rules for necessary revision at least every 2 years
 2022 and may adopt by rule, or incorporate by reference into rule,
 2023 the then-existing current health and safety standards of USA
 2024 Boxing and the International Sport Kickboxing Association. The
 2025 commission may adopt emergency rules to administer this
 2026 paragraph.

2027 Section 50. For the purpose of incorporating the amendment
 2028 made by this act to subsection (1) of section 455.227, Florida
 2029 Statutes, in a reference thereto, paragraph (a) of subsection
 2030 (2) of section 468.436, Florida Statutes, is reenacted to read:

2031 468.436 Disciplinary proceedings.--

2032 (2) The following acts constitute grounds for which the
 2033 disciplinary actions in subsection (4) may be taken:

2034 (a) Violation of any provision of s. 455.227(1).

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2035 Section 51. For the purpose of incorporating the amendment
 2036 made by this act to subsection (1) of section 455.227, Florida
 2037 Statutes, in a reference thereto, paragraph (a) of subsection
 2038 (1) of section 468.832, Florida Statutes, is reenacted to read:

2039 468.832 Disciplinary proceedings.--

2040 (1) The following acts constitute grounds for which the
 2041 disciplinary actions in subsection (2) may be taken:

2042 (a) Violation of any provision of this part or s.
 2043 455.227(1);

2044 Section 52. For the purpose of incorporating the amendment
 2045 made by this act to subsection (1) of section 455.227, Florida
 2046 Statutes, in a reference thereto, paragraph (a) of subsection
 2047 (1) of section 468.842, Florida Statutes, is reenacted to read:

2048 468.842 Disciplinary proceedings.--

2049 (1) The following acts constitute grounds for which the
 2050 disciplinary actions in subsection (2) may be taken:

2051 (a) Violation of any provision of this part or s.
 2052 455.227(1);

2053 Section 53. For the purpose of incorporating the amendment
 2054 made by this act to subsection (1) of section 455.227, Florida
 2055 Statutes, in a reference thereto, paragraph (a) of subsection
 2056 (1) of section 471.033, Florida Statutes, is reenacted to read:

2057 471.033 Disciplinary proceedings.--

2058 (1) The following acts constitute grounds for which the
 2059 disciplinary actions in subsection (3) may be taken:

2060 (a) Violating any provision of s. 455.227(1), s. 471.025,
 2061 or s. 471.031, or any other provision of this chapter or rule of
 2062 the board or department.

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2063 Section 54. For the purpose of incorporating the amendment
 2064 made by this act to section (1) of section 455.227, Florida
 2065 Statutes, in a reference thereto, paragraph (a) of subsection
 2066 (1) of section 472.033, Florida Statutes, is reenacted to read:
 2067 472.033 Disciplinary proceedings.--

2068 (1) The following acts constitute grounds for which the
 2069 disciplinary actions in subsection (2) may be taken:

2070 (a) Violation of any provision of s. 472.031 or s.
 2071 455.227(1);

2072 Section 55. For the purpose of incorporating the amendment
 2073 made by this act to subsection (1) of section 455.227, Florida
 2074 Statutes, in a reference thereto, paragraph (a) of subsection
 2075 (1) of section 473.323, Florida Statutes, is reenacted to read:
 2076 473.323 Disciplinary proceedings.--

2077 (1) The following acts constitute grounds for which the
 2078 disciplinary actions in subsection (3) may be taken:

2079 (a) Violation of any provision of s. 455.227(1) or any
 2080 other provision of this chapter.

2081 Section 56. For the purpose of incorporating the amendment
 2082 made by this act to subsection (1) of section 455.227, Florida
 2083 Statutes, in a reference thereto, paragraph (a) of subsection
 2084 (1) of section 475.25, Florida Statutes, is reenacted to read:
 2085 475.25 Discipline.--

2086 (1) The commission may deny an application for licensure,
 2087 registration, or permit, or renewal thereof; may place a
 2088 licensee, registrant, or permittee on probation; may suspend a
 2089 license, registration, or permit for a period not exceeding 10
 2090 years; may revoke a license, registration, or permit; may impose

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2091 an administrative fine not to exceed \$5,000 for each count or
 2092 separate offense; and may issue a reprimand, and any or all of
 2093 the foregoing, if it finds that the licensee, registrant,
 2094 permittee, or applicant:

2095 (a) Has violated any provision of s. 455.227(1) or s.
 2096 475.42. However, licensees under this part are exempt from the
 2097 provisions of s. 455.227(1)(i).

2098 Section 57. For the purpose of incorporating the amendment
 2099 made by this act to subsection (1) of section 455.227, Florida
 2100 Statutes, in a reference thereto, subsection (1) of section
 2101 475.624, Florida Statutes, is reenacted to read:

2102 475.624 Discipline.--The board may deny an application for
 2103 registration or certification; may investigate the actions of
 2104 any appraiser registered, licensed, or certified under this
 2105 part; may reprimand or impose an administrative fine not to
 2106 exceed \$5,000 for each count or separate offense against any
 2107 such appraiser; and may revoke or suspend, for a period not to
 2108 exceed 10 years, the registration, license, or certification of
 2109 any such appraiser, or place any such appraiser on probation, if
 2110 it finds that the registered trainee, licensee, or
 2111 certificateholder:

2112 (1) Has violated any provisions of this part or s.
 2113 455.227(1); however, certificateholders, registrants, and
 2114 licensees under this part are exempt from the provisions of s.
 2115 455.227(1)(i).

2116 Section 58. For the purpose of incorporating the amendment
 2117 made by this act to subsection (1) of section 455.227, Florida

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2118 Statutes, in a reference thereto, paragraph (h) of subsection
 2119 (1) of section 476.204, Florida Statutes, is reenacted to read:
 2120 476.204 Penalties.--
 2121 (1) It is unlawful for any person to:
 2122 (h) Violate any provision of s. 455.227(1), s. 476.194, or
 2123 s. 476.214.

2124 Section 59. For the purpose of incorporating the amendment
 2125 made by this act to subsection (1) of section 455.227, Florida
 2126 Statutes, in a reference thereto, paragraph (h) of subsection
 2127 (1) of section 477.029, Florida Statutes, is reenacted to read:
 2128 477.029 Penalty.--
 2129 (1) It is unlawful for any person to:
 2130 (h) Violate any provision of s. 455.227(1), s. 477.0265,
 2131 or s. 477.028.

2132 Section 60. For the purpose of incorporating the amendment
 2133 made by this act to subsection (1) of section 455.227, Florida
 2134 Statutes, in a reference thereto, paragraph (a) of subsection
 2135 (1) of section 481.225, Florida Statutes, is reenacted to read:
 2136 481.225 Disciplinary proceedings against registered
 2137 architects.--
 2138 (1) The following acts constitute grounds for which the
 2139 disciplinary actions in subsection (3) may be taken:
 2140 (a) Violating any provision of s. 455.227(1), s. 481.221,
 2141 or s. 481.223, or any rule of the board or department lawfully
 2142 adopted pursuant to this part or chapter 455.

2143 Section 61. For the purpose of incorporating the amendment
 2144 made by this act to subsection (1) of section 455.227, Florida

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2145 Statutes, in a reference thereto, paragraph (a) of subsection
 2146 (1) of section 481.325, Florida Statutes, is reenacted to read:

2147 481.325 Disciplinary proceedings.--

2148 (1) The following acts constitute grounds for which the
 2149 disciplinary actions in subsection (3) may be taken:

2150 (a) Violation of any provision of s. 455.227(1), s.
 2151 481.321, or s. 481.323.

2152 Section 62. Paragraph (k) is added to subsection (2) of
 2153 section 20.165, Florida Statutes, to read:

2154 20.165 Department of Business and Professional
 2155 Regulation.--There is created a Department of Business and
 2156 Professional Regulation.

2157 (2) The following divisions of the Department of Business
 2158 and Professional Regulation are established:

2159 (k) Division of Service Operations.

2160 Section 63. Paragraph (a) of subsection (1) of section
 2161 455.217, Florida Statutes, is amended to read:

2162 455.217 Examinations.--This section shall be read in
 2163 conjunction with the appropriate practice act associated with
 2164 each regulated profession under this chapter.

2165 (1) The Division of Service Operations ~~Technology~~ of the
 2166 Department of Business and Professional Regulation shall
 2167 provide, contract, or approve services for the development,
 2168 preparation, administration, scoring, score reporting, and
 2169 evaluation of all examinations. The division shall seek the
 2170 advice of the appropriate board in providing such services.

2171 (a) The department, acting in conjunction with the
 2172 Division of Service Operations ~~Technology~~ and the Division of

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2173 Real Estate, as appropriate, shall ensure that examinations
 2174 adequately and reliably measure an applicant's ability to
 2175 practice the profession regulated by the department. After an
 2176 examination developed or approved by the department has been
 2177 administered, the board or department may reject any question
 2178 which does not reliably measure the general areas of competency
 2179 specified in the rules of the board or department, when there is
 2180 no board. The department shall use qualified outside
 2181 ~~professional~~ testing vendors ~~services~~ for the development,
 2182 preparation, and evaluation of examinations, when such services
 2183 are economically and viably available and approved by the
 2184 department ~~board~~.

2185 Section 64. Paragraph (h) of subsection (2) of section
 2186 471.003, Florida Statutes, is amended to read:

2187 471.003 Qualifications for practice; exemptions.--

2188 (2) The following persons are not required to be licensed
 2189 under the provisions of this chapter as a licensed engineer:

2190 (h) Any electrical, plumbing, air-conditioning, or
 2191 mechanical contractor whose practice includes the design and
 2192 fabrication of electrical, plumbing, air-conditioning, or
 2193 mechanical systems, respectively, which she or he installs by
 2194 virtue of a license issued under chapter 489, under part I of
 2195 chapter 553, or under any special act or ordinance when working
 2196 on any construction project which:

2197 1. Requires an electrical or plumbing or air-conditioning
 2198 and refrigeration system with a value of \$125,000 ~~\$50,000~~ or
 2199 less; and

2200 2.a. Requires an aggregate service capacity of 600 amperes

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2201 (240 volts) or less on a residential electrical system or 800
 2202 amperes (240 volts) or less on a commercial or industrial
 2203 electrical system;

2204 b. Requires a plumbing system with fewer than 250 fixture
 2205 units; or

2206 c. Requires a heating, ventilation, and air-conditioning
 2207 system not to exceed a 15-ton-per-system capacity, or if the
 2208 project is designed to accommodate 100 or fewer persons.

2209 Section 65. The Office of Program Policy Analysis and
 2210 Government Accountability shall perform a study and make
 2211 recommendations to the Legislature by December 1, 2009,
 2212 regarding the enactment of laws to provide for protection and
 2213 remedies from existing and unregulated online poker activities,
 2214 which currently lack oversight and consumer protection under s.
 2215 849.086, Florida Statutes.

2216 Section 66. Effective upon this act becoming a law, the
 2217 amendments made by this act to ss. 489.128(1)(a) and
 2218 489.532(1)(a), Florida Statutes, shall apply retroactively to
 2219 contracts entered into on or after October 1, 2000, and shall
 2220 apply retroactively to all actions pending when this act becomes
 2221 a law.

2222 Section 67. Section 509.201, Florida Statutes, is
 2223 repealed.

2224 Section 68. Except as otherwise expressly provided in this
 2225 act, this act shall take effect October 1, 2009.