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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
04/19/2010	.	
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The Committee on General Government Appropriations (Dean)
recommended the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause
and insert:

Section 1. Subsection (4) of section 20.165, Florida
Statutes, is amended to read:

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

(4) (a) The following boards and programs are established
within the Division of Professions:



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- 13 1. Board of Architecture and Interior Design, created under
14 part I of chapter 481.
- 15 2. Florida Board of Auctioneers, created under part VI of
16 chapter 468.
- 17 3. Barbers' Board, created under chapter 476.
- 18 4. Florida Building Code Administrators and Inspectors
19 Board, created under part XII of chapter 468.
- 20 5. Construction Industry Licensing Board, created under
21 part I of chapter 489.
- 22 6. Board of Cosmetology, created under chapter 477.
- 23 7. Electrical Contractors' Licensing Board, created under
24 part II of chapter 489.
- 25 8. Board of Employee Leasing Companies, created under part
26 XI of chapter 468.
- 27 9. Board of Landscape Architecture, created under part II
28 of chapter 481.
- 29 10. Board of Pilot Commissioners, created under chapter
30 310.
- 31 11. Board of Professional Engineers, created under chapter
32 471.
- 33 12. Board of Professional Geologists, created under chapter
34 492.
- 35 13. Board of Veterinary Medicine, created under chapter
36 474.
- 37 14. Home inspection services licensing program, created
38 under part XV of chapter 468.
- 39 15. Mold-related services licensing program, created under
40 part XVI of chapter 468.
- 41 (b) The following board and commission are established



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42 within the Division of Real Estate:

43 1. Florida Real Estate Appraisal Board, created under part
44 II of chapter 475.

45 2. Florida Real Estate Commission, created under part I of
46 chapter 475.

47 (c) The following board is established within the Division
48 of Certified Public Accounting:

49 ~~1.~~ Board of Accountancy, created under chapter 473.

50 Section 2. Subsection (2) of section 215.37, Florida
51 Statutes, is amended to read:

52 215.37 Department of Business and Professional Regulation
53 and the boards to be financed from fees collected; deposit of
54 funds; service charge; appropriation.-

55 (2) The regulation ~~by the department~~ of professions, as
56 defined in s. 455.01 ~~chapter 455,~~ by the department shall be
57 financed solely from revenue collected by it from fees and other
58 charges and deposited in the Professional Regulation Trust Fund,
59 and all such revenue is hereby appropriated to the department.
60 However, it is legislative intent that each profession shall
61 operate within its anticipated fees.

62 Section 3. Subsection (4) of section 322.142, Florida
63 Statutes, is amended to read:

64 322.142 Color photographic or digital imaged licenses.-

65 (4) The department may maintain a film negative or print
66 file. The department shall maintain a record of the digital
67 image and signature of the licensees, together with other data
68 required by the department for identification and retrieval.
69 Reproductions from the file or digital record are exempt from
70 the provisions of s. 119.07(1) and shall be made and issued only



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71 for departmental administrative purposes; for the issuance of
72 duplicate licenses; in response to law enforcement agency
73 requests; to the Department of Business and Professional
74 Regulation pursuant to an interagency agreement for the purpose
75 of accessing digital images for reproduction of licenses issued
76 by the Department of Business and Professional Regulation; to
77 the Department of State pursuant to an interagency agreement to
78 facilitate determinations of eligibility of voter registration
79 applicants and registered voters in accordance with ss. 98.045
80 and 98.075; to the Department of Revenue pursuant to an
81 interagency agreement for use in establishing paternity and
82 establishing, modifying, or enforcing support obligations in
83 Title IV-D cases; to the Department of Children and Family
84 Services pursuant to an interagency agreement to conduct
85 protective investigations under part III of chapter 39; or to
86 the Department of Financial Services pursuant to an interagency
87 agreement to facilitate the location of owners of unclaimed
88 property, the validation of unclaimed property claims, and the
89 identification of fraudulent or false claims.

90 Section 4. Section 455.017, Florida Statutes, is amended to
91 read:

92 455.017 Applicability of this chapter. ~~The provisions of~~
93 This chapter applies apply only to the regulation ~~by the~~
94 ~~department~~ of professions by the department.

95 Section 5. Section 455.02, Florida Statutes, is amended to
96 read:

97 455.02 Licensure of members of the Armed Forces in good
98 standing with administrative boards and their spouses.—

99 (1) Any member of the Armed Forces of the United States now



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100 or hereafter on active duty who, at the time of becoming such a
101 member, was in good standing with any administrative board of
102 the state and was entitled to practice or engage in his or her
103 profession or vocation in the state shall be kept in good
104 standing by such administrative board, without registering,
105 paying dues or fees, or performing any other act on his or her
106 part to be performed, as long as he or she is a member of the
107 Armed Forces of the United States on active duty and for a
108 period of 6 months after discharge from active duty as a member
109 of the Armed Forces of the United States, if provided he or she
110 is not engaged in his or her licensed profession or vocation in
111 the private sector for profit.

112 (2) The boards listed in s. 20.165 shall adopt ~~promulgate~~
113 rules that exempt ~~exempting~~ the spouse ~~spouses~~ of a member
114 ~~members~~ of the Armed Forces of the United States from licensure
115 renewal provisions, but only in cases of his or her absence from
116 the state because of his or her spouse's ~~their spouses'~~ duties
117 with the Armed Forces.

118 (3) (a) The department may issue a temporary professional
119 license to the spouse of an active duty member of the Armed
120 Forces of the United States if the spouse applies to the
121 department in the format prescribed by the department. An
122 application must include:

123 1. Proof that the applicant is married to a member of the
124 Armed Forces of the United States who is on active duty.

125 2. Proof that the applicant holds a valid license for the
126 profession issued by another state, the District of Columbia,
127 any possession or territory of the United States, or any foreign
128 jurisdiction.



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129 3. Proof that the applicant's spouse is assigned to a duty
130 station in this state and that the applicant is also assigned to
131 a duty station in this state pursuant to the member's official
132 active duty military orders.

133 4. Proof that a complete set of the applicant's
134 fingerprints are submitted to the Department of Law Enforcement
135 for a statewide criminal history check. The Department of Law
136 Enforcement shall forward the fingerprints to the Federal Bureau
137 of Investigation for a national criminal history check. The
138 department shall, and the board may, review the results of the
139 criminal history checks according to the level 2 screening
140 standards in s. 435.04 and determine whether the applicant meets
141 the licensure requirements. The costs of fingerprint processing
142 shall be borne by the applicant. If the applicant's fingerprints
143 are submitted through an authorized agency or vendor, the agency
144 or vendor shall collect the required processing fees and remit
145 the fees to the Department of Law Enforcement.

146 (b) An application must be accompanied by an application
147 fee prescribed by the department that is sufficient to cover the
148 cost of issuance of the temporary license.

149 (c) A temporary license expires 6 months after the date of
150 issuance and is not renewable.

151 Section 6. Section 455.2122, Florida Statutes, is created
152 to read:

153 455.2122 Education.—A board, or the department when there
154 is no board, shall approve distance learning courses as an
155 alternative to classroom courses to satisfy prelicensure or
156 postlicensure education requirements in part VIII of chapter 468
157 or part I of chapter 475. A board, or the department when there



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158 is no board, may not require centralized examinations for
159 completion of prelicensure or postlicensure education
160 requirements for professions licensed under part VIII of chapter
161 468 or part I of chapter 475.

162 Section 7. Section 455.2123, Florida Statutes, is amended
163 to read:

164 455.2123 Continuing education.—A board, or the department
165 when there is no board, may provide by rule that distance
166 learning may be used to satisfy continuing education
167 requirements. A board, or the department when there is no board,
168 shall approve distance learning courses as an alternative to
169 classroom courses to satisfy continuing education requirements
170 in part VIII, part XV, or part XVI of chapter 468 or part I or
171 part II of chapter 475 and may not require centralized
172 examinations for completion of continuing education requirements
173 for the professions licensed under part VIII, part XV, or part
174 XVI of chapter 468 or part I or part II of chapter 475.

175 Section 8. Subsection (2) of section 455.213, Florida
176 Statutes, is amended to read:

177 455.213 General licensing provisions.—

178 (2) Before the issuance of any license, the department may
179 charge an initial license fee as determined by rule of the
180 applicable board or, if no such board exists, by rule of the
181 department. Upon receipt of the appropriate license fee, except
182 as provided in subsection (3), the department shall issue a
183 license to any person certified by the appropriate board, or its
184 designee, or the department when there is no board, as having
185 met the applicable requirements imposed by law or rule. However,
186 an applicant who is not otherwise qualified for licensure is not



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187 entitled to licensure solely based on a passing score on a
188 required examination. Upon a determination by the department
189 that it erroneously issued a license, or upon the revocation of
190 a license by the applicable board, or by the department when
191 there is no board, the licensee must surrender his or her
192 license to the department.

193 Section 9. Subsections (1) and (3) of section 455.217,
194 Florida Statutes, are amended to read:

195 455.217 Examinations.—This section shall be read in
196 conjunction with the appropriate practice act associated with
197 each regulated profession under this chapter.

198 (1) The Division of Professions ~~Service Operations~~ of the
199 Department of Business and Professional Regulation shall
200 provide, contract, or approve services for the development,
201 preparation, administration, scoring, score reporting, and
202 evaluation of all examinations. The division shall seek the
203 advice of the appropriate board in providing such services.

204 (a) The department, acting in conjunction with the Division
205 of Service Operations, the Division of Professions, and the
206 Division of Real Estate, as appropriate, shall ensure that
207 examinations adequately and reliably measure an applicant's
208 ability to practice the profession regulated by the department.
209 After an examination developed or approved by the department has
210 been administered, the board or department may reject any
211 question which does not reliably measure the general areas of
212 competency specified in the rules of the board or department,
213 when there is no board. The department shall use qualified
214 outside testing vendors for the development, preparation, and
215 evaluation of examinations, when such services are economically



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216 and viably available and approved by the department.

217 (b) For each examination developed by the department or
218 contracted vendor, to the extent not otherwise specified by
219 statute, the board or the department when there is no board,
220 shall by rule specify the general areas of competency to be
221 covered by the examination, the relative weight to be assigned
222 in grading each area tested, the score necessary to achieve a
223 passing grade, and the fees, where applicable, to cover the
224 actual cost for any purchase, development, and administration of
225 the required examination. However, statutory fee caps in each
226 practice act shall apply. This subsection does not apply to
227 national examinations approved and administered pursuant to
228 paragraph (d).

229 (c) If a practical examination is deemed to be necessary,
230 rules shall specify the criteria by which examiners are to be
231 selected, the grading criteria to be used by the examiner, the
232 relative weight to be assigned in grading each criterion, and
233 the score necessary to achieve a passing grade. When a mandatory
234 standardization exercise for a practical examination is required
235 by law, the board may conduct such exercise. Therefore, board
236 members may serve as examiners at a practical examination with
237 the consent of the board.

238 (d) A board, or the department when there is no board, may
239 approve by rule the use of any national examination which the
240 department has certified as meeting requirements of national
241 examinations and generally accepted testing standards pursuant
242 to department rules. Providers of examinations, which may be
243 either profit or nonprofit entities, seeking certification by
244 the department shall pay the actual costs incurred by the



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245 department in making a determination regarding the
246 certification. The department shall use any national examination
247 which is available, certified by the department, and approved by
248 the board. The name and number of a candidate may be provided to
249 a national contractor for the limited purpose of preparing the
250 grade tape and information to be returned to the board or
251 department or, to the extent otherwise specified by rule, the
252 candidate may apply directly to the vendor of the national
253 examination. The department may delegate to the board the duty
254 to provide and administer the examination. Any national
255 examination approved by a board, or the department when there is
256 no board, prior to October 1, 1997, is deemed certified under
257 this paragraph. Any licensing or certification examination that
258 is not developed or administered by the department in-house or
259 provided as a national examination shall be competitively bid.

260 (e) The department shall adopt rules regarding the security
261 and monitoring of examinations. In order to maintain the
262 security of examinations, the department may employ the
263 procedures set forth in s. 455.228 to seek fines and injunctive
264 relief against an examinee who violates the provisions of s.
265 455.2175 or the rules adopted pursuant to this paragraph. The
266 department, or any agent thereof, may, for the purposes of
267 investigation, confiscate any written, photographic, or
268 recording material or device in the possession of the examinee
269 at the examination site which the department deems necessary to
270 enforce such provisions or rules.

271 (f) If the professional board with jurisdiction over an
272 examination concurs, the department may, for a fee, share with
273 any other state's licensing authority an examination developed



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274 by or for the department unless prohibited by a contract entered
275 into by the department for development or purchase of the
276 examination. The department, with the concurrence of the
277 appropriate board, shall establish guidelines that ensure
278 security of a shared exam and shall require that any other
279 state's licensing authority comply with those guidelines. Those
280 guidelines shall be approved by the appropriate professional
281 board. All fees paid by the user shall be applied to the
282 department's examination and development program for professions
283 regulated by this chapter. All fees paid by the user for
284 professions not regulated by this chapter shall be applied to
285 offset the fees for the development and administration of that
286 profession's examination. If both a written and a practical
287 examination are given, an applicant shall be required to retake
288 only the portion of the examination for which he or she failed
289 to achieve a passing grade, if he or she successfully passes
290 that portion within a reasonable time of his or her passing the
291 other portion.

292 (3) Except for national examinations approved and
293 administered pursuant to paragraph (1)(d), the department shall
294 provide procedures for applicants who have taken and failed an
295 examination developed by the department or a contracted vendor
296 to review their most recently administered examination
297 questions, answers, papers, grades, and grading key for the
298 questions the candidate answered incorrectly or, if not
299 feasible, the parts of the examination failed. Applicants shall
300 bear the actual cost for the department to provide examination
301 review pursuant to this subsection. An applicant may waive in
302 writing the confidentiality of his or her examination grades.



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303 Section 10. Section 455.2175, Florida Statutes, is amended
304 to read:

305 455.2175 Penalty for theft or reproduction of an
306 examination.—In addition to, or in lieu of, any other discipline
307 imposed pursuant to s. 455.227, the theft of an examination in
308 whole or in part or the act of reproducing or copying any
309 examination administered by the department, whether such
310 examination is reproduced or copied in part or in whole and by
311 any means, constitutes a felony of the third degree, punishable
312 as provided in s. 775.082, s. 775.083, or s. 775.084. An
313 examinee whose examination materials are confiscated is not
314 permitted to take another examination until the criminal
315 investigation reveals that the examinee did not violate this
316 section.

317 Section 11. Section 455.2226, Florida Statutes, is
318 repealed.

319 Section 12. Paragraph (c) of subsection (1) of section
320 455.227, Florida Statutes, is amended to read:

321 455.227 Grounds for discipline; penalties; enforcement.—

322 (1) The following acts shall constitute grounds for which
323 the disciplinary actions specified in subsection (2) may be
324 taken:

325 (c) Being convicted or found guilty of, or entering a plea
326 of guilty or nolo contendere to, regardless of adjudication, a
327 crime in any jurisdiction which relates to the practice of, or
328 the ability to practice, a licensee's profession.

329 Section 13. Subsection (1) of section 455.228, Florida
330 Statutes, is amended to read:

331 455.228 Unlicensed practice of a profession; cease and



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332 desist notice; civil penalty; enforcement; citations; allocation
333 of moneys collected.-

334 (1) When the department has probable cause to believe that
335 any person not licensed by the department, or the appropriate
336 regulatory board within the department, has violated any
337 provision of this chapter or any statute that relates to the
338 practice of a profession regulated by the department, or any
339 rule adopted pursuant thereto, the department may issue and
340 deliver to such person a notice to cease and desist from such
341 violation. In addition, the department may issue and deliver a
342 notice to cease and desist to any person who aids and abets the
343 unlicensed practice of a profession by employing such unlicensed
344 person. The issuance of a notice to cease and desist shall not
345 constitute agency action for which a hearing under ss. 120.569
346 and 120.57 may be sought. For the purpose of enforcing a cease
347 and desist notice ~~order~~, the department may file a proceeding in
348 the name of the state seeking issuance of an injunction or a
349 writ of mandamus against any person who violates any provisions
350 of such notice ~~order~~. In addition to the foregoing remedies, the
351 department may impose an administrative penalty not to exceed
352 \$5,000 per incident pursuant to the provisions of chapter 120 or
353 may issue a citation pursuant to the provisions of subsection
354 (3). If the department is required to seek enforcement of the
355 notice ~~order~~ for a penalty pursuant to s. 120.569, it shall be
356 entitled to collect its attorney's fees and costs, together with
357 any cost of collection.

358 Section 14. Subsection (3) is added to section 455.275,
359 Florida Statutes, to read:

360 455.275 Address of record.-



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361 (3) (a) Notwithstanding any provision of law, when an
362 administrative complaint is served on a licensee of the
363 department, the department shall provide service by regular mail
364 to the licensee's last known address of record, by certified
365 mail to the last known address of record, and, if possible, by
366 e-mail.

367 (b) If service, as provided in paragraph (a), does not
368 provide the department with proof of service, the department
369 shall call the last known telephone number of record and cause a
370 short, plain notice to the licensee to be published once each
371 week for 4 consecutive weeks in a newspaper published in the
372 county of the licensee's last known address of record. If a
373 newspaper is not published in the county, the administrative
374 complaint may be published in a newspaper of general circulation
375 in the county. If the licensee's last known address is located
376 in another state or in a foreign jurisdiction, the
377 administrative complaint may be published in Leon County
378 pursuant to s. 120.60(5).

379 Section 15. Section 468.83, Florida Statutes, is amended to
380 read:

381 468.83 Home inspection services licensing program;
382 purpose.-

383 (1) There is created within the department the home
384 inspection services licensing program.

385 (2) The Legislature recognizes that there is a need to
386 require the licensing of home inspectors and to ensure that
387 consumers of home inspection services can rely on the competence
388 of home inspectors, as determined by educational and experience
389 requirements and testing. Therefore, the Legislature deems it



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390 necessary in the interest of the public welfare to regulate home
391 inspectors in this state.

392 Section 16. Subsection (4) of section 468.8311, Florida
393 Statutes, is amended to read:

394 468.8311 Definitions.—As used in this part, the term:

395 (4) "Home inspection services" means a limited visual
396 examination of ~~one or more of~~ the following readily accessible
397 installed systems and components of a home: the structure,
398 electrical system, HVAC system, roof covering, plumbing system,
399 interior components, exterior components, and site conditions
400 that affect the structure, for the purposes of providing a
401 written professional opinion of the condition of the home.

402 Section 17. Subsections (5) through (8) of section
403 468.8312, Florida Statutes, are renumbered as subsections (4)
404 through (7), respectively, and present subsection (4) of that
405 section is amended to read:

406 468.8312 Fees.—

407 ~~(4) The fee for a certificate of authorization shall not~~
408 ~~exceed \$125.~~

409 Section 18. Subsections (1) and (2) of section 468.8313,
410 Florida Statutes, are amended, and paragraph (d) is added to
411 subsection (5) of that section, to read:

412 468.8313 Examinations.—

413 (1) A person desiring to be licensed as a home inspector
414 must shall apply to the department after satisfying the
415 examination requirements of this part ~~to take a licensure~~
416 ~~examination.~~

417 (2) An applicant may ~~shall be entitled to take the~~
418 ~~licensure examination for the purpose of determining whether he~~



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419 ~~or she is qualified to practice in this state as a home~~
420 ~~inspector if he or she passes the required examination, the~~
421 ~~applicant is of good moral character, and completes has~~
422 ~~completed a course of study of at least no less than 120 hours~~
423 ~~that covers all of the following components of a home:~~
424 ~~structure, electrical system, HVAC system, roof covering,~~
425 ~~plumbing system, interior components, exterior components, and~~
426 ~~site conditions that affect the structure.~~

427 (5)

428 (d) An applicant for a license shall submit, together with
429 the application, a complete set of electronic fingerprints to
430 the department. The department shall submit the fingerprints to
431 the Department of Law Enforcement for state processing, and the
432 Department of Law Enforcement shall forward the fingerprints to
433 the Federal Bureau of Investigation for national processing, to
434 determine whether the applicant has a criminal history record.
435 The department shall review the background results to determine
436 whether the applicant meets licensure requirements. The
437 applicant is responsible for the costs associated with
438 processing the fingerprints. The authorized agencies or vendors
439 shall collect such fees and pay for the processing costs due to
440 the Department of Law Enforcement.

441 Section 19. Section 468.8318, Florida Statutes, is amended
442 to read:

443 468.8318 Certification of corporations and partnerships.-

444 ~~(1) The department shall issue a certificate of~~
445 ~~authorization to a corporation or partnership offering home~~
446 ~~inspection services to the public if the corporation or~~
447 ~~partnership satisfies all of the requirements of this part.~~



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448 ~~(2)~~ The practice of or the offer to practice home
449 inspection services by licensees through a corporation or
450 partnership offering home inspection services to the public, or
451 by a corporation or partnership offering such services to the
452 public through licensees under this part as agents, employees,
453 officers, or partners, is permitted subject to the provisions of
454 this part, provided that all personnel of the corporation or
455 partnership who act in its behalf as home inspectors in this
456 state are licensed as provided by this part; ~~and further~~
457 ~~provided that the corporation or partnership has been issued a~~
458 ~~certificate of authorization by the department as provided in~~
459 ~~this section.~~ Nothing in this section shall be construed to
460 allow a corporation to hold a license to practice home
461 inspection services. No corporation or partnership shall be
462 relieved of responsibility for the conduct or acts of its
463 agents, employees, or officers by reason of its compliance with
464 this section, nor shall any individual practicing home
465 inspection services be relieved of responsibility for
466 professional services performed by reason of his or her
467 employment or relationship with a corporation or partnership.

468 ~~(3)~~ ~~For the purposes of this section, a certificate of~~
469 ~~authorization shall be required for a corporation, partnership,~~
470 ~~association, or person practicing under a fictitious name and~~
471 ~~offering home inspection services to the public; however, when~~
472 ~~an individual is practicing home inspection services in his or~~
473 ~~her own given name, he or she shall not be required to register~~
474 ~~under this section.~~

475 ~~(4)~~ ~~Each certificate of authorization shall be renewed~~
476 ~~every 2 years. Each partnership and corporation certified under~~



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477 ~~this section shall notify the department within 1 month of any~~
478 ~~change in the information contained in the application upon~~
479 ~~which the certification is based.~~

480 ~~(5) Disciplinary action against a corporation or~~
481 ~~partnership shall be administered in the same manner and on the~~
482 ~~same grounds as disciplinary action against a licensed home~~
483 ~~inspector.~~

484 Section 20. Section 468.8319, Florida Statutes, is amended
485 to read:

486 468.8319 Prohibitions; penalties.-

487 (1) A person ~~home inspector, a company that employs a home~~
488 ~~inspector, or a company that is controlled by a company that~~
489 ~~also has a financial interest in a company employing a home~~
490 ~~inspector~~ may not:

491 (a) Effective July 1, 2011, practice or offer to practice
492 home inspection services unless the person has complied with the
493 provisions of this part;

494 (b) Effective July 1, 2011, use the name or title
495 "certified home inspector," "registered home inspector,"
496 "licensed home inspector," "home inspector," "professional home
497 inspector," or any combination thereof unless the person has
498 complied with the provisions of this part;

499 (c) Present as his or her own the license of another;

500 (d) Knowingly give false or forged evidence to the
501 department or an employee thereof;

502 (e) Use or attempt to use a license that has been suspended
503 or revoked;

504 (f) Perform or offer to perform, ~~prior to closing, for any~~
505 ~~additional fee,~~ any repairs to a home on which the inspector or



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506 the inspector's company has prepared a home inspection report.
507 This paragraph does not apply to a home warranty company that is
508 affiliated with or retains a home inspector to perform repairs
509 pursuant to a claim made under a home warranty contract;

510 (g) Inspect ~~for a fee~~ any property in which the inspector
511 or the inspector's company has any financial or transfer
512 interest;

513 (h) Offer or deliver any compensation, inducement, or
514 reward to any broker or agent therefor for the referral of the
515 owner of the inspected property to the inspector or the
516 inspection company; or

517 (i) Accept an engagement to make an omission or prepare a
518 report in which the inspection itself, or the fee payable for
519 the inspection, is contingent upon either the conclusions in the
520 report, preestablished findings, or the close of escrow.

521 (2) Any person who is found to be in violation of any
522 provision of this section commits a misdemeanor of the first
523 degree, punishable as provided in s. 775.082 or s. 775.083.

524 (3) This section does not apply to unlicensed activity as
525 described in paragraph (1)(a), paragraph (1)(b), or s. 455.228
526 which occurs before July 1, 2011.

527 Section 21. Paragraph (j) is added to subsection (1) of
528 section 468.832, Florida Statutes, to read:

529 468.832 Disciplinary proceedings.—

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

532 (j) Failing to meet any standard of practice adopted by
533 rule of the department.

534 Section 22. Section 468.8324, Florida Statutes, is amended



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535 to read:

536 468.8324 Grandfather clause.—

537 (1) A person who performs home inspection services as
538 defined in this part may qualify for licensure ~~to be licensed~~ by
539 the department as a home inspector if the person submits his or
540 her application to the department by March 1, 2011, whether
541 postmarked or delivered by that date, and if the person: ~~meets~~
542 ~~the licensure requirements of this part by July 1, 2010.~~

543 (a) Is certified as a home inspector by a state or national
544 association that requires, for such certification, successful
545 completion of a proctored examination on home inspection
546 services and completes at least 14 hours of verifiable education
547 on such services; or

548 (b) At the time of application, has at least 3 years of
549 experience as a home inspector and completes at least 14 hours
550 of verifiable education on home inspection services. To
551 establish the 3 years of experience, an applicant must submit at
552 least 120 home inspection reports prepared by the applicant.

553 (2) The department may investigate the validity of a home
554 inspection report submitted under paragraph (1)(b) and, if the
555 applicant submits a false report, may take disciplinary action
556 against the applicant under s. 468.832(1)(e) or (g).

557 (3) An applicant may not qualify for licensure under this
558 section if he or she has had a home inspector license or a
559 license in any related field revoked at any time or suspended
560 within the previous 5 years or has been assessed a fine that
561 exceeds \$500 within the previous 5 years. For purposes of this
562 subsection, a license in a related field includes, but is not
563 limited to, licensure in real estate, construction, mold-related



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564 services, or building code administration or inspection.

565 (4) An applicant for licensure under this section must
566 comply with the criminal history, good moral character, and
567 insurance requirements of this part.

568 Section 23. Section 468.8325, Florida Statutes, is created
569 to read:

570 468.8325 Rulemaking authority.—The department shall adopt
571 rules to administer this part.

572 Section 24. Section 468.84, Florida Statutes, is amended to
573 read:

574 468.84 Mold-related services licensing program; legislative
575 purpose.—

576 (1) There is created within the department the mold-related
577 services licensing program.

578 (2) The Legislature finds it necessary in the interest of
579 the public safety and welfare, to prevent damage to real and
580 personal property, to avert economic injury to the residents of
581 this state, and to regulate persons and companies that hold
582 themselves out to the public as qualified to perform mold-
583 related services.

584 Section 25. Subsections (7) through (10) of section
585 468.8412, Florida Statutes, are renumbered as subsections (6)
586 through (9), respectively, and present subsection (6) of that
587 section is amended to read:

588 468.8412 Fees.—

589 ~~(6) The fee for a biennial certificate of authorization~~
590 ~~renewal shall not exceed \$400.~~

591 Section 26. Subsections (1) and (2) of section 468.8413,
592 Florida Statutes, are amended, and paragraph (d) is added to



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593 subsection (4) of that section, to read:

594 468.8413 Examinations.—

595 (1) A person desiring to be licensed as a mold assessor or
596 mold remediator must ~~shall~~ apply to the department after
597 satisfying the examination requirements of this part ~~to take a~~
598 ~~licensure examination.~~

599 (2) An applicant may ~~shall be entitled to take the~~
600 ~~licensure examination to~~ practice in this state as a mold
601 assessor or mold remediator if he or she passes the required
602 examination, the applicant is of good moral character, and
603 completes ~~has satisfied~~ one of the following requirements:

604 (a)1. For a mold remediator, at least a 2-year associate of
605 arts degree, or the equivalent, with at least 30 semester hours
606 in microbiology, engineering, architecture, industrial hygiene,
607 occupational safety, or a related field of science from an
608 accredited institution and a minimum of 1 year of documented
609 field experience in a field related to mold remediation; or

610 2. A high school diploma or the equivalent with a minimum
611 of 4 years of documented field experience in a field related to
612 mold remediation.

613 (b)1. For a mold assessor, at least a 2-year associate of
614 arts degree, or the equivalent, with at least 30 semester hours
615 in microbiology, engineering, architecture, industrial hygiene,
616 occupational safety, or a related field of science from an
617 accredited institution and a minimum of 1 year of documented
618 field experience in conducting microbial sampling or
619 investigations; or

620 2. A high school diploma or the equivalent with a minimum
621 of 4 years of documented field experience in conducting



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622 microbial sampling or investigations.

623 (4)

624 (d) An applicant for a license shall submit, together with
625 the application, a complete set of electronic fingerprints to
626 the department. The department shall submit the fingerprints to
627 the Department of Law Enforcement for state processing, and the
628 Department of Law Enforcement shall forward the fingerprints to
629 the Federal Bureau of Investigation for national processing, to
630 determine whether the applicant has a criminal history record.
631 The department shall review the background results to determine
632 whether the applicant meets licensure requirements. The
633 applicant is responsible for the costs associated with
634 processing the fingerprints. The authorized agencies or vendors
635 shall collect such fees and pay for the processing costs due to
636 the Department of Law Enforcement.

637 Section 27. Subsection (3) of section 468.8414, Florida
638 Statutes, is amended to read:

639 468.8414 Licensure.—

640 (3) The department shall certify as qualified for a license
641 by endorsement an applicant who is of good moral character, who
642 has the insurance coverage required under s. 468.8421, and who:

643 (a) Is qualified to take the examination as set forth in s.
644 468.8413 and has passed a certification examination offered by a
645 nationally recognized organization that certifies persons in the
646 specialty of mold assessment or mold remediation that has been
647 approved by the department as substantially equivalent to the
648 requirements of this part and s. 455.217; or

649 (b) Holds a valid license to practice mold assessment or
650 mold remediation issued by another state or territory of the



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651 United States if the criteria for issuance of the license were
652 substantially the same as the licensure criteria that is
653 established by this part as determined by the department.

654 Section 28. Section 468.8418, Florida Statutes, is amended
655 to read:

656 468.8418 Certification of partnerships and corporations.-

657 ~~(1) The department shall issue a certificate of~~
658 ~~authorization to a corporation or partnership offering mold~~
659 ~~assessment or mold remediation services to the public if the~~
660 ~~corporation or partnership satisfies all of the requirements of~~
661 ~~this part.~~

662 ~~(2) The practice of or the offer to practice mold~~
663 ~~assessment or mold remediation by licensees through a~~
664 ~~corporation or partnership offering mold assessment or mold~~
665 ~~remediation to the public, or by a corporation or partnership~~
666 ~~offering such services to the public through licensees under~~
667 ~~this part as agents, employees, officers, or partners, is~~
668 ~~permitted subject to the provisions of this part, provided that~~
669 ~~the corporation or partnership has been issued a certificate of~~
670 ~~authorization by the department as provided in this section.~~
671 Nothing in this section shall be construed to allow a
672 corporation to hold a license to practice mold assessment or
673 mold remediation. No corporation or partnership shall be
674 relieved of responsibility for the conduct or acts of its
675 agents, employees, or officers by reason of its compliance with
676 this section, nor shall any individual practicing mold
677 assessment or mold remediation be relieved of responsibility for
678 professional services performed by reason of his or her
679 employment or relationship with a corporation or partnership.



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680 ~~(3) For the purposes of this section, a certificate of~~
681 ~~authorization shall be required for a corporation, partnership,~~
682 ~~association, or person practicing under a fictitious name,~~
683 ~~offering mold assessment or mold remediation; however, when an~~
684 ~~individual is practicing mold assessment or mold remediation~~
685 ~~under his or her own given name, he or she shall not be required~~
686 ~~to register under this section.~~

687 ~~(4) Each certificate of authorization shall be renewed~~
688 ~~every 2 years. Each partnership and corporation certified under~~
689 ~~this section shall notify the department within 1 month of any~~
690 ~~change in the information contained in the application upon~~
691 ~~which the certification is based.~~

692 ~~(5) Disciplinary action against a corporation or~~
693 ~~partnership shall be administered in the same manner and on the~~
694 ~~same grounds as disciplinary action against a licensed mold~~
695 ~~assessor or mold remediator.~~

696 Section 29. Section 468.8419, Florida Statutes, is amended
697 to read:

698 468.8419 Prohibitions; penalties.-

699 (1) A person ~~mold assessor, a company that employs a mold~~
700 ~~assessor, or a company that is controlled by a company that also~~
701 ~~has a financial interest in a company employing a mold assessor~~
702 may not:

703 (a) Effective July 1, 2011, perform or offer to perform any
704 mold assessment unless the mold assessor has documented training
705 in water, mold, and respiratory protection under s. 468.8414(2).

706 (b) Effective July 1, 2011, perform or offer to perform any
707 mold assessment unless the person has complied with the
708 provisions of this part.



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709 (c) Use the name or title "certified mold assessor,"
710 "registered mold assessor," "licensed mold assessor," "mold
711 assessor," "professional mold assessor," or any combination
712 thereof unless the person has complied with the provisions of
713 this part.

714 (d) Perform or offer to perform any mold remediation to a
715 structure on which the mold assessor or the mold assessor's
716 company provided a mold assessment within the last 12 months.

717 (e) Inspect for a fee any property in which the assessor or
718 the assessor's company has any financial or transfer interest.

719 (f) Accept any compensation, inducement, or reward from a
720 mold remediator or mold remediator's company for the referral of
721 any business to the mold remediator or the mold remediator's
722 company.

723 (g) Offer any compensation, inducement, or reward to a mold
724 remediator or mold remediator's company for the referral of any
725 business from the mold remediator or the mold remediator's
726 company.

727 (h) Accept an engagement to make an omission of the
728 assessment or conduct an assessment in which the assessment
729 itself, or the fee payable for the assessment, is contingent
730 upon the conclusions of the assessment.

731 (2) A mold remediator, a company that employs a mold
732 remediator, or a company that is controlled by a company that
733 also has a financial interest in a company employing a mold
734 remediator may not:

735 (a) Perform or offer to perform any mold remediation unless
736 the remediator has documented training in water, mold, and
737 respiratory protection under s. 468.8414(2).



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738 (b) Perform or offer to perform any mold remediation unless
739 the person has complied with the provisions of this part.

740 (c) Use the name or title "certified mold remediator,"
741 "registered mold remediator," "licensed mold remediator," "mold
742 remediator," "professional mold remediator," or any combination
743 thereof unless the person has complied with the provisions of
744 this part.

745 (d) Perform or offer to perform any mold assessment to a
746 structure on which the mold remediator or the mold remediator's
747 company provided a mold remediation within the last 12 months.

748 (e) Remediate for a fee any property in which the mold
749 remediator or the mold remediator's company has any financial or
750 transfer interest.

751 (f) Accept any compensation, inducement, or reward from a
752 mold assessor or mold assessor's company for the referral of any
753 business from the mold assessor or the mold assessor's company.

754 (g) Offer any compensation, inducement, or reward to a mold
755 assessor or mold assessor's company for the referral of any
756 business from the mold assessor or the mold assessor's company.

757 (3) Any person who violates any provision of this section
758 commits:

759 (a) A misdemeanor of the second degree for a first
760 violation, punishable as provided in s. 775.082 or s. 775.083.

761 (b) A misdemeanor of the first degree for a second
762 violation, punishable as provided in s. 775.082 or s. 775.083.

763 (c) A felony of the third degree for a third or subsequent
764 violation, punishable as provided in s. 775.082, s. 775.083, or
765 s. 775.084.

766 (4) This section does not apply to unlicensed activity as



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767 described in paragraphs (1) (a)-(d) or s. 455.228 which occurs
768 before July 1, 2011.

769 Section 30. Paragraph (j) is added to subsection (1) of
770 section 468.842, Florida Statutes, to read:

771 468.842 Disciplinary proceedings.—

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

774 (j) Failing to meet any standard of practice adopted by
775 rule of the department.

776 Section 31. Subsection (1) of section 468.8421, Florida
777 Statutes, is amended to read:

778 468.8421 Insurance.—

779 (1) A mold assessor shall maintain general liability and
780 errors and omissions for both preliminary and postremediation
781 mold assessment insurance coverage ~~in an amount~~ of at least \$1
782 million not less than \$1,000,000.

783 Section 32. Section 468.8423, Florida Statutes, is amended
784 to read:

785 468.8423 Grandfather clause.—

786 (1) A person who performs mold assessment or mold
787 remediation as defined in this part may qualify for licensure ~~to~~
788 be licensed by the department as a mold assessor or mold
789 remediator if the person submits his or her application to the
790 department by March 1, 2011, whether postmarked or delivered by
791 that date, and if the person: ~~meets the licensure requirements~~
792 of this part by July 1, 2010.

793 (a) Is certified as a mold assessor or mold remediator by a
794 state or national association that requires, for such
795 certification, successful completion of a proctored examination



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796 on mold assessment or mold remediation, as applicable, and
797 completes at least 60 hours of education on mold assessment or
798 at least 30 hours of education on mold remediation, as
799 applicable; or

800 (b) At the time of application, has at least 3 years of
801 experience as a mold assessor or mold remediator. To establish
802 the 3 years of experience, an applicant must submit at least 40
803 mold assessments or remediation invoices prepared by the
804 applicant.

805 (2) The department may investigate the validity of a mold
806 assessment or remediation invoice submitted under paragraph
807 (1)(b) and, if the applicant submits a false assessment or
808 invoice, may take disciplinary action against the applicant
809 under s. 468.842(1)(e) or (g).

810 (3) An applicant may not qualify for licensure under this
811 section if he or she has had a mold assessor or mold remediator
812 license or a license in any related field revoked at any time or
813 suspended within the previous 5 years or has been assessed a
814 fine that exceeds \$500 within the previous 5 years. For purposes
815 of this subsection, a license in a related field includes, but
816 is not limited to, licensure in real estate, construction, home
817 inspection, building code administration or inspection, or
818 indoor air quality.

819 (4) An applicant for licensure under this section must
820 comply with the good moral character and insurance requirements
821 of this part.

822 Section 33. Section 468.8424, Florida Statutes, is created
823 to read:

824 468.8424 Rulemaking authority.—The department shall adopt



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825 rules to administer this part.

826 Section 34. Subsection (2) and paragraph (a) of subsection
827 (5) of section 474.203, Florida Statutes, are amended to read:

828 474.203 Exemptions.—This chapter shall not apply to:

829 (2) A person practicing as an intern or resident
830 veterinarian who does not hold a valid license issued under this
831 chapter and who is a graduate in training at a school or college
832 of veterinary medicine located in this state and accredited by
833 the American Veterinary Medical Association Council on Education
834 or a school or college recognized by the American Veterinary
835 Medical Association Commission for Foreign Veterinary Graduates.
836 Such intern or resident must be a graduate of a school or
837 college of veterinary medicine accredited by the American
838 Veterinary Medical Association Council on Education or a school
839 or college of veterinary medicine recognized by the Educational
840 Commission for Foreign Veterinary Graduates of the American
841 Veterinary Medical Association. This exemption expires when such
842 intern or resident completes or is terminated from such
843 training. Each school or college at which such intern or
844 resident is in training shall, on July 1 of each year, provide
845 the board with a written list of all such interns or residents
846 designated for this exemption, and the school or college shall
847 also notify the board of any additions or deletions to the list.

848 (5) (a) Any person, or the person's regular employee,
849 administering to the ills or injuries of her or his own animals,
850 including, but not limited to, castration, spaying, and
851 dehorning of herd animals, unless title is ~~has been~~ transferred
852 or employment provided for the purpose of circumventing this
853 law. This exemption does ~~shall~~ not apply to any person licensed



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854 as a veterinarian in another state or foreign jurisdiction and
855 is out-of-state veterinarians practicing temporarily in this the
856 state. However, only a veterinarian may immunize or treat an
857 animal for diseases which are communicable to humans and which
858 are of public health significance.

859
860 For the purposes of chapters 465 and 893, persons exempt
861 pursuant to subsection (1), subsection (2), or subsection (4)
862 are deemed to be duly licensed practitioners authorized by the
863 laws of this state to prescribe drugs or medicinal supplies.

864 Section 35. Section 475.02, Florida Statutes, is amended to
865 read:

866 475.02 Florida Real Estate Commission.—

867 (1) There is created within the department the Florida Real
868 Estate Commission. The commission shall consist of seven members
869 who shall be appointed by the Governor, subject to confirmation
870 by the Senate. Four members must be licensed brokers, each of
871 whom has held an active license for the 5 years preceding
872 appointment; one member must be a licensed broker or a licensed
873 sales associate who has held an active license for the 2 years
874 preceding appointment; and two members must be persons who are
875 not, and have never been, brokers or sales associates. At least
876 one member of the commission must be 60 years of age or older.
877 The current members may complete their present terms unless
878 removed for cause.

879 (2) Members shall be appointed for 4-year terms.

880 (3) Notwithstanding s. 112.313, any member of the
881 commission who is a licensed real estate broker or sales
882 associate and who holds an active real estate school permit,



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883 chief administrator permit, school instructor permit, or any
884 combination of such permits issued by the department, to the
885 extent authorized pursuant to such permit, may offer, conduct,
886 or teach any course prescribed or approved by the commission or
887 the department.

888 Section 36. Paragraph (a) of subsection (1) of section
889 475.175, Florida Statutes, is amended to read:

890 475.175 Examinations.—

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

893 (a) Submits to the department the appropriate signed or
894 electronically authenticated application, digital fingerprint
895 data, and fee, and a fingerprint card. The digital fingerprints
896 fingerprint card shall be forwarded to the Division of Criminal
897 Justice Information Systems within the Department of Law
898 Enforcement for purposes of processing the fingerprints
899 fingerprint card to determine if the applicant has a criminal
900 history record. The fingerprints fingerprint card shall also be
901 forwarded to the Federal Bureau of Investigation for purposes of
902 processing the fingerprints fingerprint card to determine if the
903 applicant has a criminal history record. The information
904 obtained by the processing of the fingerprints fingerprint card
905 by the ~~Florida~~ Department of Law Enforcement and the Federal
906 Bureau of Investigation shall be sent to the department for the
907 purpose of determining if the applicant is statutorily qualified
908 for examination. ~~Effective July 1, 2006, an applicant shall~~
909 ~~provide fingerprints in electronic format.~~

910 Section 37. Section 475.613, Florida Statutes, is amended
911 to read:



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912 475.613 Florida Real Estate Appraisal Board.—

913 (1) There is created the Florida Real Estate Appraisal
914 Board, which shall consist of seven members appointed by the
915 Governor, subject to confirmation by the Senate. Four members of
916 the board must be real estate appraisers who have been engaged
917 in the general practice of appraising real property in this
918 state for at least 5 years immediately preceding appointment. In
919 appointing real estate appraisers to the board, while not
920 excluding other appraisers, the Governor shall give preference
921 to real estate appraisers who are not primarily engaged in real
922 estate brokerage or mortgage lending activities. One member of
923 the board must represent organizations that use appraisals for
924 the purpose of eminent domain proceedings, financial
925 transactions, or mortgage insurance. Two members of the board
926 shall be representatives of the general public and shall not be
927 connected in any way with the practice of real estate appraisal,
928 ~~real estate brokerage, or mortgage lending~~. The appraiser
929 members shall be as representative of the entire industry as
930 possible, and membership in a nationally recognized or state-
931 recognized appraisal organization shall not be a prerequisite to
932 membership on the board. To the extent possible, no more than
933 two members of the board shall be primarily affiliated with any
934 one particular national or state appraisal association. Two of
935 the members must be licensed or certified residential real
936 estate appraisers and two of the members must be certified
937 general real estate appraisers at the time of their appointment.

938 (a) Members of the board shall be appointed for 4-year
939 terms. Any vacancy occurring in the membership of the board
940 shall be filled by appointment by the Governor for the unexpired



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941 term. Upon expiration of her or his term, a member of the board
942 shall continue to hold office until the appointment and
943 qualification of the member's successor. A member may not be
944 appointed for more than two consecutive terms. The Governor may
945 remove any member for cause.

946 (b) The headquarters for the board shall be in Orlando.

947 (c) The board shall meet at least once each calendar
948 quarter to conduct its business.

949 (d) The members of the board shall elect a chairperson at
950 the first meeting each year.

951 (e) Each member of the board is entitled to per diem and
952 travel expenses as set by legislative appropriation for each day
953 that the member engages in the business of the board.

954 (2) The board shall have, through its rules, full power to
955 regulate the issuance of licenses, certifications,
956 registrations, and permits; to discipline appraisers in any
957 manner permitted under this section; to establish qualifications
958 for licenses, certifications, registrations, and permits
959 consistent with this section; to regulate approved courses; to
960 establish standards for real estate appraisals; and to establish
961 standards for and regulate supervisory appraisers.

962 (3) Notwithstanding s. 112.313, any member of the board who
963 is a licensed or certified real estate appraiser and who holds
964 an active appraiser instructor permit issued by the department,
965 to the extent authorized pursuant to such permit, may offer,
966 conduct, or teach any course prescribed or approved by the board
967 or the department.

968 Section 38. Subsections (4) through (8) of section 477.019,
969 Florida Statutes, are renumbered as subsections (3) through (7),



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970 respectively, and paragraph (c) of subsection (2) and present
971 subsection (3) of that section are amended to read:

972 477.019 Cosmetologists; qualifications; licensure;
973 supervised practice; license renewal; endorsement; continuing
974 education.—

975 (2) An applicant shall be eligible for licensure by
976 examination to practice cosmetology if the applicant:

977 (c)1. Is authorized to practice cosmetology in another
978 state or country, has been so authorized for at least 1 year,
979 and does not qualify for licensure by endorsement as provided
980 for in subsection (5) ~~(6)~~; or

981 2. Has received a minimum of 1,200 hours of training as
982 established by the board, which shall include, but shall not be
983 limited to, the equivalent of completion of services directly
984 related to the practice of cosmetology at one of the following:

985 a. A school of cosmetology licensed pursuant to chapter
986 1005.

987 b. A cosmetology program within the public school system.

988 c. The Cosmetology Division of the Florida School for the
989 Deaf and the Blind, provided the division meets the standards of
990 this chapter.

991 d. A government-operated cosmetology program in this state.

992

993 The board shall establish by rule procedures whereby the school
994 or program may certify that a person is qualified to take the
995 required examination after the completion of a minimum of 1,000
996 actual school hours. If the person then passes the examination,
997 he or she shall have satisfied this requirement; but if the
998 person fails the examination, he or she shall not be qualified



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999 to take the examination again until the completion of the full
1000 requirements provided by this section.

1001 ~~(3) An application for the licensure examination for any~~
1002 ~~license under this section may be submitted for examination~~
1003 ~~approval in the last 100 hours of training by a pregraduate of a~~
1004 ~~licensed cosmetology school or a program within the public~~
1005 ~~school system, which school or program is certified by the~~
1006 ~~Department of Education with fees as required in paragraph~~
1007 ~~(2) (b). Upon approval, the applicant may schedule the~~
1008 ~~examination on a date when the training hours are completed. An~~
1009 ~~applicant shall have 6 months from the date of approval to take~~
1010 ~~the examination. After the 6 months have passed, if the~~
1011 ~~applicant failed to take the examination, the applicant must~~
1012 ~~reapply. The board shall establish by rule the procedures for~~
1013 ~~the pregraduate application process.~~

1014 Section 39. Subsection (4) of section 509.211, Florida
1015 Statutes, is amended to read:

1016 509.211 Safety regulations.—

1017 (4) Every enclosed space or room that contains a boiler
1018 regulated under chapter 554 which is fired by the direct
1019 application of energy from the combustion of fuels and that is
1020 located in any portion of a public lodging establishment that
1021 also contains sleeping rooms shall be equipped with one or more
1022 carbon monoxide sensor devices that bear the label of a
1023 nationally recognized testing laboratory and have been tested
1024 and listed as complying with the most recent Underwriters
1025 Laboratories, Inc., Standard 2034, or its equivalent, unless it
1026 is determined that carbon monoxide hazards have otherwise been
1027 adequately mitigated as determined by the Division of State Fire



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1028 Marshal of the Department of Financial Services. Such devices
1029 shall be integrated with the public lodging establishment's fire
1030 detection system. Any such installation or determination shall
1031 be made in accordance with rules adopted by the Division of
1032 State Fire Marshal.

1033 Section 40. Section 548.076, Florida Statutes, is created
1034 to read:

1035 548.076 Cease and desist notices.—When the department has
1036 probable cause to believe that any person not licensed by the
1037 commission has violated any provision of this chapter, or any
1038 rule adopted pursuant thereto, the department may issue and
1039 deliver to such person a notice to cease and desist from such
1040 violation. The department shall issue and enforce such cease and
1041 desist notices in accordance with s. 455.228.

1042 Section 41. Subsection (1) of section 561.17, Florida
1043 Statutes, is amended to read:

1044 561.17 License and registration applications; approved
1045 person.—

1046 (1) Any person, before engaging in the business of
1047 manufacturing, bottling, distributing, selling, or in any way
1048 dealing in alcoholic beverages, shall file, with the district
1049 licensing personnel of the district of the division in which the
1050 place of business for which a license is sought is located, a
1051 sworn application in the format prescribed ~~duplicate on forms~~
1052 ~~provided to the district licensing personnel~~ by the division.
1053 The applicant must be a legal or business entity, person, or
1054 persons and must include all persons, officers, shareholders,
1055 and directors of such legal or business entity that have a
1056 direct or indirect interest in the business seeking to be



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1057 licensed under this part. However, the applicant does not
1058 include any person that derives revenue from the license solely
1059 through a contractual relationship with the licensee, the
1060 substance of which contractual relationship is not related to
1061 the control of the sale of alcoholic beverages. Before ~~Prior to~~
1062 any application is being approved, the division may require the
1063 applicant to file a set of fingerprints on regular United States
1064 Department of Justice forms for herself or himself and for any
1065 person or persons interested directly or indirectly with the
1066 applicant in the business for which the license is being sought,
1067 when ~~so~~ required by the division. If the applicant or any person
1068 who is interested with the applicant either directly or
1069 indirectly in the business or who has a security interest in the
1070 license being sought or has a right to a percentage payment from
1071 the proceeds of the business, either by lease or otherwise, is
1072 not qualified, the division shall deny the application ~~shall be~~
1073 ~~denied by the division~~. However, any company regularly traded on
1074 a national securities exchange and not over the counter; any
1075 insurer, as defined in the Florida Insurance Code; or any bank
1076 or savings and loan association chartered by this state, another
1077 state, or the United States which has an interest, directly or
1078 indirectly, in an alcoholic beverage license is ~~shall~~ not ~~be~~
1079 required to obtain the division's ~~division~~ approval of its
1080 officers, directors, or stockholders or any change of such
1081 positions or interests. A shopping center with five or more
1082 stores, one or more of which has an alcoholic beverage license
1083 and is required under a lease common to all shopping center
1084 tenants to pay no more than 10 percent of the gross proceeds of
1085 the business holding the license to the shopping center, is



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1086 ~~shall~~ not ~~be~~ considered as having an interest, directly or
1087 indirectly, in the license.

1088 Section 42. For the purpose of incorporating the amendment
1089 made by this act to section 455.227, Florida Statutes, in a
1090 reference thereto, paragraph (a) of subsection (2) of section
1091 468.436, Florida Statutes, is reenacted to read:

1092 468.436 Disciplinary proceedings.—

1093 (2) The following acts constitute grounds for which the
1094 disciplinary actions in subsection (4) may be taken:

1095 (a) Violation of any provision of s. 455.227(1).

1096 Section 43. For the purpose of incorporating the amendment
1097 made by this act to section 455.227, Florida Statutes, in a
1098 reference thereto, paragraph (a) of subsection (1) of section
1099 468.832, Florida Statutes, is reenacted to read:

1100 468.832 Disciplinary proceedings.—

1101 (1) The following acts constitute grounds for which the
1102 disciplinary actions in subsection (2) may be taken:

1103 (a) Violation of any provision of this part or s.
1104 455.227(1);

1105 Section 44. For the purpose of incorporating the amendment
1106 made by this act to section 455.227, Florida Statutes, in a
1107 reference thereto, paragraph (a) of subsection (1) of section
1108 468.842, Florida Statutes, is reenacted to read:

1109 468.842 Disciplinary proceedings.—

1110 (1) The following acts constitute grounds for which the
1111 disciplinary actions in subsection (2) may be taken:

1112 (a) Violation of any provision of this part or s.
1113 455.227(1);

1114 Section 45. For the purpose of incorporating the amendment



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1115 made by this act to section 455.227, Florida Statutes, in a
1116 reference thereto, paragraph (a) of subsection (1) of section
1117 471.033, Florida Statutes, is reenacted to read:

1118 471.033 Disciplinary proceedings.—

1119 (1) The following acts constitute grounds for which the
1120 disciplinary actions in subsection (3) may be taken:

1121 (a) Violating any provision of s. 455.227(1), s. 471.025,
1122 or s. 471.031, or any other provision of this chapter or rule of
1123 the board or department.

1124 Section 46. For the purpose of incorporating the amendment
1125 made by this act to section 455.227, Florida Statutes, in a
1126 reference thereto, paragraph (a) of subsection (1) of section
1127 473.323, Florida Statutes, is reenacted to read:

1128 473.323 Disciplinary proceedings.—

1129 (1) The following acts constitute grounds for which the
1130 disciplinary actions in subsection (3) may be taken:

1131 (a) Violation of any provision of s. 455.227(1) or any
1132 other provision of this chapter.

1133 Section 47. For the purpose of incorporating the amendment
1134 made by this act to section 455.227, Florida Statutes, in a
1135 reference thereto, paragraph (a) of subsection (1) of section
1136 475.25, Florida Statutes, is reenacted to read:

1137 475.25 Discipline.—

1138 (1) The commission may deny an application for licensure,
1139 registration, or permit, or renewal thereof; may place a
1140 licensee, registrant, or permittee on probation; may suspend a
1141 license, registration, or permit for a period not exceeding 10
1142 years; may revoke a license, registration, or permit; may impose
1143 an administrative fine not to exceed \$5,000 for each count or



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1144 separate offense; and may issue a reprimand, and any or all of
1145 the foregoing, if it finds that the licensee, registrant,
1146 permittee, or applicant:

1147 (a) Has violated any provision of s. 455.227(1) or s.
1148 475.42. However, licensees under this part are exempt from the
1149 provisions of s. 455.227(1) (i).

1150 Section 48. For the purpose of incorporating the amendment
1151 made by this act to section 455.227, Florida Statutes, in a
1152 reference thereto, subsection (1) of section 475.624, Florida
1153 Statutes, is reenacted to read:

1154 475.624 Discipline.—The board may deny an application for
1155 registration or certification; may investigate the actions of
1156 any appraiser registered, licensed, or certified under this
1157 part; may reprimand or impose an administrative fine not to
1158 exceed \$5,000 for each count or separate offense against any
1159 such appraiser; and may revoke or suspend, for a period not to
1160 exceed 10 years, the registration, license, or certification of
1161 any such appraiser, or place any such appraiser on probation, if
1162 it finds that the registered trainee, licensee, or
1163 certificateholder:

1164 (1) Has violated any provisions of this part or s.
1165 455.227(1); however, certificateholders, registrants, and
1166 licensees under this part are exempt from the provisions of s.
1167 455.227(1) (i).

1168 Section 49. For the purpose of incorporating the amendment
1169 made by this act to section 455.227, Florida Statutes, in a
1170 reference thereto, paragraph (h) of subsection (1) of section
1171 476.204, Florida Statutes, is reenacted to read:

1172 476.204 Penalties.—



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1173 (1) It is unlawful for any person to:
1174 (h) Violate any provision of s. 455.227(1), s. 476.194, or
1175 s. 476.214.

1176 Section 50. For the purpose of incorporating the amendment
1177 made by this act to section 455.227, Florida Statutes, in a
1178 reference thereto, paragraph (h) of subsection (1) of section
1179 477.029, Florida Statutes, is reenacted to read:

1180 477.029 Penalty.—

1181 (1) It is unlawful for any person to:
1182 (h) Violate any provision of s. 455.227(1), s. 477.0265, or
1183 s. 477.028.

1184 Section 51. For the purpose of incorporating the amendment
1185 made by this act to section 455.227, Florida Statutes, in a
1186 reference thereto, paragraph (a) of subsection (1) of section
1187 481.225, Florida Statutes, is reenacted to read:

1188 481.225 Disciplinary proceedings against registered
1189 architects.—

1190 (1) The following acts constitute grounds for which the
1191 disciplinary actions in subsection (3) may be taken:

1192 (a) Violating any provision of s. 455.227(1), s. 481.221,
1193 or s. 481.223, or any rule of the board or department lawfully
1194 adopted pursuant to this part or chapter 455.

1195 Section 52. For the purpose of incorporating the amendment
1196 made by this act to section 455.227, Florida Statutes, in a
1197 reference thereto, paragraph (a) of subsection (1) of section
1198 481.325, Florida Statutes, is reenacted to read:

1199 481.325 Disciplinary proceedings.—

1200 (1) The following acts constitute grounds for which the
1201 disciplinary actions in subsection (3) may be taken:



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1202 (a) Violation of any provision of s. 455.227(1), s.
1203 481.321, or s. 481.323.

1204 Section 53. For the purpose of incorporating the amendment
1205 made by this act to section 468.832, Florida Statutes, in a
1206 reference thereto, subsection (2) of section 468.8314, Florida
1207 Statutes, is reenacted to read:

1208 468.8314 Licensure.—

1209 (2) The department shall certify for licensure any
1210 applicant who satisfies the requirements of s. 468.8313 and who
1211 has passed the licensing examination. The department may refuse
1212 to certify any applicant who has violated any of the provisions
1213 of s. 468.832.

1214 Section 54. This act shall take effect July 1, 2010.

1215
1216 ===== T I T L E A M E N D M E N T =====

1217 And the title is amended as follows:

1218 Delete everything before the enacting clause
1219 and insert:

1220 A bill to be entitled
1221 An act relating to the Department of Business and
1222 Professional Regulation; amending s. 20.165, F.S.;
1223 assigning certain programs to regulation by the
1224 department's Division of Professions; amending ss.
1225 215.37 and 455.017, F.S.; specifying that the
1226 department is responsible for the regulation of
1227 certain professions; amending s. 322.142, F.S.;
1228 authorizing the Department of Highway Safety and Motor
1229 Vehicles to issue reproductions of driver's licenses
1230 to the Department Business and Professional Regulation



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1231 pursuant to an interagency agreement for a specified
1232 purpose; amending s. 455.02, F.S.; authorizing the
1233 temporary professional licensure of the spouses of
1234 active duty members of the United States Armed Forces
1235 under certain circumstances; providing application
1236 requirements; requiring criminal history checks and
1237 fees; creating s. 455.2122, F.S.; authorizing distance
1238 learning courses to satisfy certain licensing
1239 education requirements for community association
1240 managers and real estate brokers and sales associates;
1241 prohibiting requirements for centralized examinations
1242 to complete such education requirements; amending s.
1243 455.2123, F.S.; authorizing distance learning courses
1244 to satisfy certain continuing education requirements
1245 for community association managers, home inspectors,
1246 mold assessors and remediators, and real estate
1247 brokers, sales associates, and appraisers; prohibiting
1248 requirements for centralized examinations to complete
1249 such education requirements; amending s. 455.213,
1250 F.S.; requiring a licensee to surrender his or her
1251 license under certain circumstances; amending s.
1252 455.217, F.S.; revising the departmental unit
1253 responsible for administration of certain
1254 examinations; limiting an applicant's review of failed
1255 examination questions; amending s. 455.2175, F.S.;
1256 prohibiting an examinee whose examination materials
1257 are confiscated from taking another examination under
1258 certain circumstances; repealing s. 455.2226, F.S.,
1259 relating to continuing education courses on HIV and



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1260 AIDS required for licensees and certificateholders
1261 under the Florida Funeral, Cemetery, and Consumer
1262 Services Act; amending s. 455.227, F.S.; revising
1263 grounds for the discipline of professional licensees;
1264 providing penalties; amending s. 455.228, F.S.;
1265 revising terminology for cease and desist notices;
1266 amending s. 455.275, F.S.; providing for the service
1267 of administrative complaints on certain licensees and
1268 publication of certain notices; amending s. 468.83,
1269 F.S.; creating the home inspection services licensing
1270 program within the department; amending s. 468.8311,
1271 F.S.; revising the definition of the term "home
1272 inspection services" for purposes of provisions
1273 regulating home inspectors; amending s. 468.8312,
1274 F.S.; deleting limits on fees for certificates of
1275 authorization to conform to changes made by the act;
1276 amending s. 468.8313, F.S.; requiring home inspector
1277 license applicants to satisfy certain examination
1278 requirements before application for licensure;
1279 requiring criminal history checks and fees; amending
1280 s. 468.8318, F.S.; deleting requirements for
1281 certificates of authorization for corporations or
1282 partnerships offering home inspection services;
1283 amending s. 468.8319, F.S.; prohibiting certain acts
1284 relating to home inspection services; delaying
1285 implementation of certain prohibited acts; providing
1286 penalties; exempting from punishment certain
1287 unlicensed activity occurring before a specified date;
1288 amending s. 468.832, F.S.; providing an additional



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1289 ground for discipline of licensed home inspectors;
1290 amending s. 468.8324, F.S.; extending the time for
1291 licensure of home inspectors under certain grandfather
1292 provisions; revising the licensing criteria for such
1293 provisions; authorizing the department to investigate
1294 the validity of home inspection reports submitted for
1295 licensure under the grandfather provisions; providing
1296 penalties for the submission of false reports;
1297 creating s. 468.8325, F.S.; requiring the department
1298 to adopt rules; amending s. 468.84, F.S.; creating the
1299 mold-related services licensing program within the
1300 department; amending s. 468.8412, F.S.; deleting
1301 limits on fees for certificates of authorization to
1302 conform to changes made by the act; amending s.
1303 468.8413, F.S.; requiring mold assessor and mold
1304 remediator license applicants to satisfy certain
1305 examination requirements before application for
1306 licensure; revising the educational requirements for
1307 licensure as a mold assessor or mold remediator;
1308 requiring criminal history checks and fees; amending
1309 s. 468.8414, F.S.; specifying that certain insurance
1310 coverage is required for licensure by endorsement;
1311 amending s. 468.8418, F.S.; deleting requirements for
1312 certificates of authorization for corporations or
1313 partnerships offering mold-related services; amending
1314 s. 468.8419, F.S.; prohibiting certain acts relating
1315 to mold assessment and remediation; delaying
1316 implementation of certain prohibited acts; providing
1317 penalties; exempting from punishment certain



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1318 unlicensed activity occurring before a specified date;
1319 amending s. 468.842, F.S.; providing an additional
1320 ground for discipline of licensed mold assessors and
1321 mold remediators; amending s. 468.8421, F.S.; revising
1322 insurance coverage requirements for mold assessors;
1323 amending s. 468.8423, F.S.; extending the time for
1324 licensure of mold assessors and mold remediators under
1325 certain grandfather provisions; revising the licensing
1326 criteria for such provisions; authorizing the
1327 department to investigate the validity of mold
1328 assessments and remediation invoices submitted for
1329 licensure under the grandfather provisions; providing
1330 penalties for the submission of false assessments or
1331 invoices; creating s. 468.8424, F.S.; requiring the
1332 department to adopt rules; amending s. 474.203, F.S.;
1333 revising certain exemptions from regulation of
1334 veterinary medical practice; amending s. 475.02, F.S.;
1335 authorizing certain members of the Florida Real Estate
1336 Commission to offer, conduct, and teach courses
1337 prescribed or approved by the commission or the
1338 department; amending s. 475.175, F.S.; revising the
1339 application and fingerprint requirements for real
1340 estate broker and sales associate licenses; deleting a
1341 requirement that license applicants provide
1342 fingerprints in an electronic format; amending s.
1343 475.613, F.S.; revising qualifications of members of
1344 the Florida Real Estate Appraisal Board; authorizing
1345 certain board members to offer, conduct, and teach
1346 courses prescribed or approved by the board or the



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1347 department; amending s. 477.019, F.S.; deleting time
1348 limits for cosmetology license applicants to take the
1349 licensure examination; conforming a cross-reference;
1350 amending s. 509.211, F.S.; assigning responsibility
1351 for the regulation of carbon monoxide hazards in
1352 certain public lodging establishments to the Division
1353 of State Fire Marshal of the Department of Financial
1354 Services; creating s. 548.076, F.S.; authorizing the
1355 Department of Business and Professional Regulation to
1356 issue and enforce notices to cease and desist from
1357 violations of provisions regulating pugilistic
1358 exhibitions; providing penalties; amending s. 561.17,
1359 F.S.; revising application requirements for alcoholic
1360 beverage licenses; reenacting ss. 468.436(2) (a),
1361 468.832(1) (a), 468.842(1) (a), 471.033(1) (a),
1362 473.323(1) (a), 475.25(1) (a), 475.624(1),
1363 476.204(1) (h), 477.029(1) (h), 481.225(1) (a), and
1364 481.325(1) (a), F.S., relating to disciplinary
1365 proceedings for community association managers, home
1366 inspectors, mold assessors, mold remediators,
1367 engineers, certified public accountants, real estate
1368 brokers and sales associates, real estate appraisers,
1369 barbers, cosmetologists, architects, and landscape
1370 architects, to incorporate the amendment made to s.
1371 455.227, F.S., in references thereto; reenacting s.
1372 468.8314(2), F.S., relating to the licensure of home
1373 inspectors, to incorporate the amendment made to s.
1374 468.832, F.S., in a reference thereto; providing an
1375 effective date.