

By the Committee on Regulated Industries; and Senators Fasano and Altman

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1 A bill to be entitled
2 An act relating to the Department of Business and
3 Professional Regulation; amending s. 20.165, F.S.;
4 providing for certain professions or programs to be
5 established within the department; amending s.
6 455.275, F.S.; specifying methods that the department
7 must use to serve an administrative complaint on a
8 licensee; amending s. 455.017, F.S.; clarifying that
9 ch. 455, F.S., applies to the Division of Professions;
10 amending s. 455.02, F.S.; providing for the issuance
11 of temporary licenses to the spouses of members of the
12 Armed Forces under specified conditions; amending s.
13 455.213, F.S.; requiring a licensee of the department
14 to surrender his or her license to the department if
15 the license was issued in error or is revoked;
16 amending s. 455.217, F.S.; designating the Division of
17 Professions as the division responsible for
18 examinations relating to regulated professions;
19 limiting an applicant who has failed an examination to
20 reviewing the last examination taken by the applicant;
21 amending s. 455.2175, F.S.; prohibiting an examinee
22 whose materials have been confiscated from taking
23 another examination during the pendency of any
24 criminal investigation or prosecution relating to the
25 matter; repealing s. 455.2226, F.S., relating to a
26 requirement for persons licensed under ch. 497, F.S.,
27 to complete a continuing education course on the human
28 immunodeficiency virus and acquired immune deficiency
29 syndrome; amending s. 455.227, F.S.; authorizing the

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30 department to take disciplinary action against a
31 licensee who pleads guilty to a crime relating to the
32 licensee's profession; amending s. 455.228, F.S.;
33 redesignating a cease and desist order as a cease and
34 desist notice; amending s. 468.8311, F.S.; redefining
35 the term "home inspection services" to mandate the
36 inspection of certain items; amending s. 468.8312,
37 F.S.; eliminating the fee charged for a certificate of
38 authorization to conduct home inspections; amending s.
39 468.8313, F.S.; requiring a person desiring to be
40 licensed as a home inspector to complete an
41 examination before applying for a license; requiring
42 an applicant for an initial license to submit
43 electronic fingerprints to the department for a
44 background check and pay the costs of the background
45 check; amending s. 468.8318, F.S.; deleting
46 requirements for a certificate of authorization for a
47 corporation or partnership to offer home inspection
48 services; delaying the effective date of provisions of
49 s. 468.8319, F.S., which require a license to conduct
50 home inspections; amending s. 468.8319, F.S.; revising
51 prohibited acts by a person acting as a home
52 inspector; amending s. 468.832, F.S.; authorizing the
53 department to take disciplinary action against a
54 person for failing to meet a standard of practice
55 adopted by rule of the department; amending s.
56 468.8324, F.S.; revising the requirements for persons
57 seeking licensure as a home inspector under a
58 grandfather clause; creating s. 468.8325, F.S.;

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59 requiring the department to adopt rules to administer
60 part XV of ch. 468, F.S.; amending s. 468.8412, F.S.;
61 deleting the fee for the renewal of a certificate of
62 authorization to conduct mold assessment or mold
63 remediation services; amending s. 468.8413, F.S.;
64 requiring a person desiring to be licensed as a mold
65 assessor or mold remediator to complete an examination
66 before applying for a license; revising the minimum
67 amount of education required to qualify as a mold
68 assessor or mold remediator; amending s. 468.8414,
69 F.S.; requiring a person seeking licensure by
70 endorsement as a mold assessor or mold remediator to
71 possess liability insurance; amending s. 468.8418,
72 F.S.; deleting requirements for a certificate of
73 authorization for a corporation or partnership to
74 offer mold assessment or mold remediation services;
75 amending s. 468.8419, F.S.; prohibiting a person from
76 engaging in certain acts relating to mold assessment;
77 delaying the effective date of provisions of s.
78 468.8419, F.S., which require a license to conduct
79 mold assessment or mold remediation services; amending
80 s. 468.842, F.S.; authorizing the department to take
81 disciplinary action against a person for failing to
82 meet a standard of practice adopted by rule of the
83 department; amending s. 468.8421, F.S.; specifying
84 coverage requirements for insurance that must be
85 possessed by a mold assessor; amending s. 468.8423,
86 F.S.; revising the requirements for persons seeking
87 licensure as a mold assessor or mold remediator under

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88 a grandfather clause; creating 468.8424, F.S.;

89 requiring the department to adopt rules to administer

90 part XVI of ch. 468, F.S.; amending s. 474.203, F.S.;

91 expanding an exemption from licensure as a

92 veterinarian to include certain interns or residents

93 who are graduates of a school or college recognized by

94 a specified veterinary association; amending s.

95 475.175, F.S.; requiring a person seeking to take an

96 examination for licensure as a real estate broker or

97 sales associate to submit fingerprints in a digital

98 format to the department; amending s. 475.613, F.S.;

99 deleting a provision excluding persons connected with

100 real estate brokerage or mortgage lending as

101 representatives of the general public on the Florida

102 Real Estate Appraisal Board; amending s. 477.019,

103 F.S.; deleting a provision that allows a person to

104 apply for the cosmetology licensure examination while

105 in training; amending s. 509.211, F.S.; deleting a

106 requirement that certain rooms containing a boiler in

107 a public lodging establishment be equipped with a

108 carbon monoxide sensor; creating s. 548.076, F.S.;

109 authorizing the department to issue a cease and desist

110 notice for certain conduct to persons who are not

111 licensed by the Florida Boxing Commission; amending s.

112 554.108, F.S.; requiring certain rooms in a public

113 lodging establishment which contain a boiler to be

114 equipped with a carbon monoxide sensor; requiring

115 inspections of such boilers to include a determination

116 of compliance with the requirement for the carbon

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117 monoxide sensor; amending s. 561.17, F.S.; deleting a
118 requirement to submit an application in duplicate to
119 the Division of Alcoholic Beverages and Tobacco before
120 engaging in the business of manufacturing, bottling,
121 distributing, selling, or dealing in alcoholic
122 beverages; reenacting ss. 468.436(2) (a),
123 468.832(1) (a), 468.842(1) (a), 471.033(1) (a),
124 473.323(1) (a), 475.25(1) (a), 475.624(1),
125 476.204(1) (h), 477.029(1) (h), 481.225(1) (a), and
126 481.325(1) (a), F.S., relating to disciplinary
127 proceedings for community association managers, home
128 inspectors, mold assessors, mold remediators,
129 engineers, certified public accountants, real estate
130 brokers and sales associates, real estate appraisers,
131 barbers, cosmetologists, architects, and landscape
132 architects, respectively, to incorporate the amendment
133 made to s. 455.227, F.S., in references thereto;
134 reenacting s. 468.8314(2), F.S., relating to the
135 licensure of home inspectors, to incorporate the
136 amendment made to s. 468.832, F.S., in a reference
137 thereto; providing an effective date.

138
139 Be It Enacted by the Legislature of the State of Florida:

140
141 Section 1. Subsection (4) of section 20.165, Florida
142 Statutes, is amended to read:

143 20.165 Department of Business and Professional Regulation.—
144 There is created a Department of Business and Professional
145 Regulation.

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- 146 (4) (a) The following boards or professions are established
147 within the Division of Professions:
- 148 1. Board of Architecture and Interior Design, created under
149 part I of chapter 481.
 - 150 2. Florida Board of Auctioneers, created under part VI of
151 chapter 468.
 - 152 3. Barbers' Board, created under chapter 476.
 - 153 4. Florida Building Code Administrators and Inspectors
154 Board, created under part XII of chapter 468.
 - 155 5. Construction Industry Licensing Board, created under
156 part I of chapter 489.
 - 157 6. Board of Cosmetology, created under chapter 477.
 - 158 7. Electrical Contractors' Licensing Board, created under
159 part II of chapter 489.
 - 160 8. Board of Employee Leasing Companies, created under part
161 XI of chapter 468.
 - 162 9. Board of Landscape Architecture, created under part II
163 of chapter 481.
 - 164 10. Board of Pilot Commissioners, created under chapter
165 310.
 - 166 11. Board of Professional Engineers, created under chapter
167 471.
 - 168 12. Board of Professional Geologists, created under chapter
169 492.
 - 170 13. Board of Veterinary Medicine, created under chapter
171 474.
 - 172 14. Home inspector licensing program, created under part XV
173 of chapter 468.
 - 174 15. Mold-related services licensing program, created under

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175 part XVI of chapter 468.

176 (b) The following board and commission are established
177 within the Division of Real Estate:

178 1. Florida Real Estate Appraisal Board, created under part
179 II of chapter 475.

180 2. Florida Real Estate Commission, created under part I of
181 chapter 475.

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

184 1. Board of Accountancy, created under chapter 473.

185 Section 2. Section 455.275, Florida Statutes, is amended to
186 read:

187 455.275 Address of record.—

188 (1) Each licensee of the department is solely responsible
189 for notifying the department in writing of the licensee's
190 current mailing address and place of practice, as defined by
191 rule of the board or the department when there is no board. A
192 licensee's failure to notify the department of a change of
193 address constitutes a violation of this section, and the
194 licensee may be disciplined by the board or the department when
195 there is no board.

196 (2) Notwithstanding any other provision of law, service by
197 regular mail to a licensee's last known address of record with
198 the department constitutes adequate and sufficient notice to the
199 licensee for any official communication to the licensee by the
200 board or the department except when other service is required
201 pursuant to s. 455.225.

202 (3) (a) Notwithstanding any other provision of law, if an
203 administrative complaint is served on a licensee of the agency,

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204 the department shall provide service by regular mail to the
205 licensee's last known address of record, by certified mail to
206 the last known address of record, and, if possible, by
207 electronic mail.

208 (b) If service as provided in paragraph (a) does not
209 provide the department with proof of service, the department
210 shall call the last telephone number of record and cause a
211 short, plain notice to the licensee to be published once each
212 week for 4 consecutive weeks in a newspaper published in the
213 county of the licensee's last known address of record. If a
214 newspaper is not published in that county, the administrative
215 complaint may be published in a newspaper of general circulation
216 in that county. If the address is in some state other than this
217 state or in a foreign territory or country, the administrative
218 complaint may be published in Leon County pursuant to s.
219 120.60(5).

220 Section 3. Section 455.017, Florida Statutes, is amended to
221 read:

222 455.017 Applicability of this chapter.—The provisions of
223 this chapter apply only to the regulation by the Division
224 ~~department~~ of Professions.

225 Section 4. Section 455.02, Florida Statutes, is amended to
226 read:

227 455.02 Licensure of members of Armed Forces in good
228 standing with administrative boards and their spouses.—

229 (1) Any member of the Armed Forces of the United States now
230 or hereafter on active duty who, at the time of becoming such a
231 member, was in good standing with any administrative board of
232 the state and was entitled to practice or engage in his or her

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233 profession or vocation in the state shall be kept in good
234 standing by such administrative board, without registering,
235 paying dues or fees, or performing any other act on his or her
236 part to be performed, as long as he or she is a member of the
237 Armed Forces of the United States on active duty and for a
238 period of 6 months after discharge from active duty as a member
239 of the Armed Forces of the United States, provided he or she is
240 not engaged in his or her licensed profession or vocation in the
241 private sector for profit.

242 (2) The boards listed in s. 20.165 shall adopt ~~promulgate~~
243 rules exempting the spouses of members of the Armed Forces of
244 the United States from licensure renewal provisions, but only in
245 cases of absence from the state because of their spouses' duties
246 with the Armed Forces.

247 (3) (a) The department may issue a temporary professional
248 license to the spouse of an active duty member of the Armed
249 Forces of the United States if the spouse submits an application
250 to the department providing:

251 1. Proof that the servicemember has been assigned to a duty
252 station in Florida pursuant official active duty military
253 orders;

254 2. Proof of marriage to the servicemember;

255 3. Proof that the spouse holds a similar license in another
256 state or country and that the license is in good standing; and

257 4. A completed set of fingerprints in the form and manner
258 required by the department.

259 (b) The department shall submit the applicant's
260 fingerprints to the Department of Law Enforcement for state
261 processing, and the Department of Law Enforcement shall forward

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262 them to the Federal Bureau of Investigation for a level 2
263 background check pursuant to s. 435.04. The department shall and
264 the board may review the background results to determine if the
265 spouse of an active duty member of the Armed Forces of the
266 United States meets licensure requirements. The cost for the
267 fingerprint processing shall be borne by the applicant. These
268 fees shall be collected by the authorized agencies or vendors.
269 The authorized agencies or vendors shall pay the processing
270 costs to the Department of Law Enforcement.

271 (c) A temporary license expires 6 months after the date
272 issued and is not renewable.

273 (d) The department may charge a fee sufficient to cover the
274 cost of issuing the temporary license.

275 Section 5. Subsection (2) of section 455.213, Florida
276 Statutes, is amended to read:

277 455.213 General licensing provisions.—

278 (2) Before the issuance of a any license, the department
279 may charge an initial license fee as determined by rule of the
280 applicable board or, if no such board exists, by rule of the
281 department. Upon receipt of the appropriate license fee, except
282 as provided in subsection (3), the department shall issue a
283 license to any person certified by the appropriate board, or its
284 designee, or the department when there is no board, as having
285 met the applicable requirements imposed by law or rule. However,
286 an applicant who is not otherwise qualified for licensure is not
287 entitled to licensure solely based on a passing score on a
288 required examination. A licensee shall surrender his or her
289 license to the department if the applicable board, or the
290 department when there is no board, revokes the license or

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291 determines that the license was issued in error.

292 Section 6. Subsections (1) and (3) of section 455.217,
293 Florida Statutes, are amended to read:

294 455.217 Examinations.—This section shall be read in
295 conjunction with the appropriate practice act associated with
296 each regulated profession under this chapter.

297 (1) The Division of Professions ~~Service Operations~~ of the
298 Department of Business and Professional Regulation shall
299 provide, contract, or approve services for the development,
300 preparation, administration, scoring, score reporting, and
301 evaluation of all examinations. The division shall seek the
302 advice of the appropriate board in providing such services.

303 (a) The department, acting in conjunction with the Division
304 of Service Operations, the Division of Professions, and the
305 Division of Real Estate, as appropriate, shall ensure that
306 examinations adequately and reliably measure an applicant's
307 ability to practice the profession regulated by the department.
308 After an examination developed or approved by the department has
309 been administered, the board or department may reject any
310 question that ~~which~~ does not reliably measure the general areas
311 of competency specified in the rules of the board or department,
312 when there is no board. The department shall use qualified
313 outside testing vendors for the development, preparation, and
314 evaluation of examinations if, ~~when~~ such services are
315 economically and viably available and approved by the
316 department.

317 (b) For each examination developed by the department or
318 contracted vendor, to the extent not otherwise specified by
319 statute, the board or the department when there is no board,

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320 shall by rule specify the general areas of competency to be
321 covered by the examination, the relative weight to be assigned
322 in grading each area tested, the score necessary to achieve a
323 passing grade, and the fees, if ~~where~~ applicable, to cover the
324 actual cost for any purchase, development, and administration of
325 the required examination. However, statutory fee caps in each
326 practice act ~~shall~~ apply. This subsection does not apply to
327 national examinations approved and administered pursuant to
328 paragraph (d).

329 (c) If a practical examination is deemed to be necessary,
330 rules shall specify the criteria by which examiners are to be
331 selected, the grading criteria to be used by the examiner, the
332 relative weight to be assigned in grading each criterion, and
333 the score necessary to achieve a passing grade. If ~~When~~ a
334 mandatory standardization exercise for a practical examination
335 is required by law, the board may conduct such exercise.
336 Therefore, board members may serve as examiners at a practical
337 examination with the consent of the board.

338 (d) A board, or the department when there is no board, may
339 approve by rule the use of any national examination which the
340 department has certified as meeting requirements of national
341 examinations and generally accepted testing standards pursuant
342 to department rules. Providers of examinations, which may be
343 either profit or nonprofit entities, seeking certification by
344 the department shall pay the actual costs incurred by the
345 department in making a determination regarding the
346 certification. The department shall use any national examination
347 which is available, certified by the department, and approved by
348 the board. The name and number of a candidate may be provided to

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349 a national contractor for the limited purpose of preparing the
350 grade tape and information to be returned to the board or
351 department or, to the extent otherwise specified by rule, the
352 candidate may apply directly to the vendor of the national
353 examination. The department may delegate to the board the duty
354 to provide and administer the examination. Any national
355 examination approved by a board, or the department when there is
356 no board, prior to October 1, 1997, is deemed certified under
357 this paragraph. Any licensing or certification examination that
358 is not developed or administered by the department in-house or
359 provided as a national examination shall be competitively bid.

360 (e) The department shall adopt rules regarding the security
361 and monitoring of examinations. In order to maintain the
362 security of examinations, the department may employ the
363 procedures set forth in s. 455.228 to seek fines and injunctive
364 relief against an examinee who violates the provisions of s.
365 455.2175 or the rules adopted pursuant to this paragraph. The
366 department, or any agent thereof, may, for the purposes of
367 investigation, confiscate any written, photographic, or
368 recording material or device in the possession of the examinee
369 at the examination site which the department deems necessary to
370 enforce such provisions or rules.

371 (f) If the professional board with jurisdiction over an
372 examination concurs, the department may, for a fee, share with
373 any other state's licensing authority an examination developed
374 by or for the department unless prohibited by a contract entered
375 into by the department for development or purchase of the
376 examination. The department, with the concurrence of the
377 appropriate board, shall establish guidelines that ensure

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378 security of a shared exam and shall require that any other
379 state's licensing authority comply with those guidelines. Those
380 guidelines shall be approved by the appropriate professional
381 board. All fees paid by the user shall be applied to the
382 department's examination and development program for professions
383 regulated by this chapter. All fees paid by the user for
384 professions not regulated by this chapter shall be applied to
385 offset the fees for the development and administration of that
386 profession's examination. If both a written and a practical
387 examination are given, an applicant shall be required to retake
388 only the portion of the examination for which he or she failed
389 to achieve a passing grade, if he or she successfully passes
390 that portion within a reasonable time of his or her passing the
391 other portion.

392 (3) Except for national examinations approved and
393 administered pursuant to paragraph (1)(d), the department shall
394 provide procedures for applicants who have taken and failed an
395 examination developed by the department or a contracted vendor
396 to review the ~~their~~ examination questions, answers, papers,
397 grades, and grading key for the questions the candidate answered
398 incorrectly on his or her last examination or, if not feasible,
399 the parts of the examination failed. Applicants shall bear the
400 actual cost for the department to provide examination review
401 pursuant to this subsection. An applicant may waive in writing
402 the confidentiality of his or her examination grades.

403 Section 7. Section 455.2175, Florida Statutes, is amended
404 to read:

405 455.2175 Penalty for theft or reproduction of an
406 examination.—In addition to, or in lieu of, any other discipline

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407 imposed pursuant to s. 455.227, the theft of an examination in
408 whole or in part or the act of reproducing or copying any
409 examination administered by the department, whether such
410 examination is reproduced or copied in part or in whole and by
411 any means, constitutes a felony of the third degree, punishable
412 as provided in s. 775.082, s. 775.083, or s. 775.084. An
413 examinee whose examination materials have been confiscated upon
414 suspicion of a violation of this section may not participate in
415 another examination during the pendency of any criminal
416 investigation or prosecution relating to the matter.

417 Section 8. Section 455.2226, Florida Statutes, is repealed.

418 Section 9. Paragraph (c) of subsection (1) of section
419 455.227, Florida Statutes, is amended to read:

420 455.227 Grounds for discipline; penalties; enforcement.—

421 (1) The following acts shall constitute grounds for which
422 the disciplinary actions specified in subsection (2) may be
423 taken:

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

428 Section 10. Subsection (1) of section 455.228, Florida
429 Statutes, is amended to read:

430 455.228 Unlicensed practice of a profession; cease and
431 desist notice; civil penalty; enforcement; citations; allocation
432 of moneys collected.—

433 (1) When the department has probable cause to believe that
434 a ~~any~~ person not licensed by the department, or the appropriate
435 regulatory board within the department, has violated any

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436 provision of this chapter or any statute that relates to the
437 practice of a profession regulated by the department, or any
438 rule adopted pursuant thereto, the department may issue and
439 deliver to such person a notice to cease and desist from such
440 violation. In addition, the department may issue and deliver a
441 notice to cease and desist to any person who aids and abets the
442 unlicensed practice of a profession by employing such unlicensed
443 person. The issuance of a notice to cease and desist does ~~shall~~
444 not constitute agency action for which a hearing under ss.
445 120.569 and 120.57 may be sought. For the purpose of enforcing a
446 cease and desist notice order, the department may file a
447 proceeding in the name of the state seeking issuance of an
448 injunction or a writ of mandamus against any person who violates
449 any provisions of such notice order. In addition to the
450 foregoing remedies, the department may impose an administrative
451 penalty not to exceed \$5,000 per incident pursuant to the
452 provisions of chapter 120 or may issue a citation pursuant to
453 the provisions of subsection (3). If the department is required
454 to seek enforcement of the order for a penalty pursuant to s.
455 120.569, it is ~~shall be~~ entitled to collect its attorney's fees
456 and costs, together with any cost of collection.

457 Section 11. Subsection (4) of section 468.8311, Florida
458 Statutes, is amended to read:

459 468.8311 Definitions.—As used in this part, the term:

460 (4) "Home inspection services" means a limited visual
461 examination of ~~one or more of~~ the following readily accessible
462 installed systems and components of a home: the structure,
463 electrical system, HVAC system, roof covering, plumbing system,
464 interior components, exterior components, and site conditions

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465 that affect the structure, for the purposes of providing a
466 written professional opinion of the condition of the home.

467 Section 12. Subsections (4), (5), (6), (7), and (8) of
468 section 468.8312, Florida Statutes, are amended to read:

469 468.8312 Fees.—

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

472 (4)~~(5)~~ The biennial renewal fee shall not exceed \$200.

473 (5)~~(6)~~ The fee for licensure by endorsement shall not
474 exceed \$200.

475 (6)~~(7)~~ The fee for application for inactive status or for
476 reactivation of an inactive license shall not exceed \$200.

477 (7)~~(8)~~ The fee for applications from providers of
478 continuing education may not exceed \$500.

479 Section 13. Section 468.8313, Florida Statutes, is amended
480 to read:

481 468.8313 Examinations.—

482 (1) A person desiring to be licensed as a home inspector
483 shall apply to the department after satisfying the examination
484 requirements of this part ~~to take a licensure examination.~~

485 (2) An applicant ~~shall be entitled to take the licensure~~
486 ~~examination for the purpose of determining whether he or she is~~
487 ~~qualified to practice in this state as a home inspector if the~~
488 applicant has passed the required examination, is of good moral
489 character, and has completed a course of study of at least ~~no~~
490 ~~less than~~ 120 hours which ~~that~~ covers all of the following
491 components of a home: structure, electrical system, HVAC system,
492 roof covering, plumbing system, interior components, exterior
493 components, and site conditions that affect the structure.

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494 (3) The department shall review and approve courses of
495 study in home inspection.

496 (4) The department may review and approve examinations by a
497 nationally recognized entity that offers programs or sets
498 standards that ensure competence as a home inspector.

499 (5) (a) "Good moral character" means a personal history of
500 honesty, fairness, and respect for the rights of others and for
501 the laws of this state and nation.

502 (b) The department may refuse to certify an applicant for
503 failure to satisfy this requirement only if:

504 1. There is a substantial connection between the lack of
505 good moral character of the applicant and the professional
506 responsibilities of a licensed home inspector; and

507 2. The finding by the department of lack of good moral
508 character is supported by clear and convincing evidence.

509 (c) When an applicant is found to be unqualified for a
510 license because of lack of good moral character, the department
511 shall furnish the applicant a statement containing the findings
512 of the department, a complete record of the evidence upon which
513 the determination was based, and a notice of the rights of the
514 applicant to a rehearing and appeal.

515 (6) An applicant for an initial license shall submit, along
516 with the application, a complete set of electronic fingerprints
517 in a form and manner required by the department. The
518 fingerprints shall be submitted to the Department of Law
519 Enforcement for state processing, and the Department of Law
520 Enforcement shall forward them to the Federal Bureau of
521 Investigation for a level 2 background check pursuant to s.
522 435.04. The department shall review the background results to

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523 determine if an applicant meets the requirements for licensure.
524 The cost of the fingerprint processing shall be borne by the
525 applicant. These fees shall be collected by the authorized
526 agencies or vendors. The authorized agencies or vendors shall
527 pay the processing costs to the Department of Law Enforcement.

528 (7)~~(6)~~ The department may adopt rules pursuant to ss.
529 120.536(1) and 120.54 to implement the provisions of this
530 section.

531 Section 14. Section 468.8318, Florida Statutes, is amended
532 to read:

533 468.8318 Certification of corporations and partnerships.—

534 ~~(1) The department shall issue a certificate of~~
535 ~~authorization to a corporation or partnership offering home~~
536 ~~inspection services to the public if the corporation or~~
537 ~~partnership satisfies all of the requirements of this part.~~

538 ~~(2) The practice of or the offer to practice home~~
539 ~~inspection services by licensees through a corporation or~~
540 ~~partnership offering home inspection services to the public, or~~
541 ~~by a corporation or partnership offering such services to the~~
542 ~~public through licensees under this part as agents, employees,~~
543 ~~officers, or partners, is permitted subject to the provisions of~~
544 ~~this part, provided that all personnel of the corporation or~~
545 ~~partnership who act in its behalf as home inspectors in this~~
546 ~~state are licensed as provided by this part; and further~~
547 ~~provided that the corporation or partnership has been issued a~~
548 ~~certificate of authorization by the department as provided in~~
549 ~~this section.~~ Nothing in this section shall be construed to
550 allow a corporation to hold a license to practice home
551 inspection services. No corporation or partnership shall be

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552 relieved of responsibility for the conduct or acts of its
553 agents, employees, or officers by reason of its compliance with
554 this section, nor shall any individual practicing home
555 inspection services be relieved of responsibility for
556 professional services performed by reason of his or her
557 employment or relationship with a corporation or partnership.

558 ~~(3) For the purposes of this section, a certificate of~~
559 ~~authorization shall be required for a corporation, partnership,~~
560 ~~association, or person practicing under a fictitious name and~~
561 ~~offering home inspection services to the public; however, when~~
562 ~~an individual is practicing home inspection services in his or~~
563 ~~her own given name, he or she shall not be required to register~~
564 ~~under this section.~~

565 ~~(4) Each certificate of authorization shall be renewed~~
566 ~~every 2 years. Each partnership and corporation certified under~~
567 ~~this section shall notify the department within 1 month of any~~
568 ~~change in the information contained in the application upon~~
569 ~~which the certification is based.~~

570 ~~(5) Disciplinary action against a corporation or~~
571 ~~partnership shall be administered in the same manner and on the~~
572 ~~same grounds as disciplinary action against a licensed home~~
573 ~~inspector.~~

574 Section 15. Notwithstanding section 4 of chapter 2007-235,
575 Laws of Florida, paragraphs (a) and (b) of subsection (1) of
576 section 468.8319, Florida Statutes, shall take effect July 1,
577 2011.

578 Section 16. Section 468.8319, Florida Statutes, is amended
579 to read:

580 468.8319 Prohibitions; penalties.-

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581 (1) A person ~~home inspector, a company that employs a home~~
582 ~~inspector, or a company that is controlled by a company that~~
583 ~~also has a financial interest in a company employing a home~~
584 ~~inspector~~ may not:

585 (a) Practice or offer to practice home inspection services
586 unless the person has complied with the provisions of this part;

587 (b) Use the name or title "certified home inspector,"
588 "registered home inspector," "licensed home inspector," "home
589 inspector," "professional home inspector," or any combination
590 thereof unless the person has complied with the provisions of
591 this part;

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

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

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

597 (f) Perform or offer to perform, ~~prior to closing, for any~~
598 ~~additional fee,~~ any repairs to a home on which the inspector or
599 the inspector's company has prepared a home inspection report.
600 This paragraph does not apply to a home warranty company that is
601 affiliated with or retains a home inspector to perform repairs
602 pursuant to a claim made under a home warranty contract;

603 (g) Inspect ~~for a fee~~ any property in which the inspector
604 or the inspector's company has any financial or transfer
605 interest;

606 (h) Offer or deliver any compensation, inducement, or
607 reward to any broker or agent therefor for the referral of the
608 owner of the inspected property to the inspector or the
609 inspection company; or

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

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

617 Section 17. Subsection (1) of section 468.832, Florida
618 Statutes, is amended to read:

619 468.832 Disciplinary proceedings.—

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

622 (a) Violation of any provision of this part or s.
623 455.227(1).~~†~~

624 (b) Attempting to procure a license to practice home
625 inspection services by bribery or fraudulent misrepresentation.~~†~~

626 (c) Having a license to practice home inspection services
627 revoked, suspended, or otherwise acted against, including the
628 denial of licensure, by the licensing authority of another
629 state, territory, or country.~~†~~

630 (d) Being convicted or found guilty of, or entering a plea
631 of nolo contendere to, regardless of adjudication, a crime in
632 any jurisdiction that directly relates to the practice of home
633 inspection services or the ability to practice home inspection
634 services.~~†~~

635 (e) Making or filing a report or record that the licensee
636 knows to be false, willfully failing to file a report or record
637 required by state or federal law, willfully impeding or
638 obstructing such filing, or inducing another person to impede or

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639 obstruct such filing. Such reports or records shall include only
640 those that are signed in the capacity of a licensed home
641 inspector.~~†~~

642 (f) Advertising goods or services in a manner that is
643 fraudulent, false, deceptive, or misleading in form or content.~~†~~

644 (g) Engaging in fraud or deceit, or negligence,
645 incompetency, or misconduct, in the practice of home inspection
646 services.~~†~~

647 (h) Failing to perform any statutory or legal obligation
648 placed upon a licensed home inspector; violating any provision
649 of this chapter, a rule of the department, or a lawful order of
650 the department previously entered in a disciplinary hearing; or
651 failing to comply with a lawfully issued subpoena of the
652 department.~~†~~~~or~~

653 (i) Practicing on a revoked, suspended, inactive, or
654 delinquent license.

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

657 Section 18. Section 468.8324, Florida Statutes, is amended
658 to read:

659 468.8324 Grandfather clause.—A person who performs home
660 inspection services as defined in this part may qualify to be
661 licensed by the department as a home inspector if the person
662 submits an application to the department postmarked no later
663 than March 1, 2011, showing that the applicant:

664 (1) (a) Has been certified as a home inspector by a state or
665 national association that required successful completion of a
666 proctored examination on home inspection, as defined in this
667 part for certification, and has completed at least 14 hours of

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668 verifiable education on home inspection; or

669 (b) Has at least 3 years' experience as a home inspector at
670 the time of application and has completed 14 hours of verifiable
671 education on home inspection. Applicants must provide 120 home
672 inspection reports based on home inspections, as defined by this
673 part, to establish the 3 years of experience required by this
674 subsection. The department may conduct investigations regarding
675 the validity of home inspection reports submitted pursuant to
676 this section and take disciplinary action pursuant to s. 468.832
677 for the filing of false reports; and

678 (2) (a) Has not, within 5 years following the date of
679 application, had a home inspector license, or a license in a
680 related field, revoked, suspended, or assessed a fine in excess
681 of \$500. For purposes of this part, a license in a related field
682 includes, but is not limited to, licensure in real estate,
683 construction, mold remediation, mold assessment, or building
684 code administration or inspection;

685 (b) Submits to and is not disqualified by the results of
686 the criminal background check under s. 468.8313;

687 (c) Is of good moral character as defined in s. 468.8313;
688 and

689 (d) Has the general liability insurance required by s.
690 468.8322 ~~meets the licensure requirements of this part by July~~
691 1, 2010.

692 Section 19. Section 468.8325, Florida Statutes, is created
693 to read:

694 468.8325 Rulemaking authority.—The department shall adopt
695 rules to administer this part.

696 Section 20. Subsections (6), (7), (8), (9), and (10) of

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697 section 468.8412, Florida Statutes, are amended to read:

698 468.8412 Fees.—

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

701 (6)~~(7)~~ The fee for licensure by endorsement shall not
702 exceed \$200.

703 (7)~~(8)~~ The fee for application for inactive status shall
704 not exceed \$100.

705 (8)~~(9)~~ The fee for reactivation of an inactive license
706 shall not exceed \$200.

707 (9)~~(10)~~ The fee for applications from providers of
708 continuing education may not exceed \$500.

709 Section 21. Subsections (1) and (2) of section 468.8413,
710 Florida Statutes, are amended to read:

711 468.8413 Examinations.—

712 (1) A person desiring to be licensed as a mold assessor or
713 mold remediator shall apply to the department after satisfying
714 the examination requirements of this part ~~to take a licensure~~
715 ~~examination.~~

716 (2) An applicant is qualified ~~shall be entitled to take the~~
717 ~~licensure examination~~ to practice in this state as a mold
718 assessor or mold remediator if the applicant has passed the
719 required examination, is of good moral character, and has
720 satisfied one of the following requirements:

721 (a)1. For a mold remediator, at least an associate of arts
722 ~~a 2-year~~ degree or an equivalent degree and the completion of at
723 least 30 semester hours in microbiology, engineering,
724 architecture, industrial hygiene, occupational safety, or a
725 related field of science from an accredited institution and a

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726 minimum of 1 year of documented field experience in a field
727 related to mold remediation; or

728 2. A high school diploma or the equivalent with a minimum
729 of 4 years of documented field experience in a field related to
730 mold remediation.

731 (b)1. For a mold assessor, at least an associate of arts a
732 2-year degree or an equivalent degree and the completion of at
733 least 30 semester hours in microbiology, engineering,
734 architecture, industrial hygiene, occupational safety, or a
735 related field of science from an accredited institution and a
736 minimum of 1 year of documented field experience in conducting
737 microbial sampling or investigations; or

738 2. A high school diploma or the equivalent with a minimum
739 of 4 years of documented field experience in conducting
740 microbial sampling or investigations.

741 Section 22. Subsection (3) of section 468.8414, Florida
742 Statutes, is amended to read:

743 468.8414 Licensure.—

744 (3) The department shall certify as qualified for a license
745 by endorsement an applicant who:

746 (a) Is of good moral character;

747 (b) Possesses the liability insurance required by s.
748 468.8421; and

749 (c)1.(a) Is qualified to take the examination as set forth
750 in s. 468.8413 and has passed a certification examination
751 offered by a nationally recognized organization that certifies
752 persons in the specialty of mold assessment or mold remediation
753 that has been approved by the department as substantially
754 equivalent to the requirements of this part and s. 455.217; or

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755 2.~~(b)~~ Holds a valid license to practice mold assessment or
756 mold remediation issued by another state or territory of the
757 United States if the criteria for issuance of the license were
758 substantially the same as the licensure criteria that is
759 established by this part as determined by the department.

760 Section 23. Section 468.8418, Florida Statutes, is amended
761 to read:

762 468.8418 Certification of partnerships and corporations.-

763 ~~(1) The department shall issue a certificate of~~
764 ~~authorization to a corporation or partnership offering mold~~
765 ~~assessment or mold remediation services to the public if the~~
766 ~~corporation or partnership satisfies all of the requirements of~~
767 ~~this part.~~

768 ~~(2) The practice of or the offer to practice mold~~
769 ~~assessment or mold remediation by licensees through a~~
770 ~~corporation or partnership offering mold assessment or mold~~
771 ~~remediation to the public, or by a corporation or partnership~~
772 ~~offering such services to the public through licensees under~~
773 ~~this part as agents, employees, officers, or partners, is~~
774 ~~permitted subject to the provisions of this part, provided that~~
775 ~~the corporation or partnership has been issued a certificate of~~
776 ~~authorization by the department as provided in this section.~~
777 Nothing in this section shall be construed to allow a
778 corporation to hold a license to practice mold assessment or
779 mold remediation. No corporation or partnership shall be
780 relieved of responsibility for the conduct or acts of its
781 agents, employees, or officers by reason of its compliance with
782 this section, nor shall any individual practicing mold
783 assessment or mold remediation be relieved of responsibility for

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784 professional services performed by reason of his or her
785 employment or relationship with a corporation or partnership.

786 ~~(3) For the purposes of this section, a certificate of~~
787 ~~authorization shall be required for a corporation, partnership,~~
788 ~~association, or person practicing under a fictitious name,~~
789 ~~offering mold assessment or mold remediation; however, when an~~
790 ~~individual is practicing mold assessment or mold remediation~~
791 ~~under his or her own given name, he or she shall not be required~~
792 ~~to register under this section.~~

793 ~~(4) Each certificate of authorization shall be renewed~~
794 ~~every 2 years. Each partnership and corporation certified under~~
795 ~~this section shall notify the department within 1 month of any~~
796 ~~change in the information contained in the application upon~~
797 ~~which the certification is based.~~

798 ~~(5) Disciplinary action against a corporation or~~
799 ~~partnership shall be administered in the same manner and on the~~
800 ~~same grounds as disciplinary action against a licensed mold~~
801 ~~assessor or mold remediator.~~

802 Section 24. Subsection (1) of section 468.8419, Florida
803 Statutes, is amended to read:

804 468.8419 Prohibitions; penalties.—

805 (1) A person mold assessor, a company that employs a mold
806 assessor, or a company that is controlled by a company that also
807 has a financial interest in a company employing a mold assessor
808 may not:

809 (a) Perform or offer to perform any mold assessment unless
810 the mold assessor has documented training in water, mold, and
811 respiratory protection under s. 468.8414(2).

812 (b) Perform or offer to perform any mold assessment unless

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813 the person has complied with the provisions of this part.

814 (c) Use the name or title "certified mold assessor,"
815 "registered mold assessor," "licensed mold assessor," "mold
816 assessor," "professional mold assessor," or any combination
817 thereof unless the person has complied with the provisions of
818 this part.

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

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

824 (f) Accept any compensation, inducement, or reward from a
825 mold remediator or mold remediator's company for the referral of
826 any business to the mold remediator or the mold remediator's
827 company.

828 (g) Offer any compensation, inducement, or reward to a mold
829 remediator or mold remediator's company for the referral of any
830 business from the mold remediator or the mold remediator's
831 company.

832 (h) Accept an engagement to make an omission of the
833 assessment or conduct an assessment in which the assessment
834 itself, or the fee payable for the assessment, is contingent
835 upon the conclusions of the assessment.

836 Section 25. Notwithstanding section 4 of chapter 2007-235,
837 Laws of Florida, paragraphs (a) and (b) of subsection (1) of
838 section 468.8419, Florida Statutes, shall take effect July 1,
839 2011.

840 Section 26. Subsection (1) of section 468.842, Florida
841 Statutes, is amended to read:

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842 468.842 Disciplinary proceedings.—

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

845 (a) Violation of any provision of this part or s.
846 455.227(1).†

847 (b) Attempting to procure a license to practice mold
848 assessment or mold remediation by bribery or fraudulent
849 misrepresentations.†

850 (c) Having a license to practice mold assessment or mold
851 remediation revoked, suspended, or otherwise acted against,
852 including the denial of licensure, by the licensing authority of
853 another state, territory, or country.†

854 (d) Being convicted or found guilty of, or entering a plea
855 of nolo contendere to, regardless of adjudication, a crime in
856 any jurisdiction that directly relates to the practice of mold
857 assessment or mold remediation or the ability to practice mold
858 assessment or mold remediation.†

859 (e) Making or filing a report or record that the licensee
860 knows to be false, willfully failing to file a report or record
861 required by state or federal law, willfully impeding or
862 obstructing such filing, or inducing another person to impede or
863 obstruct such filing. Such reports or records shall include only
864 those that are signed in the capacity of a registered mold
865 assessor or mold remediator.†

866 (f) Advertising goods or services in a manner that is
867 fraudulent, false, deceptive, or misleading in form or content.†

868 (g) Engaging in fraud or deceit, or negligence,
869 incompetency, or misconduct, in the practice of mold assessment
870 or mold remediation.†

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871 (h) Failing to perform any statutory or legal obligation
872 placed upon a licensed mold assessor or mold remediator;
873 violating any provision of this chapter, a rule of the
874 department, or a lawful order of the department previously
875 entered in a disciplinary hearing; or failing to comply with a
876 lawfully issued subpoena of the department.~~;~~ ~~or~~

877 (i) Practicing on a revoked, suspended, inactive, or
878 delinquent license.

879 (j) Failing to meet a standard of practice adopted by rule
880 of the department.

881 Section 27. Section 468.8421, Florida Statutes, is amended
882 to read:

883 468.8421 Insurance.—

884 (1) A mold assessor shall maintain general liability and
885 errors and omissions insurance coverage in an amount of not less
886 than \$1,000,000. The insurance must cover preliminary and
887 postremediation activities.

888 (2) A mold remediator shall maintain a general liability
889 insurance policy in an amount of not less than \$1,000,000 that
890 includes specific coverage for mold-related claims.

891 Section 28. Section 468.8423, Florida Statutes, is amended
892 to read:

893 468.8423 Grandfather clause.—A person who performs mold
894 assessment or mold remediation as defined in this part may
895 qualify to be licensed by the department as a mold assessor or
896 mold remediator if the person submits an application to the
897 department postmarked no later than March 1, 2011, showing that
898 the applicant:

899 (1) Has been certified as a mold assessor or mold

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900 remediator by a state or national association that required
901 successful completion of a proctored examination for
902 certification and has completed at least 60 hours of education
903 for an assessor and 30 hours of education for a remediator; or
904 (2) Has at least 3 years' experience as a mold assessor or
905 mold remediator at the time of application. Applicants must
906 provide 40 invoices for mold assessments or mold remediations,
907 as defined by this part, to establish the 3 years of experience
908 required by this subsection. The department may conduct
909 investigations regarding the validity of invoices for mold
910 assessments or mold remediations submitted pursuant to this
911 section and take disciplinary action pursuant to s. 468.842 for
912 submitting false information; and

913 (3) (a) Has not, within 5 years following the date of
914 application, had a mold assessor or mold remediator, or a
915 license in a related field, revoked, suspended, or assessed a
916 fine in excess of \$500. For purposes of this part, a license in
917 a related field includes, but is not limited to, licensure in
918 real estate, construction, home inspection, building code
919 administration or inspection, or indoor air quality; and

920 (b) Is of good moral character as defined in s. 468.8413;
921 and

922 (c) Has the general liability insurance required by s.
923 468.8421 ~~meets the licensure requirements of this part by July~~
924 1, 2010.

925 Section 29. Section 468.8424, Florida Statutes, is created
926 to read:

927 468.8424 Rulemaking authority.—The department shall adopt
928 rules to administer this part.

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929 Section 30. Subsection (2) of section 474.203, Florida
930 Statutes, is amended to read:

931 474.203 Exemptions.—This chapter shall not apply to:

932 (2) A person practicing as an intern or resident
933 veterinarian who does not hold a valid license issued under this
934 chapter and who is a graduate in training at a school or college
935 of veterinary medicine located in this state and accredited by
936 the American Veterinary Medical Association Council on Education
937 or a school or college recognized by the American Veterinary
938 Medical Association Commission for Foreign Veterinary Graduates.
939 Such intern or resident must be a graduate of a school or
940 college of veterinary medicine accredited by the American
941 Veterinary Medical Association Council on Education or a school
942 or college recognized by the American Veterinary Medical
943 Association Commission for Foreign Veterinary Graduates. This
944 exemption expires when such intern or resident completes or is
945 terminated from such training. Each school or college at which
946 such intern or resident is in training shall, on July 1 of each
947 year, provide the board with a written list of all such interns
948 or residents designated for this exemption, and the school or
949 college shall also notify the board of any additions or
950 deletions to the list. For the purposes of chapters 465 and 893,
951 persons exempt pursuant to subsection (1), this subsection ~~(2)~~,
952 or subsection (4) are deemed to be duly licensed practitioners
953 authorized by the laws of this state to prescribe drugs or
954 medicinal supplies.

955 Section 31. Paragraph (a) of subsection (1) of section
956 475.175, Florida Statutes, is amended to read:

957 475.175 Examinations.—

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

960 (a) Submits to the department the appropriate
961 electronically authenticated application and fee, and digital a
962 fingerprint data ~~card~~. The digital fingerprints ~~fingerprint card~~
963 shall be forwarded to the Division of Criminal Justice
964 Information Systems within the Department of Law Enforcement for
965 purposes of processing the fingerprint ~~card~~ to determine if the
966 applicant has a criminal history record. The fingerprints
967 ~~fingerprint card~~ shall also be forwarded to the Federal Bureau
968 of Investigation for purposes of processing ~~the fingerprint card~~
969 to determine whether ~~if~~ the applicant has a criminal history
970 record. The information obtained by the processing of the
971 fingerprints ~~fingerprint card~~ by the ~~Florida~~ Department of Law
972 Enforcement and the Federal Bureau of Investigation shall be
973 sent to the department for the purpose of determining if the
974 applicant is statutorily qualified for examination. ~~Effective~~
975 ~~July 1, 2006, an applicant shall provide fingerprints in~~
976 ~~electronic format.~~

977 Section 32. Subsection (1) of section 475.613, Florida
978 Statutes, is amended to read:

979 475.613 Florida Real Estate Appraisal Board.—

980 (1) There is created the Florida Real Estate Appraisal
981 Board, which shall consist of seven members appointed by the
982 Governor, subject to confirmation by the Senate. Four members of
983 the board must be real estate appraisers who have been engaged
984 in the general practice of appraising real property in this
985 state for at least 5 years immediately preceding appointment. In
986 appointing real estate appraisers to the board, while not

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987 excluding other appraisers, the Governor shall give preference
988 to real estate appraisers who are not primarily engaged in real
989 estate brokerage or mortgage lending activities. One member of
990 the board must represent organizations that use appraisals for
991 the purpose of eminent domain proceedings, financial
992 transactions, or mortgage insurance. Two members of the board
993 shall be representatives of the general public and shall not be
994 connected in any way with the practice of real estate appraisal,
995 ~~real estate brokerage, or mortgage lending~~. The appraiser
996 members shall be as representative of the entire industry as
997 possible, and membership in a nationally recognized or state-
998 recognized appraisal organization shall not be a prerequisite to
999 membership on the board. To the extent possible, no more than
1000 two members of the board shall be primarily affiliated with any
1001 one particular national or state appraisal association. Two of
1002 the members must be licensed or certified residential real
1003 estate appraisers and two of the members must be certified
1004 general real estate appraisers at the time of their appointment.

1005 (a) Members of the board shall be appointed for 4-year
1006 terms. Any vacancy occurring in the membership of the board
1007 shall be filled by appointment by the Governor for the unexpired
1008 term. Upon expiration of her or his term, a member of the board
1009 shall continue to hold office until the appointment and
1010 qualification of the member's successor. A member may not be
1011 appointed for more than two consecutive terms. The Governor may
1012 remove any member for cause.

1013 (b) The headquarters for the board shall be in Orlando.

1014 (c) The board shall meet at least once each calendar
1015 quarter to conduct its business.

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1016 (d) The members of the board shall elect a chairperson at
1017 the first meeting each year.

1018 (e) Each member of the board is entitled to per diem and
1019 travel expenses as set by legislative appropriation for each day
1020 that the member engages in the business of the board.

1021 Section 33. Subsections (3) through (8) of section 477.019,
1022 Florida Statutes, are amended to read:

1023 477.019 Cosmetologists; qualifications; licensure;
1024 supervised practice; license renewal; endorsement; continuing
1025 education.—

1026 ~~(3) An application for the licensure examination for any~~
1027 ~~license under this section may be submitted for examination~~
1028 ~~approval in the last 100 hours of training by a pregraduate of a~~
1029 ~~licensed cosmetology school or a program within the public~~
1030 ~~school system, which school or program is certified by the~~
1031 ~~Department of Education with fees as required in paragraph~~
1032 ~~(2)(b). Upon approval, the applicant may schedule the~~
1033 ~~examination on a date when the training hours are completed. An~~
1034 ~~applicant shall have 6 months from the date of approval to take~~
1035 ~~the examination. After the 6 months have passed, if the~~
1036 ~~applicant failed to take the examination, the applicant must~~
1037 ~~reapply. The board shall establish by rule the procedures for~~
1038 ~~the pregraduate application process.~~

1039 (3)~~(4)~~ Upon an applicant receiving a passing grade, as
1040 established by board rule, on the examination and paying the
1041 initial licensing fee, the department shall issue a license to
1042 practice cosmetology.

1043 (4)~~(5)~~ If an applicant passes all parts of the examination
1044 for licensure as a cosmetologist, he or she may practice in the

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1045 time between passing the examination and receiving a physical
1046 copy of his or her license if he or she practices under the
1047 supervision of a licensed cosmetologist in a licensed salon. An
1048 applicant who fails any part of the examination may not practice
1049 as a cosmetologist and may immediately apply for reexamination.

1050 (5)~~(6)~~ Renewal of license registration shall be
1051 accomplished pursuant to rules adopted by the board.

1052 (6)~~(7)~~ The board shall adopt rules specifying procedures
1053 for the licensure by endorsement of practitioners desiring to be
1054 licensed in this state who hold a current active license in
1055 another state and who have met qualifications substantially
1056 similar to, equivalent to, or greater than the qualifications
1057 required of applicants from this state.

1058 (7)~~(8)~~ (a) The board shall prescribe by rule continuing
1059 education requirements intended to ensure protection of the
1060 public through updated training of licensees and registered
1061 specialists, not to exceed 16 hours biennially, as a condition
1062 for renewal of a license or registration as a specialist under
1063 this chapter. Continuing education courses shall include, but
1064 not be limited to, the following subjects as they relate to the
1065 practice of cosmetology: human immunodeficiency virus and
1066 acquired immune deficiency syndrome; Occupational Safety and
1067 Health Administration regulations; workers' compensation issues;
1068 state and federal laws and rules as they pertain to
1069 cosmetologists, cosmetology, salons, specialists, specialty
1070 salons, and booth renters; chemical makeup as it pertains to
1071 hair, skin, and nails; and environmental issues. Courses given
1072 at cosmetology conferences may be counted toward the number of
1073 continuing education hours required if approved by the board.

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1074 (b) Any person whose occupation or practice is confined
1075 solely to hair braiding, hair wrapping, or body wrapping is
1076 exempt from the continuing education requirements of this
1077 subsection.

1078 (c) The board may, by rule, require any licensee in
1079 violation of a continuing education requirement to take a
1080 refresher course or refresher course and examination in addition
1081 to any other penalty. The number of hours for the refresher
1082 course may not exceed 48 hours.

1083 Section 34. Section 509.211, Florida Statutes, is amended
1084 to read:

1085 509.211 Safety regulations.—

1086 (1) Each bedroom or apartment in each public lodging
1087 establishment shall be equipped with an approved locking device
1088 on each door opening to the outside, to an adjoining room or
1089 apartment, or to a hallway.

1090 (2) (a) It is unlawful for any person to use within any
1091 public lodging establishment or public food service
1092 establishment any fuel-burning wick-type equipment for space
1093 heating unless such equipment is vented so as to prevent the
1094 accumulation of toxic or injurious gases or liquids.

1095 (b) Any person who violates the provisions of paragraph (a)
1096 commits a misdemeanor of the second degree, punishable as
1097 provided in s. 775.082 or s. 775.083.

1098 (3) Each public lodging establishment that is three or more
1099 stories in height must have safe and secure railings on all
1100 balconies, platforms, and stairways, and all such railings must
1101 be properly maintained and repaired. The division may impose
1102 administrative sanctions for violations of this subsection

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1103 pursuant to s. 509.261.

1104 ~~(4) Every enclosed space or room that contains a boiler~~
1105 ~~regulated under chapter 554 which is fired by the direct~~
1106 ~~application of energy from the combustion of fuels and that is~~
1107 ~~located in any portion of a public lodging establishment that~~
1108 ~~also contains sleeping rooms shall be equipped with one or more~~
1109 ~~carbon monoxide sensor devices that bear the label of a~~
1110 ~~nationally recognized testing laboratory and have been tested~~
1111 ~~and listed as complying with the most recent Underwriters~~
1112 ~~Laboratories, Inc., Standard 2034, or its equivalent, unless it~~
1113 ~~is determined that carbon monoxide hazards have otherwise been~~
1114 ~~adequately mitigated as determined by the division. Such devices~~
1115 ~~shall be integrated with the public lodging establishment's fire~~
1116 ~~detection system. Any such installation or determination shall~~
1117 ~~be made in accordance with rules adopted by the division.~~

1118 Section 35. Section 548.076, Florida Statutes, is created
1119 to read:

1120 548.076 Cease and desist notices.—When the department has
1121 probable cause to believe that any person not licensed by the
1122 commission has violated any provision of this chapter, or any
1123 rule adopted pursuant thereto, the department may issue and
1124 deliver to such person a notice to cease and desist from such
1125 violation pursuant to s. 455.228.

1126 Section 36. Present subsections (4) and (5) of section
1127 554.108, Florida Statutes, are renumbered as subsections (5) and
1128 (6), respectively, and a new subsection (4) is added to that
1129 section, to read:

1130 554.108 Inspection.—

1131 (4) A boiler that is fired by the direct application of

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1132 energy from the combustion of fuels and that is located within a
1133 portion of a public lodging establishment containing sleeping
1134 rooms shall be equipped with one or more carbon monoxide sensor
1135 devices that bear the label of a nationally recognized testing
1136 laboratory and have been tested and listed as complying with the
1137 most recent Underwriters Laboratories, Inc., Standard 2034, or
1138 its equivalent, unless the department determines that carbon
1139 monoxide hazards have otherwise been adequately mitigated. Such
1140 devices shall be integrated with the public lodging
1141 establishment's fire detection system. Any such installation or
1142 determination shall be made in accordance with rules adopted by
1143 the department. An inspector who inspects a boiler pursuant to
1144 this section shall also determine whether the location
1145 containing the boiler contains the carbon monoxide detectors
1146 required by this subsection.

1147 Section 37. Subsection (1) of section 561.17, Florida
1148 Statutes, is amended to read:

1149 561.17 License and registration applications; approved
1150 person.—

1151 (1) Any person, before engaging in the business of
1152 manufacturing, bottling, distributing, selling, or in any way
1153 dealing in alcoholic beverages, shall file, with the district
1154 licensing personnel of the district of the division in which the
1155 place of business for which a license is sought is located, a
1156 sworn application ~~in duplicate~~ on forms provided to the district
1157 licensing personnel by the division. The applicant must be a
1158 legal or business entity, person, or persons and must include
1159 all persons, officers, shareholders, and directors of such legal
1160 or business entity that have a direct or indirect interest in

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1161 the business seeking to be licensed under this part. However,
1162 the applicant does not include any person who ~~that~~ derives
1163 revenue from the license solely through a contractual
1164 relationship with the licensee, the substance of which
1165 contractual relationship is not related to the control of the
1166 sale of alcoholic beverages. Before ~~Prior to~~ any application
1167 being approved, the division may require the applicant to file a
1168 set of fingerprints on regular United States Department of
1169 Justice forms for herself or himself and for any person or
1170 persons interested directly or indirectly with the applicant in
1171 the business for which the license is being sought, when so
1172 required by the division. If the applicant or any person who is
1173 interested with the applicant either directly or indirectly in
1174 the business or who has a security interest in the license being
1175 sought or has a right to a percentage payment from the proceeds
1176 of the business, either by lease or otherwise, is not qualified,
1177 the application shall be denied by the division. However, any
1178 company regularly traded on a national securities exchange and
1179 not over the counter; any insurer, as defined in the Florida
1180 Insurance Code; or any bank or savings and loan association
1181 chartered by this state, another state, or the United States
1182 which has an interest, directly or indirectly, in an alcoholic
1183 beverage license shall not be required to obtain division
1184 approval of its officers, directors, or stockholders or any
1185 change of such positions or interests. A shopping center having
1186 ~~with~~ five or more stores, one or more of which has an alcoholic
1187 beverage license and is required under a lease common to all
1188 shopping center tenants to pay no more than 10 percent of the
1189 gross proceeds of the business holding the license to the

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1190 shopping center, is ~~shall~~ not ~~be~~ considered as having an
1191 interest, directly or indirectly, in the license.

1192 Section 38. For the purpose of incorporating the amendment
1193 made by this act to section 455.227, Florida Statutes, in a
1194 reference thereto, paragraph (a) of subsection (2) of section
1195 468.436, Florida Statutes, is reenacted to read:

1196 468.436 Disciplinary proceedings.—

1197 (2) The following acts constitute grounds for which the
1198 disciplinary actions in subsection (4) may be taken:

1199 (a) Violation of any provision of s. 455.227(1).

1200 Section 39. For the purpose of incorporating the amendment
1201 made by this act to section 455.227, Florida Statutes, in a
1202 reference thereto, subsection (1) of section 468.832, Florida
1203 Statutes, is reenacted to read:

1204 468.832 Disciplinary proceedings.—

1205 (1) The following acts constitute grounds for which the
1206 disciplinary actions in subsection (2) may be taken:

1207 (a) Violation of any provision of this part or s.
1208 455.227(1);

1209 (b) Attempting to procure a license to practice home
1210 inspection services by bribery or fraudulent misrepresentation;

1211 (c) Having a license to practice home inspection services
1212 revoked, suspended, or otherwise acted against, including the
1213 denial of licensure, by the licensing authority of another
1214 state, territory, or country;

1215 (d) Being convicted or found guilty of, or entering a plea
1216 of nolo contendere to, regardless of adjudication, a crime in
1217 any jurisdiction that directly relates to the practice of home
1218 inspection services or the ability to practice home inspection

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1219 services;

1220 (e) Making or filing a report or record that the licensee
1221 knows to be false, willfully failing to file a report or record
1222 required by state or federal law, willfully impeding or
1223 obstructing such filing, or inducing another person to impede or
1224 obstruct such filing. Such reports or records shall include only
1225 those that are signed in the capacity of a licensed home
1226 inspector;

1227 (f) Advertising goods or services in a manner that is
1228 fraudulent, false, deceptive, or misleading in form or content;

1229 (g) Engaging in fraud or deceit, or negligence,
1230 incompetency, or misconduct, in the practice of home inspection
1231 services;

1232 (h) Failing to perform any statutory or legal obligation
1233 placed upon a licensed home inspector; violating any provision
1234 of this chapter, a rule of the department, or a lawful order of
1235 the department previously entered in a disciplinary hearing; or
1236 failing to comply with a lawfully issued subpoena of the
1237 department; or

1238 (i) Practicing on a revoked, suspended, inactive, or
1239 delinquent license.

1240 Section 40. For the purpose of incorporating the amendment
1241 made by this act to section 455.227, Florida Statutes, in a
1242 reference thereto, subsection (1) of section 468.842, Florida
1243 Statutes, is reenacted to read:

1244 468.842 Disciplinary proceedings.—

1245 (1) The following acts constitute grounds for which the
1246 disciplinary actions in subsection (2) may be taken:

1247 (a) Violation of any provision of this part or s.

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1248 455.227(1);

1249 (b) Attempting to procure a license to practice mold
1250 assessment or mold remediation by bribery or fraudulent
1251 misrepresentations;

1252 (c) Having a license to practice mold assessment or mold
1253 remediation revoked, suspended, or otherwise acted against,
1254 including the denial of licensure, by the licensing authority of
1255 another state, territory, or country;

1256 (d) Being convicted or found guilty of, or entering a plea
1257 of nolo contendere to, regardless of adjudication, a crime in
1258 any jurisdiction that directly relates to the practice of mold
1259 assessment or mold remediation or the ability to practice mold
1260 assessment or mold remediation;

1261 (e) Making or filing a report or record that the licensee
1262 knows to be false, willfully failing to file a report or record
1263 required by state or federal law, willfully impeding or
1264 obstructing such filing, or inducing another person to impede or
1265 obstruct such filing. Such reports or records shall include only
1266 those that are signed in the capacity of a registered mold
1267 assessor or mold remediator;

1268 (f) Advertising goods or services in a manner that is
1269 fraudulent, false, deceptive, or misleading in form or content;

1270 (g) Engaging in fraud or deceit, or negligence,
1271 incompetency, or misconduct, in the practice of mold assessment
1272 or mold remediation;

1273 (h) Failing to perform any statutory or legal obligation
1274 placed upon a licensed mold assessor or mold remediator;
1275 violating any provision of this chapter, a rule of the
1276 department, or a lawful order of the department previously

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1277 entered in a disciplinary hearing; or failing to comply with a
1278 lawfully issued subpoena of the department; or

1279 (i) Practicing on a revoked, suspended, inactive, or
1280 delinquent license.

1281 Section 41. For the purpose of incorporating the amendment
1282 made by this act to section 455.227, Florida Statutes, in a
1283 reference thereto, paragraph (a) of subsection (1) of section
1284 471.033, Florida Statutes, is reenacted to read:

1285 471.033 Disciplinary proceedings.—

1286 (1) The following acts constitute grounds for which the
1287 disciplinary actions in subsection (3) may be taken:

1288 (a) Violating any provision of s. 455.227(1), s. 471.025,
1289 or s. 471.031, or any other provision of this chapter or rule of
1290 the board or department.

1291 Section 42. For the purpose of incorporating the amendment
1292 made by this act to section 455.227, Florida Statutes, in a
1293 reference thereto, paragraph (a) of subsection (1) of section
1294 473.323, Florida Statutes, is reenacted to read:

1295 473.323 Disciplinary proceedings.—

1296 (1) The following acts constitute grounds for which the
1297 disciplinary actions in subsection (3) may be taken:

1298 (a) Violation of any provision of s. 455.227(1) or any
1299 other provision of this chapter.

1300 Section 43. For the purpose of incorporating the amendment
1301 made by this act to section 455.227, Florida Statutes, in a
1302 reference thereto, paragraph (a) of subsection (1) of section
1303 475.25, Florida Statutes, is reenacted to read:

1304 475.25 Discipline.—

1305 (1) The commission may deny an application for licensure,

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1306 registration, or permit, or renewal thereof; may place a
1307 licensee, registrant, or permittee on probation; may suspend a
1308 license, registration, or permit for a period not exceeding 10
1309 years; may revoke a license, registration, or permit; may impose
1310 an administrative fine not to exceed \$5,000 for each count or
1311 separate offense; and may issue a reprimand, and any or all of
1312 the foregoing, if it finds that the licensee, registrant,
1313 permittee, or applicant:

1314 (a) Has violated any provision of s. 455.227(1) or s.
1315 475.42. However, licensees under this part are exempt from the
1316 provisions of s. 455.227(1)(i).

1317 Section 44. For the purpose of incorporating the amendment
1318 made by this act to section 455.227, Florida Statutes, in a
1319 reference thereto, subsection (1) of section 475.624, Florida
1320 Statutes, is reenacted to read:

1321 475.624 Discipline.—The board may deny an application for
1322 registration or certification; may investigate the actions of
1323 any appraiser registered, licensed, or certified under this
1324 part; may reprimand or impose an administrative fine not to
1325 exceed \$5,000 for each count or separate offense against any
1326 such appraiser; and may revoke or suspend, for a period not to
1327 exceed 10 years, the registration, license, or certification of
1328 any such appraiser, or place any such appraiser on probation, if
1329 it finds that the registered trainee, licensee, or
1330 certificateholder:

1331 (1) Has violated any provisions of this part or s.
1332 455.227(1); however, certificateholders, registrants, and
1333 licensees under this part are exempt from the provisions of s.
1334 455.227(1)(i).

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1335 Section 45. For the purpose of incorporating the amendment
1336 made by this act to section 455.227, Florida Statutes, in a
1337 reference thereto, paragraph (h) of subsection (1) of section
1338 476.204, Florida Statutes, is reenacted to read:

1339 476.204 Penalties.—

1340 (1) It is unlawful for any person to:

1341 (h) Violate any provision of s. 455.227(1), s. 476.194, or
1342 s. 476.214.

1343 Section 46. For the purpose of incorporating the amendment
1344 made by this act to section 455.227, Florida Statutes, in a
1345 reference thereto, paragraph (h) of subsection (1) of section
1346 477.029, Florida Statutes, is reenacted to read:

1347 477.029 Penalty.—

1348 (1) It is unlawful for any person to:

1349 (h) Violate any provision of s. 455.227(1), s. 477.0265, or
1350 s. 477.028.

1351 Section 47. For the purpose of incorporating the amendment
1352 made by this act to section 455.227, Florida Statutes, in a
1353 reference thereto, paragraph (a) of subsection (1) of section
1354 481.225, Florida Statutes, is reenacted to read:

1355 481.225 Disciplinary proceedings against registered
1356 architects.—

1357 (1) The following acts constitute grounds for which the
1358 disciplinary actions in subsection (3) may be taken:

1359 (a) Violating any provision of s. 455.227(1), s. 481.221,
1360 or s. 481.223, or any rule of the board or department lawfully
1361 adopted pursuant to this part or chapter 455.

1362 Section 48. For the purpose of incorporating the amendment
1363 made by this act to section 455.227, Florida Statutes, in a

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1364 reference thereto, paragraph (a) of subsection (1) of section
1365 481.325, Florida Statutes, is reenacted to read:

1366 481.325 Disciplinary proceedings.—

1367 (1) The following acts constitute grounds for which the
1368 disciplinary actions in subsection (3) may be taken:

1369 (a) Violation of any provision of s. 455.227(1), s.
1370 481.321, or s. 481.323.

1371 Section 49. For the purpose of incorporating the amendment
1372 made by this act to section 468.832, Florida Statutes, in a
1373 reference thereto, subsection (2) of section 468.8314, Florida
1374 Statutes, is reenacted to read:

1375 468.8314 Licensure.—

1376 (2) The department shall certify for licensure any
1377 applicant who satisfies the requirements of s. 468.8313 and who
1378 has passed the licensing examination. The department may refuse
1379 to certify any applicant who has violated any of the provisions
1380 of s. 468.832.

1381 Section 50. This act shall take effect July 1, 2010.