

By the Committees on General Government Appropriations; and 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 assigning certain programs to regulation by the
5 department's Division of Professions; amending ss.
6 215.37 and 455.017, F.S.; specifying that the
7 department is responsible for the regulation of
8 certain professions; amending s. 322.142, F.S.;
9 authorizing the Department of Highway Safety and Motor
10 Vehicles to issue reproductions of driver's licenses
11 to the Department Business and Professional Regulation
12 pursuant to an interagency agreement for a specified
13 purpose; amending s. 455.02, F.S.; authorizing the
14 temporary professional licensure of the spouses of
15 active duty members of the United States Armed Forces
16 under certain circumstances; providing application
17 requirements; requiring criminal history checks and
18 fees; creating s. 455.2122, F.S.; authorizing distance
19 learning courses to satisfy certain licensing
20 education requirements for community association
21 managers and real estate brokers and sales associates;
22 prohibiting requirements for centralized examinations
23 to complete such education requirements; amending s.
24 455.2123, F.S.; authorizing distance learning courses
25 to satisfy certain continuing education requirements
26 for community association managers, home inspectors,
27 mold assessors and remediators, and real estate
28 brokers, sales associates, and appraisers; prohibiting
29 requirements for centralized examinations to complete

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30 such education requirements; amending s. 455.213,
31 F.S.; requiring a licensee to surrender his or her
32 license under certain circumstances; amending s.
33 455.217, F.S.; revising the departmental unit
34 responsible for administration of certain
35 examinations; limiting an applicant's review of failed
36 examination questions; amending s. 455.2175, F.S.;
37 prohibiting an examinee whose examination materials
38 are confiscated from taking another examination under
39 certain circumstances; repealing s. 455.2226, F.S.,
40 relating to continuing education courses on HIV and
41 AIDS required for licensees and certificateholders
42 under the Florida Funeral, Cemetery, and Consumer
43 Services Act; amending s. 455.227, F.S.; revising
44 grounds for the discipline of professional licensees;
45 providing penalties; amending s. 455.228, F.S.;
46 revising terminology for cease and desist notices;
47 amending s. 455.275, F.S.; providing for the service
48 of administrative complaints on certain licensees and
49 publication of certain notices; amending s. 468.83,
50 F.S.; creating the home inspection services licensing
51 program within the department; amending s. 468.8311,
52 F.S.; revising the definition of the term "home
53 inspection services" for purposes of provisions
54 regulating home inspectors; amending s. 468.8312,
55 F.S.; deleting limits on fees for certificates of
56 authorization to conform to changes made by the act;
57 amending s. 468.8313, F.S.; requiring home inspector
58 license applicants to satisfy certain examination

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59 requirements before application for licensure;
60 requiring criminal history checks and fees; amending
61 s. 468.8318, F.S.; deleting requirements for
62 certificates of authorization for corporations or
63 partnerships offering home inspection services;
64 amending s. 468.8319, F.S.; prohibiting certain acts
65 relating to home inspection services; delaying
66 implementation of certain prohibited acts; providing
67 penalties; exempting from punishment certain
68 unlicensed activity occurring before a specified date;
69 amending s. 468.832, F.S.; providing an additional
70 ground for discipline of licensed home inspectors;
71 amending s. 468.8324, F.S.; extending the time for
72 licensure of home inspectors under certain grandfather
73 provisions; revising the licensing criteria for such
74 provisions; authorizing the department to investigate
75 the validity of home inspection reports submitted for
76 licensure under the grandfather provisions; providing
77 penalties for the submission of false reports;
78 creating s. 468.8325, F.S.; requiring the department
79 to adopt rules; amending s. 468.84, F.S.; creating the
80 mold-related services licensing program within the
81 department; amending s. 468.8412, F.S.; deleting
82 limits on fees for certificates of authorization to
83 conform to changes made by the act; amending s.
84 468.8413, F.S.; requiring mold assessor and mold
85 remediator license applicants to satisfy certain
86 examination requirements before application for
87 licensure; revising the educational requirements for

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88 licensure as a mold assessor or mold remediator;
89 requiring criminal history checks and fees; amending
90 s. 468.8414, F.S.; specifying that certain insurance
91 coverage is required for licensure by endorsement;
92 amending s. 468.8418, F.S.; deleting requirements for
93 certificates of authorization for corporations or
94 partnerships offering mold-related services; amending
95 s. 468.8419, F.S.; prohibiting certain acts relating
96 to mold assessment and remediation; delaying
97 implementation of certain prohibited acts; providing
98 penalties; exempting from punishment certain
99 unlicensed activity occurring before a specified date;
100 amending s. 468.842, F.S.; providing an additional
101 ground for the discipline of licensed mold assessors
102 and mold remediators; amending s. 468.8421, F.S.;
103 revising insurance coverage requirements for mold
104 assessors; amending s. 468.8423, F.S.; extending the
105 time for licensure of mold assessors and mold
106 remediators under certain grandfather provisions;
107 revising the licensing criteria for such provisions;
108 authorizing the department to investigate the validity
109 of mold assessments and remediation invoices submitted
110 for licensure under the grandfather provisions;
111 providing penalties for the submission of false
112 assessments or invoices; creating s. 468.8424, F.S.;
113 requiring the department to adopt rules; amending s.
114 474.203, F.S.; revising certain exemptions from
115 regulation of veterinary medical practice; amending s.
116 475.02, F.S.; authorizing certain members of the

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117 Florida Real Estate Commission to offer, conduct, and
118 teach courses prescribed or approved by the commission
119 or the department; amending s. 475.175, F.S.; revising
120 the application and fingerprint requirements for real
121 estate broker and sales associate licenses; deleting a
122 requirement that license applicants provide
123 fingerprints in an electronic format; amending s.
124 475.613, F.S.; revising qualifications of members of
125 the Florida Real Estate Appraisal Board; authorizing
126 certain board members to offer, conduct, and teach
127 courses prescribed or approved by the board or the
128 department; amending s. 477.019, F.S.; deleting time
129 limits for cosmetology license applicants to take the
130 licensure examination; conforming a cross-reference;
131 amending s. 509.211, F.S.; assigning responsibility
132 for the regulation of carbon monoxide hazards in
133 certain public lodging establishments to the Division
134 of State Fire Marshal of the Department of Financial
135 Services; creating s. 548.076, F.S.; authorizing the
136 Department of Business and Professional Regulation to
137 issue and enforce notices to cease and desist from
138 violations of provisions regulating pugilistic
139 exhibitions; providing penalties; amending s. 561.17,
140 F.S.; revising application requirements for alcoholic
141 beverage licenses; reenacting ss. 468.436(2)(a),
142 468.832(1)(a), 468.842(1)(a), 471.033(1)(a),
143 473.323(1)(a), 475.25(1)(a), 475.624(1),
144 476.204(1)(h), 477.029(1)(h), 481.225(1)(a), and
145 481.325(1)(a), F.S., relating to disciplinary

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146 proceedings for community association managers, home
147 inspectors, mold assessors, mold remediators,
148 engineers, certified public accountants, real estate
149 brokers and sales associates, real estate appraisers,
150 barbers, cosmetologists, architects, and landscape
151 architects, to incorporate the amendment made to s.
152 455.227, F.S., in references thereto; reenacting s.
153 468.8314(2), F.S., relating to the licensure of home
154 inspectors, to incorporate the amendment made to s.
155 468.832, F.S., in a reference thereto; providing an
156 effective date.

157

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

159

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

162 20.165 Department of Business and Professional Regulation.—
163 There is created a Department of Business and Professional
164 Regulation.

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

167 1. Board of Architecture and Interior Design, created under
168 part I of chapter 481.

169 2. Florida Board of Auctioneers, created under part VI of
170 chapter 468.

171 3. Barbers' Board, created under chapter 476.

172 4. Florida Building Code Administrators and Inspectors
173 Board, created under part XII of chapter 468.

174 5. Construction Industry Licensing Board, created under

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175 part I of chapter 489.

176 6. Board of Cosmetology, created under chapter 477.

177 7. Electrical Contractors' Licensing Board, created under
178 part II of chapter 489.

179 8. Board of Employee Leasing Companies, created under part
180 XI of chapter 468.

181 9. Board of Landscape Architecture, created under part II
182 of chapter 481.

183 10. Board of Pilot Commissioners, created under chapter
184 310.

185 11. Board of Professional Engineers, created under chapter
186 471.

187 12. Board of Professional Geologists, created under chapter
188 492.

189 13. Board of Veterinary Medicine, created under chapter
190 474.

191 14. Home inspection services licensing program, created
192 under part XV of chapter 468.

193 15. Mold-related services licensing program, created under
194 part XVI of chapter 468.

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

197 1. Florida Real Estate Appraisal Board, created under part
198 II of chapter 475.

199 2. Florida Real Estate Commission, created under part I of
200 chapter 475.

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

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

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

206 215.37 Department of Business and Professional Regulation
207 and the boards to be financed from fees collected; deposit of
208 funds; service charge; appropriation.—

209 (2) The regulation ~~by the department~~ of professions, as
210 defined in s. 455.01 by the department ~~chapter 455~~, shall be
211 financed solely from revenue collected by it from fees and other
212 charges and deposited in the Professional Regulation Trust Fund,
213 and all such revenue is hereby appropriated to the department.
214 However, it is legislative intent that each profession shall
215 operate within its anticipated fees.

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

218 322.142 Color photographic or digital imaged licenses.—

219 (4) The department may maintain a film negative or print
220 file. The department shall maintain a record of the digital
221 image and signature of the licensees, together with other data
222 required by the department for identification and retrieval.
223 Reproductions from the file or digital record are exempt from
224 the provisions of s. 119.07(1) and shall be made and issued only
225 for departmental administrative purposes; for the issuance of
226 duplicate licenses; in response to law enforcement agency
227 requests; to the Department of Business and Professional
228 Regulation pursuant to an interagency agreement for the purpose
229 of accessing digital images for reproduction of licenses issued
230 by the Department of Business and Professional Regulation; to
231 the Department of State pursuant to an interagency agreement to
232 facilitate determinations of eligibility of voter registration

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233 applicants and registered voters in accordance with ss. 98.045
234 and 98.075; to the Department of Revenue pursuant to an
235 interagency agreement for use in establishing paternity and
236 establishing, modifying, or enforcing support obligations in
237 Title IV-D cases; to the Department of Children and Family
238 Services pursuant to an interagency agreement to conduct
239 protective investigations under part III of chapter 39; or to
240 the Department of Financial Services pursuant to an interagency
241 agreement to facilitate the location of owners of unclaimed
242 property, the validation of unclaimed property claims, and the
243 identification of fraudulent or false claims.

244 Section 4. Section 455.017, Florida Statutes, is amended to
245 read:

246 455.017 Applicability of this chapter. ~~The provisions of~~
247 This chapter applies apply only to the regulation ~~by the~~
248 ~~department~~ of professions by the department.

249 Section 5. Section 455.02, Florida Statutes, is amended to
250 read:

251 455.02 Licensure of members of the Armed Forces in good
252 standing with administrative boards and their spouses.—

253 (1) Any member of the Armed Forces of the United States now
254 or hereafter on active duty who, at the time of becoming such a
255 member, was in good standing with any administrative board of
256 the state and was entitled to practice or engage in his or her
257 profession or vocation in the state shall be kept in good
258 standing by such administrative board, without registering,
259 paying dues or fees, or performing any other act on his or her
260 part to be performed, as long as he or she is a member of the
261 Armed Forces of the United States on active duty and for a

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262 period of 6 months after discharge from active duty as a member
263 of the Armed Forces of the United States, if ~~provided~~ he or she
264 is not engaged in his or her licensed profession or vocation in
265 the private sector for profit.

266 (2) The boards listed in s. 20.165 shall adopt ~~promulgate~~
267 rules that exempt ~~exempting~~ the spouse ~~spouses~~ of a member
268 ~~members~~ of the Armed Forces of the United States from licensure
269 renewal provisions, but only in cases of his or her absence from
270 the state because of his or her spouse's ~~their spouses'~~ duties
271 with the Armed Forces.

272 (3) (a) The department may issue a temporary professional
273 license to the spouse of an active duty member of the Armed
274 Forces of the United States if the spouse applies to the
275 department in the format prescribed by the department. An
276 application must include:

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

279 2. Proof that the applicant holds a valid license for the
280 profession issued by another state, the District of Columbia,
281 any possession or territory of the United States, or any foreign
282 jurisdiction.

283 3. Proof that the applicant's spouse is assigned to a duty
284 station in this state and that the applicant is also assigned to
285 a duty station in this state pursuant to the member's official
286 active duty military orders.

287 4. Proof that a complete set of the applicant's
288 fingerprints are submitted to the Department of Law Enforcement
289 for a statewide criminal history check. The Department of Law
290 Enforcement shall forward the fingerprints to the Federal Bureau

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291 of Investigation for a national criminal history check. The
292 department shall, and the board may, review the results of the
293 criminal history checks according to the level 2 screening
294 standards in s. 435.04 and determine whether the applicant meets
295 the licensure requirements. The costs of fingerprint processing
296 shall be borne by the applicant. If the applicant's fingerprints
297 are submitted through an authorized agency or vendor, the agency
298 or vendor shall collect the required processing fees and remit
299 the fees to the Department of Law Enforcement.

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

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

305 Section 6. Section 455.2122, Florida Statutes, is created
306 to read:

307 455.2122 Education.—A board, or the department when there
308 is no board, shall approve distance learning courses as an
309 alternative to classroom courses to satisfy prelicensure or
310 postlicensure education requirements in part VIII of chapter 468
311 or part I of chapter 475. A board, or the department when there
312 is no board, may not require centralized examinations for
313 completion of prelicensure or postlicensure education
314 requirements for professions licensed under part VIII of chapter
315 468 or part I of chapter 475.

316 Section 7. Section 455.2123, Florida Statutes, is amended
317 to read:

318 455.2123 Continuing education.—A board, or the department
319 when there is no board, may provide by rule that distance

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320 learning may be used to satisfy continuing education
321 requirements. A board, or the department when there is no board,
322 shall approve distance learning courses as an alternative to
323 classroom courses to satisfy continuing education requirements
324 in part VIII, part XV, or part XVI of chapter 468 or part I or
325 part II of chapter 475 and may not require centralized
326 examinations for completion of continuing education requirements
327 for the professions licensed under part VIII, part XV, or part
328 XVI of chapter 468 or part I or part II of chapter 475.

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

331 455.213 General licensing provisions.—

332 (2) Before the issuance of any license, the department may
333 charge an initial license fee as determined by rule of the
334 applicable board or, if no such board exists, by rule of the
335 department. Upon receipt of the appropriate license fee, except
336 as provided in subsection (3), the department shall issue a
337 license to any person certified by the appropriate board, or its
338 designee, or the department when there is no board, as having
339 met the applicable requirements imposed by law or rule. However,
340 an applicant who is not otherwise qualified for licensure is not
341 entitled to licensure solely based on a passing score on a
342 required examination. Upon a determination by the department
343 that it erroneously issued a license, or upon the revocation of
344 a license by the applicable board, or by the department when
345 there is no board, the licensee must surrender his or her
346 license to the department.

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

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349 455.217 Examinations.—This section shall be read in
350 conjunction with the appropriate practice act associated with
351 each regulated profession under this chapter.

352 (1) The Division of Professions ~~Service Operations~~ of the
353 Department of Business and Professional Regulation shall
354 provide, contract, or approve services for the development,
355 preparation, administration, scoring, score reporting, and
356 evaluation of all examinations. The division shall seek the
357 advice of the appropriate board in providing such services.

358 (a) The department, acting in conjunction with the Division
359 of Service Operations, the Division of Professions, and the
360 Division of Real Estate, as appropriate, shall ensure that
361 examinations adequately and reliably measure an applicant's
362 ability to practice the profession regulated by the department.
363 After an examination developed or approved by the department has
364 been administered, the board or department may reject any
365 question which does not reliably measure the general areas of
366 competency specified in the rules of the board or department,
367 when there is no board. The department shall use qualified
368 outside testing vendors for the development, preparation, and
369 evaluation of examinations, when such services are economically
370 and viably available and approved by the department.

371 (b) For each examination developed by the department or
372 contracted vendor, to the extent not otherwise specified by
373 statute, the board or the department when there is no board,
374 shall by rule specify the general areas of competency to be
375 covered by the examination, the relative weight to be assigned
376 in grading each area tested, the score necessary to achieve a
377 passing grade, and the fees, where applicable, to cover the

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378 actual cost for any purchase, development, and administration of
379 the required examination. However, statutory fee caps in each
380 practice act shall apply. This subsection does not apply to
381 national examinations approved and administered pursuant to
382 paragraph (d).

383 (c) If a practical examination is deemed to be necessary,
384 rules shall specify the criteria by which examiners are to be
385 selected, the grading criteria to be used by the examiner, the
386 relative weight to be assigned in grading each criterion, and
387 the score necessary to achieve a passing grade. When a mandatory
388 standardization exercise for a practical examination is required
389 by law, the board may conduct such exercise. Therefore, board
390 members may serve as examiners at a practical examination with
391 the consent of the board.

392 (d) A board, or the department when there is no board, may
393 approve by rule the use of any national examination which the
394 department has certified as meeting requirements of national
395 examinations and generally accepted testing standards pursuant
396 to department rules. Providers of examinations, which may be
397 either profit or nonprofit entities, seeking certification by
398 the department shall pay the actual costs incurred by the
399 department in making a determination regarding the
400 certification. The department shall use any national examination
401 which is available, certified by the department, and approved by
402 the board. The name and number of a candidate may be provided to
403 a national contractor for the limited purpose of preparing the
404 grade tape and information to be returned to the board or
405 department or, to the extent otherwise specified by rule, the
406 candidate may apply directly to the vendor of the national

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407 examination. The department may delegate to the board the duty
408 to provide and administer the examination. Any national
409 examination approved by a board, or the department when there is
410 no board, prior to October 1, 1997, is deemed certified under
411 this paragraph. Any licensing or certification examination that
412 is not developed or administered by the department in-house or
413 provided as a national examination shall be competitively bid.

414 (e) The department shall adopt rules regarding the security
415 and monitoring of examinations. In order to maintain the
416 security of examinations, the department may employ the
417 procedures set forth in s. 455.228 to seek fines and injunctive
418 relief against an examinee who violates the provisions of s.
419 455.2175 or the rules adopted pursuant to this paragraph. The
420 department, or any agent thereof, may, for the purposes of
421 investigation, confiscate any written, photographic, or
422 recording material or device in the possession of the examinee
423 at the examination site which the department deems necessary to
424 enforce such provisions or rules.

425 (f) If the professional board with jurisdiction over an
426 examination concurs, the department may, for a fee, share with
427 any other state's licensing authority an examination developed
428 by or for the department unless prohibited by a contract entered
429 into by the department for development or purchase of the
430 examination. The department, with the concurrence of the
431 appropriate board, shall establish guidelines that ensure
432 security of a shared exam and shall require that any other
433 state's licensing authority comply with those guidelines. Those
434 guidelines shall be approved by the appropriate professional
435 board. All fees paid by the user shall be applied to the

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436 department's examination and development program for professions
437 regulated by this chapter. All fees paid by the user for
438 professions not regulated by this chapter shall be applied to
439 offset the fees for the development and administration of that
440 profession's examination. If both a written and a practical
441 examination are given, an applicant shall be required to retake
442 only the portion of the examination for which he or she failed
443 to achieve a passing grade, if he or she successfully passes
444 that portion within a reasonable time of his or her passing the
445 other portion.

446 (3) Except for national examinations approved and
447 administered pursuant to paragraph (1)(d), the department shall
448 provide procedures for applicants who have taken and failed an
449 examination developed by the department or a contracted vendor
450 to review their most recently administered examination
451 questions, answers, papers, grades, and grading key for the
452 questions the candidate answered incorrectly or, if not
453 feasible, the parts of the examination failed. Applicants shall
454 bear the actual cost for the department to provide examination
455 review pursuant to this subsection. An applicant may waive in
456 writing the confidentiality of his or her examination grades.

457 Section 10. Section 455.2175, Florida Statutes, is amended
458 to read:

459 455.2175 Penalty for theft or reproduction of an
460 examination.—In addition to, or in lieu of, any other discipline
461 imposed pursuant to s. 455.227, the theft of an examination in
462 whole or in part or the act of reproducing or copying any
463 examination administered by the department, whether such
464 examination is reproduced or copied in part or in whole and by

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465 any means, constitutes a felony of the third degree, punishable
466 as provided in s. 775.082, s. 775.083, or s. 775.084. An
467 examinee whose examination materials are confiscated is not
468 permitted to take another examination until the criminal
469 investigation reveals that the examinee did not violate this
470 section.

471 Section 11. Section 455.2226, Florida Statutes, is
472 repealed.

473 Section 12. Paragraph (c) of subsection (1) of section
474 455.227, Florida Statutes, is amended to read:

475 455.227 Grounds for discipline; penalties; enforcement.—

476 (1) The following acts shall constitute grounds for which
477 the disciplinary actions specified in subsection (2) may be
478 taken:

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

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

485 455.228 Unlicensed practice of a profession; cease and
486 desist notice; civil penalty; enforcement; citations; allocation
487 of moneys collected.—

488 (1) When the department has probable cause to believe that
489 any person not licensed by the department, or the appropriate
490 regulatory board within the department, has violated any
491 provision of this chapter or any statute that relates to the
492 practice of a profession regulated by the department, or any
493 rule adopted pursuant thereto, the department may issue and

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494 deliver to such person a notice to cease and desist from such
495 violation. In addition, the department may issue and deliver a
496 notice to cease and desist to any person who aids and abets the
497 unlicensed practice of a profession by employing such unlicensed
498 person. The issuance of a notice to cease and desist shall not
499 constitute agency action for which a hearing under ss. 120.569
500 and 120.57 may be sought. For the purpose of enforcing a cease
501 and desist notice ~~order~~, the department may file a proceeding in
502 the name of the state seeking issuance of an injunction or a
503 writ of mandamus against any person who violates any provisions
504 of such notice ~~order~~. In addition to the foregoing remedies, the
505 department may impose an administrative penalty not to exceed
506 \$5,000 per incident pursuant to the provisions of chapter 120 or
507 may issue a citation pursuant to the provisions of subsection
508 (3). If the department is required to seek enforcement of the
509 notice ~~order~~ for a penalty pursuant to s. 120.569, it shall be
510 entitled to collect its attorney's fees and costs, together with
511 any cost of collection.

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

514 455.275 Address of record.—

515 (3) (a) Notwithstanding any provision of law, when an
516 administrative complaint is served on a licensee of the
517 department, the department shall provide service by regular mail
518 to the licensee's last known address of record, by certified
519 mail to the last known address of record, and, if possible, by
520 e-mail.

521 (b) If service, as provided in paragraph (a), does not
522 provide the department with proof of service, the department

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523 shall call the last known telephone number of record and cause a
524 short, plain notice to the licensee to be published once each
525 week for 4 consecutive weeks in a newspaper published in the
526 county of the licensee's last known address of record. If a
527 newspaper is not published in the county, the administrative
528 complaint may be published in a newspaper of general circulation
529 in the county. If the licensee's last known address is located
530 in another state or in a foreign jurisdiction, the
531 administrative complaint may be published in Leon County
532 pursuant to s. 120.60(5).

533 Section 15. Section 468.83, Florida Statutes, is amended to
534 read:

535 468.83 Home inspection services licensing program;
536 purpose.-

537 (1) There is created within the department the home
538 inspection services licensing program.

539 (2) The Legislature recognizes that there is a need to
540 require the licensing of home inspectors and to ensure that
541 consumers of home inspection services can rely on the competence
542 of home inspectors, as determined by educational and experience
543 requirements and testing. Therefore, the Legislature deems it
544 necessary in the interest of the public welfare to regulate home
545 inspectors in this state.

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

548 468.8311 Definitions.-As used in this part, the term:

549 (4) "Home inspection services" means a limited visual
550 examination of ~~one or more~~ of the following readily accessible
551 installed systems and components of a home: the structure,

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552 electrical system, HVAC system, roof covering, plumbing system,
553 interior components, exterior components, and site conditions
554 that affect the structure, for the purposes of providing a
555 written professional opinion of the condition of the home.

556 Section 17. Subsections (5) through (8) of section
557 468.8312, Florida Statutes, are renumbered as subsections (4)
558 through (7), respectively, and present subsection (4) of that
559 section is amended to read:

560 468.8312 Fees.—

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

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

566 468.8313 Examinations.—

567 (1) A person desiring to be licensed as a home inspector
568 must shall apply to the department after satisfying the
569 examination requirements of this part ~~to take a licensure~~
570 ~~examination.~~

571 (2) An applicant may shall be entitled to take the
572 ~~licensure examination for the purpose of determining whether he~~
573 ~~or she is qualified to~~ practice in this state as a home
574 inspector if he or she passes the required examination, the
575 ~~applicant~~ is of good moral character, and completes has
576 ~~completed~~ a course of study of at least no less than 120 hours
577 that covers all of the following components of a home:
578 structure, electrical system, HVAC system, roof covering,
579 plumbing system, interior components, exterior components, and
580 site conditions that affect the structure.

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581 (5)
582 (d) An applicant for a license shall submit, together with
583 the application, a complete set of electronic fingerprints to
584 the department. The department shall submit the fingerprints to
585 the Department of Law Enforcement for state processing, and the
586 Department of Law Enforcement shall forward the fingerprints to
587 the Federal Bureau of Investigation for national processing, to
588 determine whether the applicant has a criminal history record.
589 The department shall review the background results to determine
590 whether the applicant meets licensure requirements. The
591 applicant is responsible for the costs associated with
592 processing the fingerprints. The authorized agencies or vendors
593 shall collect such fees and pay for the processing costs due to
594 the Department of Law Enforcement.

595 Section 19. Section 468.8318, Florida Statutes, is amended
596 to read:

597 468.8318 Certification of corporations and partnerships.—

598 ~~(1) The department shall issue a certificate of~~
599 ~~authorization to a corporation or partnership offering home~~
600 ~~inspection services to the public if the corporation or~~
601 ~~partnership satisfies all of the requirements of this part.~~

602 ~~(2)~~ The practice of or the offer to practice home
603 inspection services by licensees through a corporation or
604 partnership offering home inspection services to the public, or
605 by a corporation or partnership offering such services to the
606 public through licensees under this part as agents, employees,
607 officers, or partners, is permitted subject to the provisions of
608 this part, provided that all personnel of the corporation or
609 partnership who act in its behalf as home inspectors in this

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610 state are licensed as provided by this part; ~~and further~~
611 ~~provided that the corporation or partnership has been issued a~~
612 ~~certificate of authorization by the department as provided in~~
613 ~~this section.~~ Nothing in this section shall be construed to
614 allow a corporation to hold a license to practice home
615 inspection services. No corporation or partnership shall be
616 relieved of responsibility for the conduct or acts of its
617 agents, employees, or officers by reason of its compliance with
618 this section, nor shall any individual practicing home
619 inspection services be relieved of responsibility for
620 professional services performed by reason of his or her
621 employment or relationship with a corporation or partnership.

622 ~~(3) For the purposes of this section, a certificate of~~
623 ~~authorization shall be required for a corporation, partnership,~~
624 ~~association, or person practicing under a fictitious name and~~
625 ~~offering home inspection services to the public; however, when~~
626 ~~an individual is practicing home inspection services in his or~~
627 ~~her own given name, he or she shall not be required to register~~
628 ~~under this section.~~

629 ~~(4) Each certificate of authorization shall be renewed~~
630 ~~every 2 years. Each partnership and corporation certified under~~
631 ~~this section shall notify the department within 1 month of any~~
632 ~~change in the information contained in the application upon~~
633 ~~which the certification is based.~~

634 ~~(5) Disciplinary action against a corporation or~~
635 ~~partnership shall be administered in the same manner and on the~~
636 ~~same grounds as disciplinary action against a licensed home~~
637 ~~inspector.~~

638 Section 20. Section 468.8319, Florida Statutes, is amended

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639 to read:

640 468.8319 Prohibitions; penalties.-

641 (1) A person ~~home inspector, a company that employs a home~~
642 ~~inspector, or a company that is controlled by a company that~~
643 ~~also has a financial interest in a company employing a home~~
644 ~~inspector~~ may not:

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

648 (b) Effective July 1, 2011, use the name or title
649 "certified home inspector," "registered home inspector,"
650 "licensed home inspector," "home inspector," "professional home
651 inspector," or any combination thereof unless the person has
652 complied with the provisions of this part;

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

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

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

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

664 (g) Inspect ~~for a fee~~ any property in which the inspector
665 or the inspector's company has any financial or transfer
666 interest;

667 (h) Offer or deliver any compensation, inducement, or

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668 reward to any broker or agent therefor for the referral of the
669 owner of the inspected property to the inspector or the
670 inspection company; or

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

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

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

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

683 468.832 Disciplinary proceedings.—

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

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

688 Section 22. Section 468.8324, Florida Statutes, is amended
689 to read:

690 468.8324 Grandfather clause.—

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

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697 (a) Is certified as a home inspector by a state or national
698 association that requires, for such certification, successful
699 completion of a proctored examination on home inspection
700 services and completes at least 14 hours of verifiable education
701 on such services; or

702 (b) At the time of application, has at least 3 years of
703 experience as a home inspector and completes at least 14 hours
704 of verifiable education on home inspection services. To
705 establish the 3 years of experience, an applicant must submit at
706 least 120 home inspection reports prepared by the applicant.

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

711 (3) An applicant may not qualify for licensure under this
712 section if he or she has had a home inspector license or a
713 license in any related field revoked at any time or suspended
714 within the previous 5 years or has been assessed a fine that
715 exceeds \$500 within the previous 5 years. For purposes of this
716 subsection, a license in a related field includes, but is not
717 limited to, licensure in real estate, construction, mold-related
718 services, or building code administration or inspection.

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

722 Section 23. Section 468.8325, Florida Statutes, is created
723 to read:

724 468.8325 Rulemaking authority.—The department shall adopt
725 rules to administer this part.

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726 Section 24. Section 468.84, Florida Statutes, is amended to
727 read:

728 468.84 Mold-related services licensing program; legislative
729 purpose.—

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

732 (2) The Legislature finds it necessary in the interest of
733 the public safety and welfare, to prevent damage to real and
734 personal property, to avert economic injury to the residents of
735 this state, and to regulate persons and companies that hold
736 themselves out to the public as qualified to perform mold-
737 related services.

738 Section 25. Subsections (7) through (10) of section
739 468.8412, Florida Statutes, are renumbered as subsections (6)
740 through (9), respectively, and present subsection (6) of that
741 section is amended to read:

742 468.8412 Fees.—

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

745 Section 26. Subsections (1) and (2) of section 468.8413,
746 Florida Statutes, are amended, and paragraph (d) is added to
747 subsection (4) of that section, to read:

748 468.8413 Examinations.—

749 (1) A person desiring to be licensed as a mold assessor or
750 mold remediator must ~~shall~~ apply to the department after
751 satisfying the examination requirements of this part ~~to take a~~
752 ~~licensure examination.~~

753 (2) An applicant may ~~shall be entitled to take the~~
754 ~~licensure examination to~~ practice in this state as a mold

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755 assessor or mold remediator if he or she passes the required
756 examination, the applicant is of good moral character, and
757 completes ~~has satisfied~~ one of the following requirements:

758 (a)1. For a mold remediator, at least a 2-year associate of
759 arts degree, or the equivalent, with at least 30 semester hours
760 in microbiology, engineering, architecture, industrial hygiene,
761 occupational safety, or a related field of science from an
762 accredited institution and a minimum of 1 year of documented
763 field experience in a field related to mold remediation; or

764 2. A high school diploma or the equivalent with a minimum
765 of 4 years of documented field experience in a field related to
766 mold remediation.

767 (b)1. For a mold assessor, at least a 2-year associate of
768 arts degree, or the equivalent, with at least 30 semester hours
769 in microbiology, engineering, architecture, industrial hygiene,
770 occupational safety, or a related field of science from an
771 accredited institution and a minimum of 1 year of documented
772 field experience in conducting microbial sampling or
773 investigations; or

774 2. A high school diploma or the equivalent with a minimum
775 of 4 years of documented field experience in conducting
776 microbial sampling or investigations.

777 (4)

778 (d) An applicant for a license shall submit, together with
779 the application, a complete set of electronic fingerprints to
780 the department. The department shall submit the fingerprints to
781 the Department of Law Enforcement for state processing, and the
782 Department of Law Enforcement shall forward the fingerprints to
783 the Federal Bureau of Investigation for national processing, to

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784 determine whether the applicant has a criminal history record.
785 The department shall review the background results to determine
786 whether the applicant meets licensure requirements. The
787 applicant is responsible for the costs associated with
788 processing the fingerprints. The authorized agencies or vendors
789 shall collect such fees and pay for the processing costs due to
790 the Department of Law Enforcement.

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

793 468.8414 Licensure.—

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

797 (a) Is qualified to take the examination as set forth in s.
798 468.8413 and has passed a certification examination offered by a
799 nationally recognized organization that certifies persons in the
800 specialty of mold assessment or mold remediation that has been
801 approved by the department as substantially equivalent to the
802 requirements of this part and s. 455.217; or

803 (b) Holds a valid license to practice mold assessment or
804 mold remediation issued by another state or territory of the
805 United States if the criteria for issuance of the license were
806 substantially the same as the licensure criteria that is
807 established by this part as determined by the department.

808 Section 28. Section 468.8418, Florida Statutes, is amended
809 to read:

810 468.8418 Certification of partnerships and corporations.—

811 ~~(1) The department shall issue a certificate of~~
812 ~~authorization to a corporation or partnership offering mold~~

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813 ~~assessment or mold remediation services to the public if the~~
814 ~~corporation or partnership satisfies all of the requirements of~~
815 ~~this part.~~

816 ~~(2) The practice of or the offer to practice mold~~
817 ~~assessment or mold remediation by licensees through a~~
818 ~~corporation or partnership offering mold assessment or mold~~
819 ~~remediation to the public, or by a corporation or partnership~~
820 ~~offering such services to the public through licensees under~~
821 ~~this part as agents, employees, officers, or partners, is~~
822 ~~permitted subject to the provisions of this part, provided that~~
823 ~~the corporation or partnership has been issued a certificate of~~
824 ~~authorization by the department as provided in this section.~~
825 ~~Nothing in this section shall be construed to allow a~~
826 ~~corporation to hold a license to practice mold assessment or~~
827 ~~mold remediation. No corporation or partnership shall be~~
828 ~~relieved of responsibility for the conduct or acts of its~~
829 ~~agents, employees, or officers by reason of its compliance with~~
830 ~~this section, nor shall any individual practicing mold~~
831 ~~assessment or mold remediation be relieved of responsibility for~~
832 ~~professional services performed by reason of his or her~~
833 ~~employment or relationship with a corporation or partnership.~~

834 ~~(3) For the purposes of this section, a certificate of~~
835 ~~authorization shall be required for a corporation, partnership,~~
836 ~~association, or person practicing under a fictitious name,~~
837 ~~offering mold assessment or mold remediation; however, when an~~
838 ~~individual is practicing mold assessment or mold remediation~~
839 ~~under his or her own given name, he or she shall not be required~~
840 ~~to register under this section.~~

841 ~~(4) Each certificate of authorization shall be renewed~~

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842 ~~every 2 years. Each partnership and corporation certified under~~
843 ~~this section shall notify the department within 1 month of any~~
844 ~~change in the information contained in the application upon~~
845 ~~which the certification is based.~~

846 ~~(5) Disciplinary action against a corporation or~~
847 ~~partnership shall be administered in the same manner and on the~~
848 ~~same grounds as disciplinary action against a licensed mold~~
849 ~~assessor or mold remediator.~~

850 Section 29. Section 468.8419, Florida Statutes, is amended
851 to read:

852 468.8419 Prohibitions; penalties.—

853 (1) A person ~~mold assessor, a company that employs a mold~~
854 ~~assessor, or a company that is controlled by a company that also~~
855 ~~has a financial interest in a company employing a mold assessor~~
856 may not:

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

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

863 (c) Use the name or title "certified mold assessor,"
864 "registered mold assessor," "licensed mold assessor," "mold
865 assessor," "professional mold assessor," or any combination
866 thereof unless the person has complied with the provisions of
867 this part.

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

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

873 (f) Accept any compensation, inducement, or reward from a
874 mold remediator or mold remediator's company for the referral of
875 any business to the mold remediator or the mold remediator's
876 company.

877 (g) Offer any compensation, inducement, or reward to a mold
878 remediator or mold remediator's company for the referral of any
879 business from the mold remediator or the mold remediator's
880 company.

881 (h) Accept an engagement to make an omission of the
882 assessment or conduct an assessment in which the assessment
883 itself, or the fee payable for the assessment, is contingent
884 upon the conclusions of the assessment.

885 (2) A mold remediator, a company that employs a mold
886 remediator, or a company that is controlled by a company that
887 also has a financial interest in a company employing a mold
888 remediator may not:

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

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

894 (c) Use the name or title "certified mold remediator,"
895 "registered mold remediator," "licensed mold remediator," "mold
896 remediator," "professional mold remediator," or any combination
897 thereof unless the person has complied with the provisions of
898 this part.

899 (d) Perform or offer to perform any mold assessment to a

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900 structure on which the mold remediator or the mold remediator's
901 company provided a mold remediation within the last 12 months.

902 (e) Remediate for a fee any property in which the mold
903 remediator or the mold remediator's company has any financial or
904 transfer interest.

905 (f) Accept any compensation, inducement, or reward from a
906 mold assessor or mold assessor's company for the referral of any
907 business from the mold assessor or the mold assessor's company.

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

911 (3) Any person who violates any provision of this section
912 commits:

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

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

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

920 (4) This section does not apply to unlicensed activity as
921 described in paragraphs (1) (a)-(d) or s. 455.228 which occurs
922 before July 1, 2011.

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

925 468.842 Disciplinary proceedings.—

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

928 (j) Failing to meet any standard of practice adopted by

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929 rule of the department.

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

932 468.8421 Insurance.—

933 (1) A mold assessor shall maintain general liability and
934 errors and omissions for both preliminary and postremediation
935 mold assessment insurance coverage in an amount of at least \$1
936 million not less than \$1,000,000.

937 Section 32. Section 468.8423, Florida Statutes, is amended
938 to read:

939 468.8423 Grandfather clause.—

940 (1) A person who performs mold assessment or mold
941 remediation as defined in this part may qualify for licensure ~~to~~
942 ~~be licensed~~ by the department as a mold assessor or mold
943 remediator if the person submits his or her application to the
944 department by March 1, 2011, whether postmarked or delivered by
945 that date, and if the person: meets the licensure requirements
946 of this part by July 1, 2010.

947 (a) Is certified as a mold assessor or mold remediator by a
948 state or national association that requires, for such
949 certification, successful completion of a proctored examination
950 on mold assessment or mold remediation, as applicable, and
951 completes at least 60 hours of education on mold assessment or
952 at least 30 hours of education on mold remediation, as
953 applicable; or

954 (b) At the time of application, has at least 3 years of
955 experience as a mold assessor or mold remediator. To establish
956 the 3 years of experience, an applicant must submit at least 40
957 mold assessments or remediation invoices prepared by the

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958 applicant.

959 (2) The department may investigate the validity of a mold
960 assessment or remediation invoice submitted under paragraph
961 (1) (b) and, if the applicant submits a false assessment or
962 invoice, may take disciplinary action against the applicant
963 under s. 468.842(1) (e) or (g).

964 (3) An applicant may not qualify for licensure under this
965 section if he or she has had a mold assessor or mold remediator
966 license or a license in any related field revoked at any time or
967 suspended within the previous 5 years or has been assessed a
968 fine that exceeds \$500 within the previous 5 years. For purposes
969 of this subsection, a license in a related field includes, but
970 is not limited to, licensure in real estate, construction, home
971 inspection, building code administration or inspection, or
972 indoor air quality.

973 (4) An applicant for licensure under this section must
974 comply with the good moral character and insurance requirements
975 of this part.

976 Section 33. Section 468.8424, Florida Statutes, is created
977 to read:

978 468.8424 Rulemaking authority.—The department shall adopt
979 rules to administer this part.

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

982 474.203 Exemptions.—This chapter shall not apply to:

983 (2) A person practicing as an intern or resident
984 veterinarian who does not hold a valid license issued under this
985 chapter and who is a graduate in training at a school or college
986 of veterinary medicine located in this state and accredited by

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987 the American Veterinary Medical Association Council on Education
988 or a school or college recognized by the American Veterinary
989 Medical Association Commission for Foreign Veterinary Graduates.
990 Such intern or resident must be a graduate of a school or
991 college of veterinary medicine accredited by the American
992 Veterinary Medical Association Council on Education or a school
993 or college of veterinary medicine recognized by the Educational
994 Commission for Foreign Veterinary Graduates of the American
995 Veterinary Medical Association. This exemption expires when such
996 intern or resident completes or is terminated from such
997 training. Each school or college at which such intern or
998 resident is in training shall, on July 1 of each year, provide
999 the board with a written list of all such interns or residents
1000 designated for this exemption, and the school or college shall
1001 also notify the board of any additions or deletions to the list.

1002 (5) (a) Any person, or the person's regular employee,
1003 administering to the ills or injuries of her or his own animals,
1004 including, but not limited to, castration, spaying, and
1005 dehorning of herd animals, unless title is ~~has been~~ transferred
1006 or employment provided for the purpose of circumventing this
1007 law. This exemption does ~~shall~~ not apply to any person licensed
1008 as a veterinarian in another state or foreign jurisdiction and
1009 is out-of-state veterinarians practicing temporarily in this ~~the~~
1010 state. However, only a veterinarian may immunize or treat an
1011 animal for diseases which are communicable to humans and which
1012 are of public health significance.

1013
1014 For the purposes of chapters 465 and 893, persons exempt
1015 pursuant to subsection (1), subsection (2), or subsection (4)

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1016 are deemed to be duly licensed practitioners authorized by the
1017 laws of this state to prescribe drugs or medicinal supplies.

1018 Section 35. Section 475.02, Florida Statutes, is amended to
1019 read:

1020 475.02 Florida Real Estate Commission.—

1021 (1) There is created within the department the Florida Real
1022 Estate Commission. The commission shall consist of seven members
1023 who shall be appointed by the Governor, subject to confirmation
1024 by the Senate. Four members must be licensed brokers, each of
1025 whom has held an active license for the 5 years preceding
1026 appointment; one member must be a licensed broker or a licensed
1027 sales associate who has held an active license for the 2 years
1028 preceding appointment; and two members must be persons who are
1029 not, and have never been, brokers or sales associates. At least
1030 one member of the commission must be 60 years of age or older.
1031 The current members may complete their present terms unless
1032 removed for cause.

1033 (2) Members shall be appointed for 4-year terms.

1034 (3) Notwithstanding s. 112.313, any member of the
1035 commission who is a licensed real estate broker or sales
1036 associate and who holds an active real estate school permit,
1037 chief administrator permit, school instructor permit, or any
1038 combination of such permits issued by the department, to the
1039 extent authorized pursuant to such permit, may offer, conduct,
1040 or teach any course prescribed or approved by the commission or
1041 the department.

1042 Section 36. Paragraph (a) of subsection (1) of section
1043 475.175, Florida Statutes, is amended to read:

1044 475.175 Examinations.—

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1045 (1) A person shall be entitled to take the license
1046 examination to practice in this state if the person:

1047 (a) Submits to the department the appropriate signed or
1048 electronically authenticated application, digital fingerprint
1049 data, and fee, ~~and a fingerprint card~~. The digital fingerprints
1050 ~~fingerprint card~~ shall be forwarded to the Division of Criminal
1051 Justice Information Systems within the Department of Law
1052 Enforcement for purposes of processing the fingerprints
1053 ~~fingerprint card~~ to determine if the applicant has a criminal
1054 history record. The fingerprints ~~fingerprint card~~ shall also be
1055 forwarded to the Federal Bureau of Investigation for purposes of
1056 processing the fingerprints ~~fingerprint card~~ to determine if the
1057 applicant has a criminal history record. The information
1058 obtained by the processing of the fingerprints ~~fingerprint card~~
1059 by the ~~Florida~~ Department of Law Enforcement and the Federal
1060 Bureau of Investigation shall be sent to the department for the
1061 purpose of determining if the applicant is statutorily qualified
1062 for examination. ~~Effective July 1, 2006, an applicant shall~~
1063 ~~provide fingerprints in electronic format.~~

1064 Section 37. Section 475.613, Florida Statutes, is amended
1065 to read:

1066 475.613 Florida Real Estate Appraisal Board.—

1067 (1) There is created the Florida Real Estate Appraisal
1068 Board, which shall consist of seven members appointed by the
1069 Governor, subject to confirmation by the Senate. Four members of
1070 the board must be real estate appraisers who have been engaged
1071 in the general practice of appraising real property in this
1072 state for at least 5 years immediately preceding appointment. In
1073 appointing real estate appraisers to the board, while not

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1074 excluding other appraisers, the Governor shall give preference
1075 to real estate appraisers who are not primarily engaged in real
1076 estate brokerage or mortgage lending activities. One member of
1077 the board must represent organizations that use appraisals for
1078 the purpose of eminent domain proceedings, financial
1079 transactions, or mortgage insurance. Two members of the board
1080 shall be representatives of the general public and shall not be
1081 connected in any way with the practice of real estate appraisal,
1082 ~~real estate brokerage, or mortgage lending~~. The appraiser
1083 members shall be as representative of the entire industry as
1084 possible, and membership in a nationally recognized or state-
1085 recognized appraisal organization shall not be a prerequisite to
1086 membership on the board. To the extent possible, no more than
1087 two members of the board shall be primarily affiliated with any
1088 one particular national or state appraisal association. Two of
1089 the members must be licensed or certified residential real
1090 estate appraisers and two of the members must be certified
1091 general real estate appraisers at the time of their appointment.

1092 (a) Members of the board shall be appointed for 4-year
1093 terms. Any vacancy occurring in the membership of the board
1094 shall be filled by appointment by the Governor for the unexpired
1095 term. Upon expiration of her or his term, a member of the board
1096 shall continue to hold office until the appointment and
1097 qualification of the member's successor. A member may not be
1098 appointed for more than two consecutive terms. The Governor may
1099 remove any member for cause.

1100 (b) The headquarters for the board shall be in Orlando.

1101 (c) The board shall meet at least once each calendar
1102 quarter to conduct its business.

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1103 (d) The members of the board shall elect a chairperson at
1104 the first meeting each year.

1105 (e) Each member of the board is entitled to per diem and
1106 travel expenses as set by legislative appropriation for each day
1107 that the member engages in the business of the board.

1108 (2) The board shall have, through its rules, full power to
1109 regulate the issuance of licenses, certifications,
1110 registrations, and permits; to discipline appraisers in any
1111 manner permitted under this section; to establish qualifications
1112 for licenses, certifications, registrations, and permits
1113 consistent with this section; to regulate approved courses; to
1114 establish standards for real estate appraisals; and to establish
1115 standards for and regulate supervisory appraisers.

1116 (3) Notwithstanding s. 112.313, any member of the board who
1117 is a licensed or certified real estate appraiser and who holds
1118 an active appraiser instructor permit issued by the department,
1119 to the extent authorized pursuant to such permit, may offer,
1120 conduct, or teach any course prescribed or approved by the board
1121 or the department.

1122 Section 38. Subsections (4) through (8) of section 477.019,
1123 Florida Statutes, are renumbered as subsections (3) through (7),
1124 respectively, and paragraph (c) of subsection (2) and present
1125 subsection (3) of that section are amended to read:

1126 477.019 Cosmetologists; qualifications; licensure;
1127 supervised practice; license renewal; endorsement; continuing
1128 education.—

1129 (2) An applicant shall be eligible for licensure by
1130 examination to practice cosmetology if the applicant:

1131 (c)1. Is authorized to practice cosmetology in another

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1132 state or country, has been so authorized for at least 1 year,
1133 and does not qualify for licensure by endorsement as provided
1134 for in subsection (5) ~~(6)~~; or

1135 2. Has received a minimum of 1,200 hours of training as
1136 established by the board, which shall include, but shall not be
1137 limited to, the equivalent of completion of services directly
1138 related to the practice of cosmetology at one of the following:

1139 a. A school of cosmetology licensed pursuant to chapter
1140 1005.

1141 b. A cosmetology program within the public school system.

1142 c. The Cosmetology Division of the Florida School for the
1143 Deaf and the Blind, provided the division meets the standards of
1144 this chapter.

1145 d. A government-operated cosmetology program in this state.
1146

1147 The board shall establish by rule procedures whereby the school
1148 or program may certify that a person is qualified to take the
1149 required examination after the completion of a minimum of 1,000
1150 actual school hours. If the person then passes the examination,
1151 he or she shall have satisfied this requirement; but if the
1152 person fails the examination, he or she shall not be qualified
1153 to take the examination again until the completion of the full
1154 requirements provided by this section.

1155 ~~(3) An application for the licensure examination for any~~
1156 ~~license under this section may be submitted for examination~~
1157 ~~approval in the last 100 hours of training by a pregraduate of a~~
1158 ~~licensed cosmetology school or a program within the public~~
1159 ~~school system, which school or program is certified by the~~
1160 ~~Department of Education with fees as required in paragraph~~

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1161 ~~(2) (b). Upon approval, the applicant may schedule the~~
1162 ~~examination on a date when the training hours are completed. An~~
1163 ~~applicant shall have 6 months from the date of approval to take~~
1164 ~~the examination. After the 6 months have passed, if the~~
1165 ~~applicant failed to take the examination, the applicant must~~
1166 ~~reapply. The board shall establish by rule the procedures for~~
1167 ~~the pregraduate application process.~~

1168 Section 39. Subsection (4) of section 509.211, Florida
1169 Statutes, is amended to read:

1170 509.211 Safety regulations.—

1171 (4) Every enclosed space or room that contains a boiler
1172 regulated under chapter 554 which is fired by the direct
1173 application of energy from the combustion of fuels and that is
1174 located in any portion of a public lodging establishment that
1175 also contains sleeping rooms shall be equipped with one or more
1176 carbon monoxide sensor devices that bear the label of a
1177 nationally recognized testing laboratory and have been tested
1178 and listed as complying with the most recent Underwriters
1179 Laboratories, Inc., Standard 2034, or its equivalent, unless it
1180 is determined that carbon monoxide hazards have otherwise been
1181 adequately mitigated as determined by the Division of State Fire
1182 Marshal of the Department of Financial Services. Such devices
1183 shall be integrated with the public lodging establishment's fire
1184 detection system. Any such installation or determination shall
1185 be made in accordance with rules adopted by the Division of
1186 State Fire Marshal.

1187 Section 40. Section 548.076, Florida Statutes, is created
1188 to read:

1189 548.076 Cease and desist notices.—When the department has

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1190 probable cause to believe that any person not licensed by the
1191 commission has violated any provision of this chapter, or any
1192 rule adopted pursuant thereto, the department may issue and
1193 deliver to such person a notice to cease and desist from such
1194 violation. The department shall issue and enforce such cease and
1195 desist notices in accordance with s. 455.228.

1196 Section 41. Subsection (1) of section 561.17, Florida
1197 Statutes, is amended to read:

1198 561.17 License and registration applications; approved
1199 person.—

1200 (1) Any person, before engaging in the business of
1201 manufacturing, bottling, distributing, selling, or in any way
1202 dealing in alcoholic beverages, shall file, with the district
1203 licensing personnel of the district of the division in which the
1204 place of business for which a license is sought is located, a
1205 sworn application in the format prescribed ~~duplicate on forms~~
1206 ~~provided to the district licensing personnel~~ by the division.
1207 The applicant must be a legal or business entity, person, or
1208 persons and must include all persons, officers, shareholders,
1209 and directors of such legal or business entity that have a
1210 direct or indirect interest in the business seeking to be
1211 licensed under this part. However, the applicant does not
1212 include any person that derives revenue from the license solely
1213 through a contractual relationship with the licensee, the
1214 substance of which contractual relationship is not related to
1215 the control of the sale of alcoholic beverages. Before ~~Prior to~~
1216 any application is being approved, the division may require the
1217 applicant to file a set of fingerprints on regular United States
1218 Department of Justice forms for herself or himself and for any

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1219 person or persons interested directly or indirectly with the
1220 applicant in the business for which the license is being sought,
1221 when ~~se~~ required by the division. If the applicant or any person
1222 who is interested with the applicant either directly or
1223 indirectly in the business or who has a security interest in the
1224 license being sought or has a right to a percentage payment from
1225 the proceeds of the business, either by lease or otherwise, is
1226 not qualified, the division shall deny the application ~~shall be~~
1227 ~~denied by the division~~. However, any company regularly traded on
1228 a national securities exchange and not over the counter; any
1229 insurer, as defined in the Florida Insurance Code; or any bank
1230 or savings and loan association chartered by this state, another
1231 state, or the United States which has an interest, directly or
1232 indirectly, in an alcoholic beverage license is ~~shall~~ not ~~be~~
1233 required to obtain the division's ~~division~~ approval of its
1234 officers, directors, or stockholders or any change of such
1235 positions or interests. A shopping center with five or more
1236 stores, one or more of which has an alcoholic beverage license
1237 and is required under a lease common to all shopping center
1238 tenants to pay no more than 10 percent of the gross proceeds of
1239 the business holding the license to the shopping center, is
1240 ~~shall~~ not ~~be~~ considered as having an interest, directly or
1241 indirectly, in the license.

1242 Section 42. For the purpose of incorporating the amendment
1243 made by this act to section 455.227, Florida Statutes, in a
1244 reference thereto, paragraph (a) of subsection (2) of section
1245 468.436, Florida Statutes, is reenacted to read:

1246 468.436 Disciplinary proceedings.—

1247 (2) The following acts constitute grounds for which the

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1248 disciplinary actions in subsection (4) may be taken:

1249 (a) Violation of any provision of s. 455.227(1).

1250 Section 43. For the purpose of incorporating the amendment
1251 made by this act to section 455.227, Florida Statutes, in a
1252 reference thereto, paragraph (a) of subsection (1) of section
1253 468.832, Florida Statutes, is reenacted to read:

1254 468.832 Disciplinary proceedings.—

1255 (1) The following acts constitute grounds for which the
1256 disciplinary actions in subsection (2) may be taken:

1257 (a) Violation of any provision of this part or s.
1258 455.227(1);

1259 Section 44. For the purpose of incorporating the amendment
1260 made by this act to section 455.227, Florida Statutes, in a
1261 reference thereto, paragraph (a) of subsection (1) of section
1262 468.842, Florida Statutes, is reenacted to read:

1263 468.842 Disciplinary proceedings.—

1264 (1) The following acts constitute grounds for which the
1265 disciplinary actions in subsection (2) may be taken:

1266 (a) Violation of any provision of this part or s.
1267 455.227(1);

1268 Section 45. For the purpose of incorporating the amendment
1269 made by this act to section 455.227, Florida Statutes, in a
1270 reference thereto, paragraph (a) of subsection (1) of section
1271 471.033, Florida Statutes, is reenacted to read:

1272 471.033 Disciplinary proceedings.—

1273 (1) The following acts constitute grounds for which the
1274 disciplinary actions in subsection (3) may be taken:

1275 (a) Violating any provision of s. 455.227(1), s. 471.025,
1276 or s. 471.031, or any other provision of this chapter or rule of

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1277 the board or department.

1278 Section 46. For the purpose of incorporating the amendment
1279 made by this act to section 455.227, Florida Statutes, in a
1280 reference thereto, paragraph (a) of subsection (1) of section
1281 473.323, Florida Statutes, is reenacted to read:

1282 473.323 Disciplinary proceedings.—

1283 (1) The following acts constitute grounds for which the
1284 disciplinary actions in subsection (3) may be taken:

1285 (a) Violation of any provision of s. 455.227(1) or any
1286 other provision of this chapter.

1287 Section 47. For the purpose of incorporating the amendment
1288 made by this act to section 455.227, Florida Statutes, in a
1289 reference thereto, paragraph (a) of subsection (1) of section
1290 475.25, Florida Statutes, is reenacted to read:

1291 475.25 Discipline.—

1292 (1) The commission may deny an application for licensure,
1293 registration, or permit, or renewal thereof; may place a
1294 licensee, registrant, or permittee on probation; may suspend a
1295 license, registration, or permit for a period not exceeding 10
1296 years; may revoke a license, registration, or permit; may impose
1297 an administrative fine not to exceed \$5,000 for each count or
1298 separate offense; and may issue a reprimand, and any or all of
1299 the foregoing, if it finds that the licensee, registrant,
1300 permittee, or applicant:

1301 (a) Has violated any provision of s. 455.227(1) or s.
1302 475.42. However, licensees under this part are exempt from the
1303 provisions of s. 455.227(1) (i).

1304 Section 48. For the purpose of incorporating the amendment
1305 made by this act to section 455.227, Florida Statutes, in a

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1306 reference thereto, subsection (1) of section 475.624, Florida
1307 Statutes, is reenacted to read:

1308 475.624 Discipline.—The board may deny an application for
1309 registration or certification; may investigate the actions of
1310 any appraiser registered, licensed, or certified under this
1311 part; may reprimand or impose an administrative fine not to
1312 exceed \$5,000 for each count or separate offense against any
1313 such appraiser; and may revoke or suspend, for a period not to
1314 exceed 10 years, the registration, license, or certification of
1315 any such appraiser, or place any such appraiser on probation, if
1316 it finds that the registered trainee, licensee, or
1317 certificateholder:

1318 (1) Has violated any provisions of this part or s.
1319 455.227(1); however, certificateholders, registrants, and
1320 licensees under this part are exempt from the provisions of s.
1321 455.227(1) (i).

1322 Section 49. For the purpose of incorporating the amendment
1323 made by this act to section 455.227, Florida Statutes, in a
1324 reference thereto, paragraph (h) of subsection (1) of section
1325 476.204, Florida Statutes, is reenacted to read:

1326 476.204 Penalties.—

1327 (1) It is unlawful for any person to:

1328 (h) Violate any provision of s. 455.227(1), s. 476.194, or
1329 s. 476.214.

1330 Section 50. For the purpose of incorporating the amendment
1331 made by this act to section 455.227, Florida Statutes, in a
1332 reference thereto, paragraph (h) of subsection (1) of section
1333 477.029, Florida Statutes, is reenacted to read:

1334 477.029 Penalty.—

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1335 (1) It is unlawful for any person to:

1336 (h) Violate any provision of s. 455.227(1), s. 477.0265, or
1337 s. 477.028.

1338 Section 51. For the purpose of incorporating the amendment
1339 made by this act to section 455.227, Florida Statutes, in a
1340 reference thereto, paragraph (a) of subsection (1) of section
1341 481.225, Florida Statutes, is reenacted to read:

1342 481.225 Disciplinary proceedings against registered
1343 architects.—

1344 (1) The following acts constitute grounds for which the
1345 disciplinary actions in subsection (3) may be taken:

1346 (a) Violating any provision of s. 455.227(1), s. 481.221,
1347 or s. 481.223, or any rule of the board or department lawfully
1348 adopted pursuant to this part or chapter 455.

1349 Section 52. For the purpose of incorporating the amendment
1350 made by this act to section 455.227, Florida Statutes, in a
1351 reference thereto, paragraph (a) of subsection (1) of section
1352 481.325, Florida Statutes, is reenacted to read:

1353 481.325 Disciplinary proceedings.—

1354 (1) The following acts constitute grounds for which the
1355 disciplinary actions in subsection (3) may be taken:

1356 (a) Violation of any provision of s. 455.227(1), s.
1357 481.321, or s. 481.323.

1358 Section 53. For the purpose of incorporating the amendment
1359 made by this act to section 468.832, Florida Statutes, in a
1360 reference thereto, subsection (2) of section 468.8314, Florida
1361 Statutes, is reenacted to read:

1362 468.8314 Licensure.—

1363 (2) The department shall certify for licensure any

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1364 applicant who satisfies the requirements of s. 468.8313 and who
1365 has passed the licensing examination. The department may refuse
1366 to certify any applicant who has violated any of the provisions
1367 of s. 468.832.

1368 Section 54. This act shall take effect July 1, 2010.