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1 A bill to be entitled
2 An act relating to the regulation of professions; amending
3 s. 20.165, F.S.; assigning certain programs to regulation
4 by the Division of Professions of the Department of
5 Business and Professional Regulation; amending ss. 215.37
6 and 455.017, F.S.; specifying that the department is
7 responsible for the regulation of certain professions;
8 amending s. 455.02, F.S.; authorizing the temporary
9 professional licensure of the spouses of active duty
10 members of the United States Armed Forces under certain
11 circumstances; providing application requirements;
12 requiring criminal history checks and fees; amending s.
13 455.213, F.S.; requiring a licensee to surrender his or
14 her license under certain circumstances; amending s.
15 455.217, F.S.; revising the departmental unit responsible
16 for administration of certain examinations; limiting an
17 applicant's review of failed examination questions;
18 amending s. 455.2175, F.S.; prohibiting an examinee whose
19 examination materials are confiscated from taking another
20 examination under certain circumstances; amending s.
21 455.227, F.S.; revising grounds for the discipline of
22 professional licensees; providing penalties; amending s.
23 455.228, F.S.; revising terminology for cease and desist
24 notices; creating s. 455.274, F.S.; authorizing the
25 publication of certain legal advertisements and notices on
26 the department's Internet website in lieu of publication
27 in a newspaper; amending s. 468.83, F.S.; creating the
28 home inspection services licensing program within the

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29 | department; amending s. 468.8311, F.S.; revising the
30 | definition of the term "home inspection services" for
31 | purposes of provisions regulating home inspectors;
32 | amending s. 468.8312, F.S.; deleting limits on fees for
33 | certificates of authorization to conform to changes made
34 | by the act; amending s. 468.8313, F.S.; requiring home
35 | inspector license applicants to satisfy certain
36 | examination requirements before application for licensure;
37 | requiring criminal history checks and fees; amending s.
38 | 468.8318, F.S.; deleting requirements for certificates of
39 | authorization for corporations or partnerships offering
40 | home inspection services; amending s. 468.8319, F.S.;
41 | revising prohibited acts by home inspectors and certain
42 | companies employing home inspectors or controlled by such
43 | companies; exempting from punishment certain unlicensed
44 | activity occurring before a specified date; amending s.
45 | 468.832, F.S.; providing an additional ground for
46 | discipline of licensed home inspectors; amending s.
47 | 468.8324, F.S.; extending the time for licensure of home
48 | inspectors under certain grandfather provisions; revising
49 | the licensing criteria for such provisions; authorizing
50 | the department to investigate the validity of home
51 | inspection reports submitted for licensure under the
52 | grandfather provisions; providing penalties for the
53 | submission of false reports; creating s. 468.8325, F.S.;
54 | requiring the department to adopt rules; amending s.
55 | 468.84, F.S.; creating the mold-related services licensing
56 | program within the department; amending s. 468.8412, F.S.;

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57 deleting limits on fees for certificates of authorization
58 to conform to changes made by the act; amending s.
59 468.8413, F.S.; requiring mold assessor and mold
60 remediator license applicants to satisfy certain
61 examination requirements before application for licensure;
62 revising the educational requirements for licensure as a
63 mold assessor or mold remediator; requiring criminal
64 history checks and fees; amending s. 468.8414, F.S.;
65 specifying that certain insurance coverage is required for
66 licensure by endorsement; amending s. 468.8418, F.S.;
67 deleting requirements for certificates of authorization
68 for corporations or partnerships offering mold-related
69 services; amending s. 468.8419, F.S.; exempting from
70 punishment certain unlicensed activity occurring before a
71 specified date; amending s. 468.842, F.S.; providing an
72 additional ground for discipline of licensed mold
73 assessors and mold remediators; amending s. 468.8421,
74 F.S.; revising insurance coverage requirements for mold
75 assessors; amending s. 468.8423, F.S.; extending the time
76 for licensure of mold assessors and mold remediators under
77 certain grandfather provisions; revising the licensing
78 criteria for such provisions; authorizing the department
79 to investigate the validity of mold assessments and
80 remediation invoices submitted for licensure under the
81 grandfather provisions; providing penalties for the
82 submission of false assessments or invoices; creating s.
83 468.8424, F.S.; requiring the department to adopt rules;
84 amending s. 474.203, F.S.; revising an exemption from

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85 | regulation of intern or resident veterinarians; amending
86 | s. 475.175, F.S.; revising the application and fingerprint
87 | requirements for real estate broker and sales associate
88 | licenses; deleting a requirement that license applicants
89 | provide fingerprints in an electronic format; amending s.
90 | 475.613, F.S.; revising qualifications of members of the
91 | Florida Real Estate Appraisal Board; amending s. 477.019,
92 | F.S.; deleting time limits for cosmetology license
93 | applicants to take the licensure examination; conforming a
94 | cross-reference; amending s. 509.211, F.S.; assigning
95 | responsibility for the regulation of carbon monoxide
96 | hazards in certain public lodging establishments to the
97 | Division of State Fire Marshal of the Department of
98 | Financial Services; creating s. 548.076, F.S.; authorizing
99 | the Department of Business and Professional Regulation to
100 | issue and enforce notices to cease and desist from
101 | violations of provisions regulating pugilistic
102 | exhibitions; providing penalties; amending s. 561.17,
103 | F.S.; revising application requirements for alcoholic
104 | beverage licenses; amending s. 561.20, F.S.; providing for
105 | the issuance of special alcoholic beverage licenses to
106 | certain movie theaters; limiting the on-premises sale of
107 | alcoholic beverages to certain areas within such movie
108 | theaters and times; requiring such movie theaters to pay
109 | alcoholic beverage license taxes at a specified rate and
110 | keep certain records for a specified time; amending s.
111 | 561.32, F.S.; deleting a provision that applies the
112 | maximum fee for the transfer of certain inactive alcoholic

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113 beverage licenses; reenacting ss. 468.436(2) (a),
 114 468.832(1) (a), 468.842(1) (a), 471.033(1) (a),
 115 473.323(1) (a), 475.25(1) (a), 475.624(1), 476.204(1) (h),
 116 477.029(1) (h), 481.225(1) (a), and 481.325(1) (a), F.S.,
 117 relating to disciplinary proceedings for community
 118 association managers, home inspectors, mold assessors,
 119 mold remediators, engineers, certified public accountants,
 120 real estate brokers and sales associates, real estate
 121 appraisers, barbers, cosmetologists, architects, and
 122 landscape architects, to incorporate the amendment made to
 123 s. 455.227, F.S., in references thereto; reenacting s.
 124 468.8314(2), F.S., relating to the licensure of home
 125 inspectors, to incorporate the amendment made to s.
 126 468.832, F.S., in a reference thereto; providing an
 127 effective date.

128
 129 Be It Enacted by the Legislature of the State of Florida:

130
 131 Section 1. Subsection (4) of section 20.165, Florida
 132 Statutes, is amended to read:

133 20.165 Department of Business and Professional
 134 Regulation.—There is created a Department of Business and
 135 Professional Regulation.

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

138 1. Board of Architecture and Interior Design, created
 139 under part I of chapter 481.

140 2. Florida Board of Auctioneers, created under part VI of

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- 141 chapter 468.
- 142 3. Barbers' Board, created under chapter 476.
- 143 4. Florida Building Code Administrators and Inspectors
- 144 Board, created under part XII of chapter 468.
- 145 5. Construction Industry Licensing Board, created under
- 146 part I of chapter 489.
- 147 6. Board of Cosmetology, created under chapter 477.
- 148 7. Electrical Contractors' Licensing Board, created under
- 149 part II of chapter 489.
- 150 8. Board of Employee Leasing Companies, created under part
- 151 XI of chapter 468.
- 152 9. Board of Landscape Architecture, created under part II
- 153 of chapter 481.
- 154 10. Board of Pilot Commissioners, created under chapter
- 155 310.
- 156 11. Board of Professional Engineers, created under chapter
- 157 471.
- 158 12. Board of Professional Geologists, created under
- 159 chapter 492.
- 160 13. Board of Veterinary Medicine, created under chapter
- 161 474.
- 162 14. Home inspection services licensing program, created
- 163 under part XV of chapter 468.
- 164 15. Mold-related services licensing program, created under
- 165 part XVI of chapter 468.
- 166 (b) The following board and commission are established
- 167 within the Division of Real Estate:
- 168 1. Florida Real Estate Appraisal Board, created under part

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169 II of chapter 475.

170 2. Florida Real Estate Commission, created under part I of
171 chapter 475.

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

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

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

177 215.37 Department of Business and Professional Regulation
178 and the boards to be financed from fees collected; deposit of
179 funds; service charge; appropriation.—

180 (2) The regulation ~~by the department~~ of professions, as
181 defined in s. 455.01 ~~chapter 455,~~ by the department shall be
182 financed solely from revenue collected by it from fees and other
183 charges and deposited in the Professional Regulation Trust Fund,
184 and all such revenue is hereby appropriated to the department.
185 However, it is legislative intent that each profession shall
186 operate within its anticipated fees.

187 Section 3. Section 455.017, Florida Statutes, is amended
188 to read:

189 455.017 Applicability of this chapter. ~~The provisions of~~
190 This chapter applies ~~apply~~ only to the regulation ~~by the~~
191 ~~department~~ of professions by the department.

192 Section 4. Section 455.02, Florida Statutes, is amended to
193 read:

194 455.02 Licensure of members of the Armed Forces in good
195 standing with administrative boards and their spouses.—

196 (1) Any member of the Armed Forces of the United States

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197 now or hereafter on active duty who, at the time of becoming
 198 such a member, was in good standing with any administrative
 199 board of the state and was entitled to practice or engage in his
 200 or her profession or vocation in the state shall be kept in good
 201 standing by such administrative board, without registering,
 202 paying dues or fees, or performing any other act on his or her
 203 part to be performed, as long as he or she is a member of the
 204 Armed Forces of the United States on active duty and for a
 205 period of 6 months after discharge from active duty as a member
 206 of the Armed Forces of the United States, ~~if provided~~ he or she
 207 is not engaged in his or her licensed profession or vocation in
 208 the private sector for profit.

209 (2) The boards listed in s. 20.165 shall adopt ~~promulgate~~
 210 rules that exempt ~~exempting~~ the spouse ~~spouses~~ of a member
 211 ~~members~~ of the Armed Forces of the United States from licensure
 212 renewal provisions, but only in cases of his or her absence from
 213 the state because of his or her spouse's ~~their spouses'~~ duties
 214 with the Armed Forces.

215 (3) (a) The department may issue a temporary professional
 216 license to the spouse of an active duty member of the Armed
 217 Forces of the United States if the spouse applies to the
 218 department in the format prescribed by the department. An
 219 application must include:

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

222 2. Proof that the applicant holds a valid license for the
 223 profession issued by another state, the District of Columbia,
 224 any possession or territory of the United States, or any foreign

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225 jurisdiction.

226 3. Proof that the applicant's spouse is assigned to a duty
227 station in this state and that the applicant is also assigned to
228 a duty station in this state pursuant to the member's official
229 active duty military orders.

230 4. Proof that a complete set of the applicant's
231 fingerprints are submitted to the Department of Law Enforcement
232 for a statewide criminal history check. The Department of Law
233 Enforcement shall forward the fingerprints to the Federal Bureau
234 of Investigation for a national criminal history check. The
235 department shall, and the board may, review the results of the
236 criminal history checks according to the level 2 screening
237 standards in s. 435.04 and determine whether the applicant meets
238 the licensure requirements. The costs of fingerprint processing
239 shall be borne by the applicant. If the applicant's fingerprints
240 are submitted through an authorized agency or vendor, the agency
241 or vendor shall collect the required processing fees and remit
242 the fees to the Department of Law Enforcement.

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

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

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

250 455.213 General licensing provisions.—

251 (2) Before the issuance of any license, the department may
252 charge an initial license fee as determined by rule of the

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253 applicable board or, if no such board exists, by rule of the
 254 department. Upon receipt of the appropriate license fee, except
 255 as provided in subsection (3), the department shall issue a
 256 license to any person certified by the appropriate board, or its
 257 designee, or the department when there is no board, as having
 258 met the applicable requirements imposed by law or rule. However,
 259 an applicant who is not otherwise qualified for licensure is not
 260 entitled to licensure solely based on a passing score on a
 261 required examination. Upon a determination by the department
 262 that it erroneously issued a license, or upon the revocation of
 263 a license by the applicable board, or by the department when
 264 there is no board, the licensee must surrender his or her
 265 license to the department.

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

268 455.217 Examinations.—This section shall be read in
 269 conjunction with the appropriate practice act associated with
 270 each regulated profession under this chapter.

271 (1) The Division of Professions ~~Service Operations~~ of the
 272 Department of Business and Professional Regulation shall
 273 provide, contract, or approve services for the development,
 274 preparation, administration, scoring, score reporting, and
 275 evaluation of all examinations. The division shall seek the
 276 advice of the appropriate board in providing such services.

277 (a) The department, acting in conjunction with the
 278 Division of Service Operations, the Division of Professions, and
 279 the Division of Real Estate, as appropriate, shall ensure that
 280 examinations adequately and reliably measure an applicant's

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281 ability to practice the profession regulated by the department.
282 After an examination developed or approved by the department has
283 been administered, the board or department may reject any
284 question which does not reliably measure the general areas of
285 competency specified in the rules of the board or department,
286 when there is no board. The department shall use qualified
287 outside testing vendors for the development, preparation, and
288 evaluation of examinations, when such services are economically
289 and viably available and approved by the department.

290 (b) For each examination developed by the department or
291 contracted vendor, to the extent not otherwise specified by
292 statute, the board or the department when there is no board,
293 shall by rule specify the general areas of competency to be
294 covered by the examination, the relative weight to be assigned
295 in grading each area tested, the score necessary to achieve a
296 passing grade, and the fees, where applicable, to cover the
297 actual cost for any purchase, development, and administration of
298 the required examination. However, statutory fee caps in each
299 practice act shall apply. This subsection does not apply to
300 national examinations approved and administered pursuant to
301 paragraph (d).

302 (c) If a practical examination is deemed to be necessary,
303 rules shall specify the criteria by which examiners are to be
304 selected, the grading criteria to be used by the examiner, the
305 relative weight to be assigned in grading each criterion, and
306 the score necessary to achieve a passing grade. When a mandatory
307 standardization exercise for a practical examination is required
308 by law, the board may conduct such exercise. Therefore, board

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309 members may serve as examiners at a practical examination with
310 the consent of the board.

311 (d) A board, or the department when there is no board, may
312 approve by rule the use of any national examination which the
313 department has certified as meeting requirements of national
314 examinations and generally accepted testing standards pursuant
315 to department rules. Providers of examinations, which may be
316 either profit or nonprofit entities, seeking certification by
317 the department shall pay the actual costs incurred by the
318 department in making a determination regarding the
319 certification. The department shall use any national examination
320 which is available, certified by the department, and approved by
321 the board. The name and number of a candidate may be provided to
322 a national contractor for the limited purpose of preparing the
323 grade tape and information to be returned to the board or
324 department or, to the extent otherwise specified by rule, the
325 candidate may apply directly to the vendor of the national
326 examination. The department may delegate to the board the duty
327 to provide and administer the examination. Any national
328 examination approved by a board, or the department when there is
329 no board, prior to October 1, 1997, is deemed certified under
330 this paragraph. Any licensing or certification examination that
331 is not developed or administered by the department in-house or
332 provided as a national examination shall be competitively bid.

333 (e) The department shall adopt rules regarding the
334 security and monitoring of examinations. In order to maintain
335 the security of examinations, the department may employ the
336 procedures set forth in s. 455.228 to seek fines and injunctive

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337 relief against an examinee who violates the provisions of s.
338 455.2175 or the rules adopted pursuant to this paragraph. The
339 department, or any agent thereof, may, for the purposes of
340 investigation, confiscate any written, photographic, or
341 recording material or device in the possession of the examinee
342 at the examination site which the department deems necessary to
343 enforce such provisions or rules.

344 (f) If the professional board with jurisdiction over an
345 examination concurs, the department may, for a fee, share with
346 any other state's licensing authority an examination developed
347 by or for the department unless prohibited by a contract entered
348 into by the department for development or purchase of the
349 examination. The department, with the concurrence of the
350 appropriate board, shall establish guidelines that ensure
351 security of a shared exam and shall require that any other
352 state's licensing authority comply with those guidelines. Those
353 guidelines shall be approved by the appropriate professional
354 board. All fees paid by the user shall be applied to the
355 department's examination and development program for professions
356 regulated by this chapter. All fees paid by the user for
357 professions not regulated by this chapter shall be applied to
358 offset the fees for the development and administration of that
359 profession's examination. If both a written and a practical
360 examination are given, an applicant shall be required to retake
361 only the portion of the examination for which he or she failed
362 to achieve a passing grade, if he or she successfully passes
363 that portion within a reasonable time of his or her passing the
364 other portion.

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365 (3) Except for national examinations approved and
366 administered pursuant to paragraph (1)(d), the department shall
367 provide procedures for applicants who have taken and failed an
368 examination developed by the department or a contracted vendor
369 to review their most recently administered examination
370 questions, answers, papers, grades, and grading key for the
371 questions the candidate answered incorrectly or, if not
372 feasible, the parts of the examination failed. Applicants shall
373 bear the actual cost for the department to provide examination
374 review pursuant to this subsection. An applicant may waive in
375 writing the confidentiality of his or her examination grades.

376 Section 7. Section 455.2175, Florida Statutes, is amended
377 to read:

378 455.2175 Penalty for theft or reproduction of an
379 examination.—In addition to, or in lieu of, any other discipline
380 imposed pursuant to s. 455.227, the theft of an examination in
381 whole or in part or the act of reproducing or copying any
382 examination administered by the department, whether such
383 examination is reproduced or copied in part or in whole and by
384 any means, constitutes a felony of the third degree, punishable
385 as provided in s. 775.082, s. 775.083, or s. 775.084. An
386 examinee whose examination materials are confiscated is not
387 permitted to take another examination until the criminal
388 investigation reveals that the examinee did not violate this
389 section.

390 Section 8. Paragraph (c) of subsection (1) of section
391 455.227, Florida Statutes, is amended to read:

392 455.227 Grounds for discipline; penalties; enforcement.—

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393 (1) The following acts shall constitute grounds for which
 394 the disciplinary actions specified in subsection (2) may be
 395 taken:

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

400 Section 9. Subsection (1) of section 455.228, Florida
 401 Statutes, is amended to read:

402 455.228 Unlicensed practice of a profession; cease and
 403 desist notice; civil penalty; enforcement; citations; allocation
 404 of moneys collected.—

405 (1) When the department has probable cause to believe that
 406 any person not licensed by the department, or the appropriate
 407 regulatory board within the department, has violated any
 408 provision of this chapter or any statute that relates to the
 409 practice of a profession regulated by the department, or any
 410 rule adopted pursuant thereto, the department may issue and
 411 deliver to such person a notice to cease and desist from such
 412 violation. In addition, the department may issue and deliver a
 413 notice to cease and desist to any person who aids and abets the
 414 unlicensed practice of a profession by employing such unlicensed
 415 person. The issuance of a notice to cease and desist shall not
 416 constitute agency action for which a hearing under ss. 120.569
 417 and 120.57 may be sought. For the purpose of enforcing a cease
 418 and desist notice ~~order~~, the department may file a proceeding in
 419 the name of the state seeking issuance of an injunction or a
 420 writ of mandamus against any person who violates any provisions

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421 of such notice ~~order~~. In addition to the foregoing remedies, the
 422 department may impose an administrative penalty not to exceed
 423 \$5,000 per incident pursuant to the provisions of chapter 120 or
 424 may issue a citation pursuant to the provisions of subsection
 425 (3). If the department is required to seek enforcement of the
 426 notice ~~order~~ for a penalty pursuant to s. 120.569, it shall be
 427 entitled to collect its attorney's fees and costs, together with
 428 any cost of collection.

429 Section 10. Section 455.274, Florida Statutes, is created
 430 to read:

431 455.274 Publication of legal advertisements and notices.-

432 (1) Notwithstanding s. 49.10, when the department is
 433 required to publish a notice of action for any proceeding
 434 involving a licensee, in lieu of publishing the notice of action
 435 in a newspaper, the department may publish the notice of action
 436 for 4 consecutive weeks on the department's Internet website in
 437 a designated section of the website that pertains to the
 438 licensee's profession.

439 (2) Notwithstanding s. 50.011, when the department is
 440 required or authorized to publish a legal advertisement or
 441 notice for any purpose described in s. 50.011 involving a
 442 licensee, in lieu of publishing the legal advertisement or
 443 notice in a newspaper, the department may publish the legal
 444 advertisement or notice on the department's Internet website in
 445 a designated section of the website that pertains to the
 446 licensee's profession.

447 (3) Notwithstanding s. 120.60(5), when the department is
 448 required to publish notice to a licensee of the revocation,

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449 suspension, annulment, or withdrawal of his or her license, if
450 personal service cannot be made to the licensee and the
451 certified mail notice is returned undelivered, in lieu of
452 publishing the notice in a newspaper, the department may publish
453 the notice for 4 consecutive weeks on the department's Internet
454 website in a designated section of the website that pertains to
455 the licensee's profession.

456 Section 11. Section 468.83, Florida Statutes, is amended
457 to read:

458 468.83 Home inspection services licensing program;
459 purpose.—

460 (1) There is created within the department the home
461 inspection services licensing program.

462 (2) The Legislature recognizes that there is a need to
463 require the licensing of home inspectors and to ensure that
464 consumers of home inspection services can rely on the competence
465 of home inspectors, as determined by educational and experience
466 requirements and testing. Therefore, the Legislature deems it
467 necessary in the interest of the public welfare to regulate home
468 inspectors in this state.

469 Section 12. Subsection (4) of section 468.8311, Florida
470 Statutes, is amended to read:

471 468.8311 Definitions.—As used in this part, the term:

472 (4) "Home inspection services" means a limited visual
473 examination of ~~one or more of~~ the following readily accessible
474 installed systems and components of a home: the structure,
475 electrical system, HVAC system, roof covering, plumbing system,
476 interior components, exterior components, and site conditions

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

479 Section 13. Subsections (5) through (8) of section
 480 468.8312, Florida Statutes, are renumbered as subsections (4)
 481 through (7), respectively, and present subsection (4) of that
 482 section is amended to read:

483 468.8312 Fees.—

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

486 Section 14. Subsections (1) and (2) of section 468.8313,
 487 Florida Statutes, are amended, and paragraph (d) is added to
 488 subsection (5) of that section, to read:

489 468.8313 Examinations.—

490 (1) A person desiring to be licensed as a home inspector
 491 must shall apply to the department after satisfying the
 492 examination requirements of this part to take a licensure
 493 examination.

494 (2) An applicant may shall be entitled to take the
 495 licensure examination for the purpose of determining whether he
 496 or she is qualified to practice in this state as a home
 497 inspector if he or she passes the required examination, the
 498 applicant is of good moral character, and completes has
 499 completed a course of study of at least no less than 120 hours
 500 that covers all of the following components of a home:
 501 structure, electrical system, HVAC system, roof covering,
 502 plumbing system, interior components, exterior components, and
 503 site conditions that affect the structure.

504 (5)

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505 (d) An initial applicant must submit a complete set of his
506 or her fingerprints to the Department of Law Enforcement for a
507 statewide criminal history check. The Department of Law
508 Enforcement shall forward the fingerprints to the Federal Bureau
509 of Investigation for a national criminal history check. The
510 department shall review the results of the criminal history
511 checks according to the level 2 screening standards in s. 435.04
512 and determine whether the applicant meets the licensure
513 requirements. The costs of fingerprint processing shall be borne
514 by the applicant. If the applicant's fingerprints are submitted
515 through an authorized agency or vendor, the agency or vendor
516 shall collect the required processing fees and remit the fees to
517 the Department of Law Enforcement.

518 Section 15. Section 468.8318, Florida Statutes, is amended
519 to read:

520 468.8318 Certification of corporations and partnerships.—

521 ~~(1) The department shall issue a certificate of~~
522 ~~authorization to a corporation or partnership offering home~~
523 ~~inspection services to the public if the corporation or~~
524 ~~partnership satisfies all of the requirements of this part.~~

525 ~~(2)~~ The practice of or the offer to practice home
526 inspection services by licensees through a corporation or
527 partnership offering home inspection services to the public, or
528 by a corporation or partnership offering such services to the
529 public through licensees under this part as agents, employees,
530 officers, or partners, is permitted subject to the provisions of
531 this part, provided that all personnel of the corporation or
532 partnership who act in its behalf as home inspectors in this

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533 | state are licensed as provided by this part; ~~and further~~
534 | ~~provided that the corporation or partnership has been issued a~~
535 | ~~certificate of authorization by the department as provided in~~
536 | ~~this section.~~ Nothing in this section shall be construed to
537 | allow a corporation to hold a license to practice home
538 | inspection services. No corporation or partnership shall be
539 | relieved of responsibility for the conduct or acts of its
540 | agents, employees, or officers by reason of its compliance with
541 | this section, nor shall any individual practicing home
542 | inspection services be relieved of responsibility for
543 | professional services performed by reason of his or her
544 | employment or relationship with a corporation or partnership.

545 | ~~(3) For the purposes of this section, a certificate of~~
546 | ~~authorization shall be required for a corporation, partnership,~~
547 | ~~association, or person practicing under a fictitious name and~~
548 | ~~offering home inspection services to the public; however, when~~
549 | ~~an individual is practicing home inspection services in his or~~
550 | ~~her own given name, he or she shall not be required to register~~
551 | ~~under this section.~~

552 | ~~(4) Each certificate of authorization shall be renewed~~
553 | ~~every 2 years. Each partnership and corporation certified under~~
554 | ~~this section shall notify the department within 1 month of any~~
555 | ~~change in the information contained in the application upon~~
556 | ~~which the certification is based.~~

557 | ~~(5) Disciplinary action against a corporation or~~
558 | ~~partnership shall be administered in the same manner and on the~~
559 | ~~same grounds as disciplinary action against a licensed home~~
560 | ~~inspector.~~

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561 Section 16. Section 468.8319, Florida Statutes, is amended
 562 to read:

563 468.8319 Prohibitions; penalties.—

564 (1) A home inspector, a company that employs a home
 565 inspector, or a company that is controlled by a company that
 566 also has a financial interest in a company employing a home
 567 inspector may not:

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

570 (b) Use the name or title "certified home inspector,"
 571 "registered home inspector," "licensed home inspector," "home
 572 inspector," "professional home inspector," or any combination
 573 thereof unless the person has complied with the provisions of
 574 this part;

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

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

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

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

586 (g) Inspect ~~for a fee~~ any property in which the inspector
 587 or the inspector's company has any financial or transfer
 588 interest;

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589 (h) Offer or deliver any compensation, inducement, or
 590 reward to any broker or agent therefor for the referral of the
 591 owner of the inspected property to the inspector or the
 592 inspection company; or

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

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

600 (3) This section does not apply to unlicensed activity as
 601 described in paragraph (1)(a), paragraph (1)(b), or s. 455.228
 602 that occurs before July 1, 2011.

603 Section 17. Paragraph (j) is added to subsection (1) of
 604 section 468.832, Florida Statutes, to read:

605 468.832 Disciplinary proceedings.—

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

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

610 Section 18. Section 468.8324, Florida Statutes, is amended
 611 to read:

612 468.8324 Grandfather clause.—

613 (1) A person who performs home inspection services as
 614 defined in this part may qualify for licensure ~~to be licensed~~ by
 615 the department as a home inspector if the person submits his or
 616 her application to the department by March 1, 2011, whether

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617 postmarked or delivered by that date, and if the person: ~~meets~~
618 ~~the licensure requirements of this part by July 1, 2010.~~

619 (a) Is certified as a home inspector by a state or
620 national association that requires, for such certification,
621 successful completion of a proctored examination on home
622 inspection services and completes at least 14 hours of
623 verifiable education on such services; or

624 (b) At the time of application, has at least 3 years of
625 experience as a home inspector and completes at least 14 hours
626 of verifiable education on home inspection services. To
627 establish the 3 years of experience, an applicant must submit at
628 least 120 home inspection reports prepared by the applicant.

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

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

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

644 Section 19. Section 468.8325, Florida Statutes, is created

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645 to read:

646 468.8325 Rulemaking authority.—The department shall adopt
 647 rules to administer this part.

648 Section 20. Section 468.84, Florida Statutes, is amended
 649 to read:

650 468.84 Mold-related services licensing program;
 651 legislative purpose.—

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

654 (2) The Legislature finds it necessary in the interest of
 655 the public safety and welfare, to prevent damage to real and
 656 personal property, to avert economic injury to the residents of
 657 this state, and to regulate persons and companies that hold
 658 themselves out to the public as qualified to perform mold-
 659 related services.

660 Section 21. Subsections (7) through (10) of section
 661 468.8412, Florida Statutes, are renumbered as subsections (6)
 662 through (9), respectively, and present subsection (6) of that
 663 section is amended to read:

664 468.8412 Fees.—

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

667 Section 22. Subsections (1) and (2) of section 468.8413,
 668 Florida Statutes, are amended, and paragraph (d) is added to
 669 subsection (4) of that section, to read:

670 468.8413 Examinations.—

671 (1) A person desiring to be licensed as a mold assessor or
 672 mold remediator must ~~shall~~ apply to the department after

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673 satisfying the examination requirements of this part ~~to take a~~
674 ~~licensure examination.~~

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

680 (a)1. For a mold remediator, at least a 2-year associate
681 of arts degree, or the equivalent, with at least 30 semester
682 hours in microbiology, engineering, architecture, industrial
683 hygiene, occupational safety, or a related field of science from
684 an accredited institution and a minimum of 1 year of documented
685 field experience in a field related to mold remediation; or

686 2. A high school diploma or the equivalent with a minimum
687 of 4 years of documented field experience in a field related to
688 mold remediation.

689 (b)1. For a mold assessor, at least a 2-year associate of
690 arts degree, or the equivalent, with at least 30 semester hours
691 in microbiology, engineering, architecture, industrial hygiene,
692 occupational safety, or a related field of science from an
693 accredited institution and a minimum of 1 year of documented
694 field experience in conducting microbial sampling or
695 investigations; or

696 2. A high school diploma or the equivalent with a minimum
697 of 4 years of documented field experience in conducting
698 microbial sampling or investigations.

699 (4)

700 (d) An initial applicant must submit a complete set of his

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701 or her fingerprints to the Department of Law Enforcement for a
 702 statewide criminal history check. The Department of Law
 703 Enforcement shall forward the fingerprints to the Federal Bureau
 704 of Investigation for a national criminal history check. The
 705 department shall review the results of the criminal history
 706 checks according to the level 2 screening standards in s. 435.04
 707 and determine whether the applicant meets the licensure
 708 requirements. The costs of fingerprint processing shall be borne
 709 by the applicant. If the applicant's fingerprints are submitted
 710 through an authorized agency or vendor, the agency or vendor
 711 shall collect the required processing fees and remit the fees to
 712 the Department of Law Enforcement.

713 Section 23. Subsection (3) of section 468.8414, Florida
 714 Statutes, is amended to read:

715 468.8414 Licensure.—

716 (3) The department shall certify as qualified for a
 717 license by endorsement an applicant who is of good moral
 718 character, who has the insurance coverage required under s.
 719 468.8421, and who:

720 (a) Is qualified to take the examination as set forth in
 721 s. 468.8413 and has passed a certification examination offered
 722 by a nationally recognized organization that certifies persons
 723 in the specialty of mold assessment or mold remediation that has
 724 been approved by the department as substantially equivalent to
 725 the requirements of this part and s. 455.217; or

726 (b) Holds a valid license to practice mold assessment or
 727 mold remediation issued by another state or territory of the
 728 United States if the criteria for issuance of the license were

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729 substantially the same as the licensure criteria that is
 730 established by this part as determined by the department.

731 Section 24. Section 468.8418, Florida Statutes, is amended
 732 to read:

733 468.8418 Certification of partnerships and corporations.—

734 ~~(1) The department shall issue a certificate of~~
 735 ~~authorization to a corporation or partnership offering mold~~
 736 ~~assessment or mold remediation services to the public if the~~
 737 ~~corporation or partnership satisfies all of the requirements of~~
 738 ~~this part.~~

739 ~~(2)~~ The practice of or the offer to practice mold
 740 assessment or mold remediation by licensees through a
 741 corporation or partnership offering mold assessment or mold
 742 remediation to the public, or by a corporation or partnership
 743 offering such services to the public through licensees under
 744 this part as agents, employees, officers, or partners, is
 745 permitted subject to the provisions of this part, ~~provided that~~
 746 ~~the corporation or partnership has been issued a certificate of~~
 747 ~~authorization by the department as provided in this section.~~
 748 Nothing in this section shall be construed to allow a
 749 corporation to hold a license to practice mold assessment or
 750 mold remediation. No corporation or partnership shall be
 751 relieved of responsibility for the conduct or acts of its
 752 agents, employees, or officers by reason of its compliance with
 753 this section, nor shall any individual practicing mold
 754 assessment or mold remediation be relieved of responsibility for
 755 professional services performed by reason of his or her
 756 employment or relationship with a corporation or partnership.

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757 ~~(3) For the purposes of this section, a certificate of~~
758 ~~authorization shall be required for a corporation, partnership,~~
759 ~~association, or person practicing under a fictitious name,~~
760 ~~offering mold assessment or mold remediation; however, when an~~
761 ~~individual is practicing mold assessment or mold remediation~~
762 ~~under his or her own given name, he or she shall not be required~~
763 ~~to register under this section.~~

764 ~~(4) Each certificate of authorization shall be renewed~~
765 ~~every 2 years. Each partnership and corporation certified under~~
766 ~~this section shall notify the department within 1 month of any~~
767 ~~change in the information contained in the application upon~~
768 ~~which the certification is based.~~

769 ~~(5) Disciplinary action against a corporation or~~
770 ~~partnership shall be administered in the same manner and on the~~
771 ~~same grounds as disciplinary action against a licensed mold~~
772 ~~assessor or mold remediator.~~

773 Section 25. Section 468.8419, Florida Statutes, is amended
774 to read:

775 468.8419 Prohibitions; penalties.—

776 (1) A mold assessor, a company that employs a mold
777 assessor, or a company that is controlled by a company that also
778 has a financial interest in a company employing a mold assessor
779 may not:

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

783 (b) Perform or offer to perform any mold assessment unless
784 the person has complied with the provisions of this part.

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785 (c) Use the name or title "certified mold assessor,"
786 "registered mold assessor," "licensed mold assessor," "mold
787 assessor," "professional mold assessor," or any combination
788 thereof unless the person has complied with the provisions of
789 this part.

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

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

796 (f) Accept any compensation, inducement, or reward from a
797 mold remediator or mold remediator's company for the referral of
798 any business to the mold remediator or the mold remediator's
799 company.

800 (g) Offer any compensation, inducement, or reward to a
801 mold remediator or mold remediator's company for the referral of
802 any business from the mold remediator or the mold remediator's
803 company.

804 (h) Accept an engagement to make an omission of the
805 assessment or conduct an assessment in which the assessment
806 itself, or the fee payable for the assessment, is contingent
807 upon the conclusions of the assessment.

808 (2) A mold remediator, a company that employs a mold
809 remediator, or a company that is controlled by a company that
810 also has a financial interest in a company employing a mold
811 remediator may not:

812 (a) Perform or offer to perform any mold remediation

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813 unless the remediator has documented training in water, mold,
814 and respiratory protection under s. 468.8414(2).

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

817 (c) Use the name or title "certified mold remediator,"
818 "registered mold remediator," "licensed mold remediator," "mold
819 remediator," "professional mold remediator," or any combination
820 thereof unless the person has complied with the provisions of
821 this part.

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

825 (e) Remediate for a fee any property in which the mold
826 remediator or the mold remediator's company has any financial or
827 transfer interest.

828 (f) Accept any compensation, inducement, or reward from a
829 mold assessor or mold assessor's company for the referral of any
830 business from the mold assessor or the mold assessor's company.

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

834 (3) Any person who violates any provision of this section
835 commits:

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

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

840 (c) A felony of the third degree for a third or subsequent

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841 violation, punishable as provided in s. 775.082, s. 775.083, or
842 s. 775.084.

843 (4) This section does not apply to unlicensed activity as
844 described in paragraph (1)(b), paragraph (1)(c), or s. 455.228
845 that occurs before July 1, 2011.

846 Section 26. Paragraph (j) is added to subsection (1) of
847 section 468.842, Florida Statutes, to read:

848 468.842 Disciplinary proceedings.—

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

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

853 Section 27. Subsection (1) of section 468.8421, Florida
854 Statutes, is amended to read:

855 468.8421 Insurance.—

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

860 Section 28. Section 468.8423, Florida Statutes, is amended
861 to read:

862 468.8423 Grandfather clause.—

863 (1) A person who performs mold assessment or mold
864 remediation as defined in this part may qualify for licensure ~~to~~
865 ~~be licensed~~ by the department as a mold assessor or mold
866 remediator if the person submits his or her application to the
867 department by March 1, 2011, whether postmarked or delivered by
868 that date, and if the person: ~~meets the licensure requirements~~

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869 ~~of this part by July 1, 2010.~~

870 (a) Is certified as a mold assessor or mold remediator by
871 a state or national association that requires, for such
872 certification, successful completion of a proctored examination
873 on mold assessment or mold remediation, as applicable, and
874 completes at least 60 hours of education on mold assessment or
875 at least 30 hours of education on mold remediation, as
876 applicable; or

877 (b) At the time of application, has at least 3 years of
878 experience as a mold assessor or mold remediator. To establish
879 the 3 years of experience, an applicant must submit at least 40
880 mold assessments or remediation invoices prepared by the
881 applicant.

882 (2) The department may investigate the validity of a mold
883 assessment or remediation invoice submitted under paragraph
884 (1)(b) and, if the applicant submits a false assessment or
885 invoice, may take disciplinary action against the applicant
886 under s. 468.842(1)(e) or (g).

887 (3) An applicant may not qualify for licensure under this
888 section if he or she has had a mold assessor or mold remediator
889 license or a license in any related field revoked at any time or
890 suspended within the previous 5 years or has been assessed a
891 fine that exceeds \$500 within the previous 5 years. For purposes
892 of this subsection, a license in a related field includes, but
893 is not limited to, licensure in real estate, construction, home
894 inspection, building code administration or inspection, or
895 indoor air quality.

896 (4) An applicant for licensure under this section must

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897 comply with the good moral character and insurance requirements
 898 of this part.

899 Section 29. Section 468.8424, Florida Statutes, is created
 900 to read:

901 468.8424 Rulemaking authority.—The department shall adopt
 902 rules to administer this part.

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

905 474.203 Exemptions.—This chapter shall not apply to:

906 (2) A person practicing as an intern or resident
 907 veterinarian who does not hold a valid license issued under this
 908 chapter and who is a graduate in training at a school or college
 909 of veterinary medicine located in this state and accredited by
 910 the American Veterinary Medical Association Council on Education
 911 or a school or college recognized by the American Veterinary
 912 Medical Association Commission for Foreign Veterinary Graduates.
 913 Such intern or resident must be a graduate of a school or
 914 college of veterinary medicine accredited by the American
 915 Veterinary Medical Association Council on Education or a school
 916 or college of veterinary medicine recognized by the Educational
 917 Commission for Foreign Veterinary Graduates of the American
 918 Veterinary Medical Association. This exemption expires when such
 919 intern or resident completes or is terminated from such
 920 training. Each school or college at which such intern or
 921 resident is in training shall, on July 1 of each year, provide
 922 the board with a written list of all such interns or residents
 923 designated for this exemption, and the school or college shall
 924 also notify the board of any additions or deletions to the list.

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925
 926 For the purposes of chapters 465 and 893, persons exempt
 927 pursuant to subsection (1), subsection (2), or subsection (4)
 928 are deemed to be duly licensed practitioners authorized by the
 929 laws of this state to prescribe drugs or medicinal supplies.

930 Section 31. Paragraph (a) of subsection (1) of section
 931 475.175, Florida Statutes, is amended to read:

932 475.175 Examinations.—

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

935 (a) Submits to the department the appropriate signed or
 936 electronically authenticated application, fingerprints, and fee,
 937 ~~and a fingerprint card~~. The fingerprints ~~fingerprint card~~ shall
 938 be forwarded to the Division of Criminal Justice Information
 939 Systems within the Department of Law Enforcement for purposes of
 940 processing the fingerprints ~~fingerprint card~~ to determine if the
 941 applicant has a criminal history record. The fingerprints
 942 ~~fingerprint card~~ shall also be forwarded to the Federal Bureau
 943 of Investigation for purposes of processing the fingerprints
 944 ~~fingerprint card~~ to determine if the applicant has a criminal
 945 history record. The information obtained by the processing of
 946 the fingerprints ~~fingerprint card~~ by the ~~Florida~~ Department of
 947 Law Enforcement and the Federal Bureau of Investigation shall be
 948 sent to the department for the purpose of determining if the
 949 applicant is statutorily qualified for examination. ~~Effective~~
 950 ~~July 1, 2006, an applicant shall provide fingerprints in~~
 951 ~~electronic format.~~

952 Section 32. Subsection (1) of section 475.613, Florida

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953 Statutes, is amended to read:

954 475.613 Florida Real Estate Appraisal Board.—

955 (1) There is created the Florida Real Estate Appraisal
 956 Board, which shall consist of seven members appointed by the
 957 Governor, subject to confirmation by the Senate. Four members of
 958 the board must be real estate appraisers who have been engaged
 959 in the general practice of appraising real property in this
 960 state for at least 5 years immediately preceding appointment. In
 961 appointing real estate appraisers to the board, while not
 962 excluding other appraisers, the Governor shall give preference
 963 to real estate appraisers who are not primarily engaged in real
 964 estate brokerage or mortgage lending activities. One member of
 965 the board must represent organizations that use appraisals for
 966 the purpose of eminent domain proceedings, financial
 967 transactions, or mortgage insurance. Two members of the board
 968 shall be representatives of the general public and shall not be
 969 connected in any way with the practice of real estate appraisal,
 970 ~~real estate brokerage, or mortgage lending.~~ The appraiser
 971 members shall be as representative of the entire industry as
 972 possible, and membership in a nationally recognized or state-
 973 recognized appraisal organization shall not be a prerequisite to
 974 membership on the board. To the extent possible, no more than
 975 two members of the board shall be primarily affiliated with any
 976 one particular national or state appraisal association. Two of
 977 the members must be licensed or certified residential real
 978 estate appraisers and two of the members must be certified
 979 general real estate appraisers at the time of their appointment.

980 (a) Members of the board shall be appointed for 4-year

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981 terms. Any vacancy occurring in the membership of the board
 982 shall be filled by appointment by the Governor for the unexpired
 983 term. Upon expiration of her or his term, a member of the board
 984 shall continue to hold office until the appointment and
 985 qualification of the member's successor. A member may not be
 986 appointed for more than two consecutive terms. The Governor may
 987 remove any member for cause.

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

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

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

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

996 Section 33. Subsections (4) through (8) of section
 997 477.019, Florida Statutes, are renumbered as subsections (3)
 998 through (7), respectively, and paragraph (c) of subsection (2)
 999 and present subsection (3) of that section are amended to read:

1000 477.019 Cosmetologists; qualifications; licensure;
 1001 supervised practice; license renewal; endorsement; continuing
 1002 education.—

1003 (2) An applicant shall be eligible for licensure by
 1004 examination to practice cosmetology if the applicant:

1005 (c)1. Is authorized to practice cosmetology in another
 1006 state or country, has been so authorized for at least 1 year,
 1007 and does not qualify for licensure by endorsement as provided
 1008 for in subsection (5) ~~(6)~~; or

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- 1009 2. Has received a minimum of 1,200 hours of training as
 1010 established by the board, which shall include, but shall not be
 1011 limited to, the equivalent of completion of services directly
 1012 related to the practice of cosmetology at one of the following:
- 1013 a. A school of cosmetology licensed pursuant to chapter
 - 1014 1005.
 - 1015 b. A cosmetology program within the public school system.
 - 1016 c. The Cosmetology Division of the Florida School for the
 - 1017 Deaf and the Blind, provided the division meets the standards of
 - 1018 this chapter.
 - 1019 d. A government-operated cosmetology program in this
 - 1020 state.

1021

1022 The board shall establish by rule procedures whereby the school
 1023 or program may certify that a person is qualified to take the
 1024 required examination after the completion of a minimum of 1,000
 1025 actual school hours. If the person then passes the examination,
 1026 he or she shall have satisfied this requirement; but if the
 1027 person fails the examination, he or she shall not be qualified
 1028 to take the examination again until the completion of the full
 1029 requirements provided by this section.

1030 ~~(3) An application for the licensure examination for any~~
 1031 ~~license under this section may be submitted for examination~~
 1032 ~~approval in the last 100 hours of training by a pregraduate of a~~
 1033 ~~licensed cosmetology school or a program within the public~~
 1034 ~~school system, which school or program is certified by the~~
 1035 ~~Department of Education with fees as required in paragraph~~
 1036 ~~(2) (b). Upon approval, the applicant may schedule the~~

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1037 ~~examination on a date when the training hours are completed. An~~
 1038 ~~applicant shall have 6 months from the date of approval to take~~
 1039 ~~the examination. After the 6 months have passed, if the~~
 1040 ~~applicant failed to take the examination, the applicant must~~
 1041 ~~reapply. The board shall establish by rule the procedures for~~
 1042 ~~the pregraduate application process.~~

1043 Section 34. Subsection (4) of section 509.211, Florida
 1044 Statutes, is amended to read:

1045 509.211 Safety regulations.—

1046 (4) Every enclosed space or room that contains a boiler
 1047 regulated under chapter 554 which is fired by the direct
 1048 application of energy from the combustion of fuels and that is
 1049 located in any portion of a public lodging establishment that
 1050 also contains sleeping rooms shall be equipped with one or more
 1051 carbon monoxide sensor devices that bear the label of a
 1052 nationally recognized testing laboratory and have been tested
 1053 and listed as complying with the most recent Underwriters
 1054 Laboratories, Inc., Standard 2034, or its equivalent, unless it
 1055 is determined that carbon monoxide hazards have otherwise been
 1056 adequately mitigated as determined by the Division of State Fire
 1057 Marshal of the Department of Financial Services. Such devices
 1058 shall be integrated with the public lodging establishment's fire
 1059 detection system. Any such installation or determination shall
 1060 be made in accordance with rules adopted by the Division of
 1061 State Fire Marshal.

1062 Section 35. Section 548.076, Florida Statutes, is created
 1063 to read:

1064 548.076 Cease and desist notices.—When the department has

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1065 probable cause to believe that any person not licensed by the
 1066 commission has violated any provision of this chapter, or any
 1067 rule adopted pursuant thereto, the department may issue and
 1068 deliver to such person a notice to cease and desist from such
 1069 violation. The department shall issue and enforce such cease and
 1070 desist notices in accordance with s. 455.228.

1071 Section 36. Subsection (1) of section 561.17, Florida
 1072 Statutes, is amended to read:

1073 561.17 License and registration applications; approved
 1074 person.—

1075 (1) Any person, before engaging in the business of
 1076 manufacturing, bottling, distributing, selling, or in any way
 1077 dealing in alcoholic beverages, shall file, with the district
 1078 licensing personnel of the district of the division in which the
 1079 place of business for which a license is sought is located, a
 1080 sworn application in the format prescribed ~~duplicate on forms~~
 1081 ~~provided to the district licensing personnel~~ by the division.
 1082 The applicant must be a legal or business entity, person, or
 1083 persons and must include all persons, officers, shareholders,
 1084 and directors of such legal or business entity that have a
 1085 direct or indirect interest in the business seeking to be
 1086 licensed under this part. However, the applicant does not
 1087 include any person that derives revenue from the license solely
 1088 through a contractual relationship with the licensee, the
 1089 substance of which contractual relationship is not related to
 1090 the control of the sale of alcoholic beverages. Before ~~Prior to~~
 1091 any application is being approved, the division may require the
 1092 applicant to file a set of fingerprints on regular United States

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1093 Department of Justice forms for herself or himself and for any
 1094 person or persons interested directly or indirectly with the
 1095 applicant in the business for which the license is being sought,
 1096 when ~~se~~ required by the division. If the applicant or any person
 1097 who is interested with the applicant either directly or
 1098 indirectly in the business or who has a security interest in the
 1099 license being sought or has a right to a percentage payment from
 1100 the proceeds of the business, either by lease or otherwise, is
 1101 not qualified, the division shall deny the application ~~shall be~~
 1102 ~~denied by the division~~. However, any company regularly traded on
 1103 a national securities exchange and not over the counter; any
 1104 insurer, as defined in the Florida Insurance Code; or any bank
 1105 or savings and loan association chartered by this state, another
 1106 state, or the United States which has an interest, directly or
 1107 indirectly, in an alcoholic beverage license is ~~shall~~ not ~~be~~
 1108 required to obtain the division's ~~division~~ approval of its
 1109 officers, directors, or stockholders or any change of such
 1110 positions or interests. A shopping center with five or more
 1111 stores, one or more of which has an alcoholic beverage license
 1112 and is required under a lease common to all shopping center
 1113 tenants to pay no more than 10 percent of the gross proceeds of
 1114 the business holding the license to the shopping center, is
 1115 ~~shall~~ not ~~be~~ considered as having an interest, directly or
 1116 indirectly, in the license.

1117 Section 37. Paragraph (k) is added to subsection (2) of
 1118 section 561.20, Florida Statutes, to read:

1119 561.20 Limitation upon number of licenses issued.—
 1120 (2)

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1121 (k)1. In addition to any special licenses issued under the
 1122 Beverage Law, the division may issue a special license for
 1123 consumption on the premises only to a movie theater that has at
 1124 least five operating screens, which show first-run feature films
 1125 that open on the scheduled national release dates, and that:

1126 a. Holds a seating license issued by the Division of
 1127 Hotels and Restaurants under chapter 509.

1128 b. Derives at least 51 percent of its gross revenues from
 1129 the sale of theater tickets, food, and nonalcoholic beverages.

1130 c. Prepares on premises and serves full course and
 1131 multicourse meals, including appetizers, entrees with side
 1132 dishes, and desserts, but that does not include prepackaged
 1133 meals that are heated and served, to at least 200 patrons in
 1134 seats at tables, seats equipped with a tray or table top, or
 1135 seats at a food service counter, each of which must accommodate
 1136 a full course or multicourse meal for a seat to be counted.

1137 d. Offers food service at all times when alcoholic
 1138 beverages are offered for sale.

1139 2. Notwithstanding any other law, a licensee under this
 1140 paragraph may only sell or serve alcoholic beverages for
 1141 consumption on premises in areas designated for the service of
 1142 such full course or multicourse meals, and at such seats, as
 1143 described in sub-subparagraph 1.c.

1144 3. The sale of alcoholic beverages may not occur during
 1145 any day more than 1 hour before the start of the first show and
 1146 more than 1 hour after the end of the final show.

1147 4. Regardless of the counties in which a licensee operates
 1148 under this paragraph, the licensee must pay the annual state

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1149 license tax set forth in s. 565.02(1)(b).

1150 5. A licensee under this paragraph must keep all records
 1151 required by the department by rule for 3 years.

1152 Section 38. Paragraph (a) of subsection (3) of section
 1153 561.32, Florida Statutes, is amended to read:

1154 561.32 Transfer of licenses; change of officers or
 1155 directors; transfer of interest.—

1156 (3)(a) Before the issuance of any transfer of license
 1157 herein provided, the transferee shall pay a transfer fee of 10
 1158 percent of the annual license tax to the division, except for
 1159 those licenses issued pursuant to s. 565.02(1) and subject to
 1160 the limitation imposed in s. 561.20(1), for which the transfer
 1161 fee shall be assessed on the average annual value of gross sales
 1162 of alcoholic beverages for the 3 years immediately preceding
 1163 transfer and levied at the rate of 4 mills, except that such
 1164 transfer fee shall not exceed \$5,000; in lieu of the 4-mill
 1165 assessment, the transferor may elect to pay \$5,000. ~~Further, the~~
 1166 ~~maximum fee shall be applied with respect to any such license~~
 1167 ~~which has been inactive for the 3-year period.~~ Records
 1168 establishing the value of such gross sales shall accompany the
 1169 application for transfer of the license, and falsification of
 1170 such records shall be punishable as provided in s. 562.45. All
 1171 transfer fees collected by the division on the transfer of
 1172 licenses issued pursuant to s. 565.02(1) and subject to the
 1173 limitation imposed in s. 561.20(1) shall be returned by the
 1174 division to the municipality in which such transferred license
 1175 is operated or, if operated in the unincorporated area of the
 1176 county, to the county in which such transferred license is

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1177 operated.

1178 Section 39. For the purpose of incorporating the amendment
 1179 made by this act to section 455.227, Florida Statutes, in a
 1180 reference thereto, paragraph (a) of subsection (2) of section
 1181 468.436, Florida Statutes, is reenacted to read:

1182 468.436 Disciplinary proceedings.—

1183 (2) The following acts constitute grounds for which the
 1184 disciplinary actions in subsection (4) may be taken:

1185 (a) Violation of any provision of s. 455.227(1).

1186 Section 40. For the purpose of incorporating the amendment
 1187 made by this act to section 455.227, Florida Statutes, in a
 1188 reference thereto, paragraph (a) of subsection (1) of section
 1189 468.832, Florida Statutes, is reenacted to read:

1190 468.832 Disciplinary proceedings.—

1191 (1) The following acts constitute grounds for which the
 1192 disciplinary actions in subsection (2) may be taken:

1193 (a) Violation of any provision of this part or s.
 1194 455.227(1);

1195 Section 41. For the purpose of incorporating the amendment
 1196 made by this act to section 455.227, Florida Statutes, in a
 1197 reference thereto, paragraph (a) of subsection (1) of section
 1198 468.842, Florida Statutes, is reenacted to read:

1199 468.842 Disciplinary proceedings.—

1200 (1) The following acts constitute grounds for which the
 1201 disciplinary actions in subsection (2) may be taken:

1202 (a) Violation of any provision of this part or s.
 1203 455.227(1);

1204 Section 42. For the purpose of incorporating the amendment

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1205 made by this act to section 455.227, Florida Statutes, in a
 1206 reference thereto, paragraph (a) of subsection (1) of section
 1207 471.033, Florida Statutes, is reenacted to read:

1208 471.033 Disciplinary proceedings.—

1209 (1) The following acts constitute grounds for which the
 1210 disciplinary actions in subsection (3) may be taken:

1211 (a) Violating any provision of s. 455.227(1), s. 471.025,
 1212 or s. 471.031, or any other provision of this chapter or rule of
 1213 the board or department.

1214 Section 43. For the purpose of incorporating the amendment
 1215 made by this act to section 455.227, Florida Statutes, in a
 1216 reference thereto, paragraph (a) of subsection (1) of section
 1217 473.323, Florida Statutes, is reenacted to read:

1218 473.323 Disciplinary proceedings.—

1219 (1) The following acts constitute grounds for which the
 1220 disciplinary actions in subsection (3) may be taken:

1221 (a) Violation of any provision of s. 455.227(1) or any
 1222 other provision of this chapter.

1223 Section 44. For the purpose of incorporating the amendment
 1224 made by this act to section 455.227, Florida Statutes, in a
 1225 reference thereto, paragraph (a) of subsection (1) of section
 1226 475.25, Florida Statutes, is reenacted to read:

1227 475.25 Discipline.—

1228 (1) The commission may deny an application for licensure,
 1229 registration, or permit, or renewal thereof; may place a
 1230 licensee, registrant, or permittee on probation; may suspend a
 1231 license, registration, or permit for a period not exceeding 10
 1232 years; may revoke a license, registration, or permit; may impose

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1233 an administrative fine not to exceed \$5,000 for each count or
 1234 separate offense; and may issue a reprimand, and any or all of
 1235 the foregoing, if it finds that the licensee, registrant,
 1236 permittee, or applicant:

1237 (a) Has violated any provision of s. 455.227(1) or s.
 1238 475.42. However, licensees under this part are exempt from the
 1239 provisions of s. 455.227(1)(i).

1240 Section 45. 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 475.624, Florida
 1243 Statutes, is reenacted to read:

1244 475.624 Discipline.—The board may deny an application for
 1245 registration or certification; may investigate the actions of
 1246 any appraiser registered, licensed, or certified under this
 1247 part; may reprimand or impose an administrative fine not to
 1248 exceed \$5,000 for each count or separate offense against any
 1249 such appraiser; and may revoke or suspend, for a period not to
 1250 exceed 10 years, the registration, license, or certification of
 1251 any such appraiser, or place any such appraiser on probation, if
 1252 it finds that the registered trainee, licensee, or
 1253 certificateholder:

1254 (1) Has violated any provisions of this part or s.
 1255 455.227(1); however, certificateholders, registrants, and
 1256 licensees under this part are exempt from the provisions of s.
 1257 455.227(1)(i).

1258 Section 46. For the purpose of incorporating the amendment
 1259 made by this act to section 455.227, Florida Statutes, in a
 1260 reference thereto, paragraph (h) of subsection (1) of section

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1261 476.204, Florida Statutes, is reenacted to read:

1262 476.204 Penalties.—

1263 (1) It is unlawful for any person to:

1264 (h) Violate any provision of s. 455.227(1), s. 476.194, or
 1265 s. 476.214.

1266 Section 47. For the purpose of incorporating the amendment
 1267 made by this act to section 455.227, Florida Statutes, in a
 1268 reference thereto, paragraph (h) of subsection (1) of section
 1269 477.029, Florida Statutes, is reenacted to read:

1270 477.029 Penalty.—

1271 (1) It is unlawful for any person to:

1272 (h) Violate any provision of s. 455.227(1), s. 477.0265,
 1273 or s. 477.028.

1274 Section 48. For the purpose of incorporating the amendment
 1275 made by this act to section 455.227, Florida Statutes, in a
 1276 reference thereto, paragraph (a) of subsection (1) of section
 1277 481.225, Florida Statutes, is reenacted to read:

1278 481.225 Disciplinary proceedings against registered
 1279 architects.—

1280 (1) The following acts constitute grounds for which the
 1281 disciplinary actions in subsection (3) may be taken:

1282 (a) Violating any provision of s. 455.227(1), s. 481.221,
 1283 or s. 481.223, or any rule of the board or department lawfully
 1284 adopted pursuant to this part or chapter 455.

1285 Section 49. For the purpose of incorporating the amendment
 1286 made by this act to section 455.227, Florida Statutes, in a
 1287 reference thereto, paragraph (a) of subsection (1) of section
 1288 481.325, Florida Statutes, is reenacted to read:

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1289 481.325 Disciplinary proceedings.—

1290 (1) The following acts constitute grounds for which the
 1291 disciplinary actions in subsection (3) may be taken:

1292 (a) Violation of any provision of s. 455.227(1), s.
 1293 481.321, or s. 481.323.

1294 Section 50. For the purpose of incorporating the amendment
 1295 made by this act to section 468.832, Florida Statutes, in a
 1296 reference thereto, subsection (2) of section 468.8314, Florida
 1297 Statutes, is reenacted to read:

1298 468.8314 Licensure.—

1299 (2) The department shall certify for licensure any
 1300 applicant who satisfies the requirements of s. 468.8313 and who
 1301 has passed the licensing examination. The department may refuse
 1302 to certify any applicant who has violated any of the provisions
 1303 of s. 468.832.

1304 Section 51. This act shall take effect July 1, 2010.