

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. 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

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; delaying implementation of certain prohibited
44 acts; exempting from punishment certain unlicensed
45 activity occurring before a specified date; amending s.
46 468.832, F.S.; providing an additional ground for
47 discipline of licensed home inspectors; amending s.
48 468.8324, F.S.; extending the time for licensure of home
49 inspectors under certain grandfather provisions; revising
50 the licensing criteria for such provisions; authorizing
51 the department to investigate the validity of home
52 inspection reports submitted for licensure under the
53 grandfather provisions; providing penalties for the
54 submission of false reports; creating s. 468.8325, F.S.;
55 requiring the department to adopt rules; amending s.
56 468.84, F.S.; creating the mold-related services licensing

57 | program within the department; amending s. 468.8412, F.S.;
58 | deleting limits on fees for certificates of authorization
59 | to conform to changes made by the act; amending s.
60 | 468.8413, F.S.; requiring mold assessor and mold
61 | remediator license applicants to satisfy certain
62 | examination requirements before application for licensure;
63 | revising the educational requirements for licensure as a
64 | mold assessor or mold remediator; requiring criminal
65 | history checks and fees; amending s. 468.8414, F.S.;
66 | specifying that certain insurance coverage is required for
67 | licensure by endorsement; amending s. 468.8418, F.S.;
68 | deleting requirements for certificates of authorization
69 | for corporations or partnerships offering mold-related
70 | services; amending s. 468.8419, F.S.; revising prohibited
71 | acts by mold assessors and certain companies employing
72 | mold assessors or controlled by such companies; delaying
73 | implementation of certain prohibited acts; exempting from
74 | punishment certain unlicensed activity occurring before a
75 | specified date; amending s. 468.842, F.S.; providing an
76 | additional ground for discipline of licensed mold
77 | assessors and mold remediators; amending s. 468.8421,
78 | F.S.; revising insurance coverage requirements for mold
79 | assessors; amending s. 468.8423, F.S.; extending the time
80 | for licensure of mold assessors and mold remediators under
81 | certain grandfather provisions; revising the licensing
82 | criteria for such provisions; authorizing the department
83 | to investigate the validity of mold assessments and
84 | remediation invoices submitted for licensure under the

85 grandfather provisions; providing penalties for the
86 submission of false assessments or invoices; creating s.
87 468.8424, F.S.; requiring the department to adopt rules;
88 amending s. 474.203, F.S.; revising an exemption from
89 regulation of intern or resident veterinarians; amending
90 s. 475.02, F.S.; authorizing certain members of the
91 Florida Real Estate Commission to offer, conduct, and
92 teach courses prescribed or approved by the commission or
93 the department; amending s. 475.175, F.S.; revising the
94 application and fingerprint requirements for real estate
95 broker and sales associate licenses; deleting a
96 requirement that license applicants provide fingerprints
97 in an electronic format; amending s. 475.613, F.S.;
98 revising qualifications of members of the Florida Real
99 Estate Appraisal Board; authorizing certain board members
100 to offer, conduct, and teach courses prescribed or
101 approved by the board or the department; amending s.
102 477.019, F.S.; deleting time limits for cosmetology
103 license applicants to take the licensure examination;
104 conforming a cross-reference; amending s. 509.211, F.S.;
105 assigning responsibility for the regulation of carbon
106 monoxide hazards in certain public lodging establishments
107 to the Division of State Fire Marshal of the Department of
108 Financial Services; creating s. 548.076, F.S.; authorizing
109 the Department of Business and Professional Regulation to
110 issue and enforce notices to cease and desist from
111 violations of provisions regulating pugilistic
112 exhibitions; providing penalties; amending s. 561.17,

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

129
 130 Be It Enacted by the Legislature of the State of Florida:
 131

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

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

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

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

CS/HB 713

2010

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

CS/HB 713

2010

169 1. Florida Real Estate Appraisal Board, created under part
170 II of chapter 475.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

223 2. Proof that the applicant holds a valid license for the
 224 profession issued by another state, the District of Columbia,

225 any possession or territory of the United States, or any foreign
226 jurisdiction.

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

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

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

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

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

251 455.213 General licensing provisions.—

252 (2) Before the issuance of any license, the department may

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

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

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

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

278 (a) The department, acting in conjunction with the
 279 Division of Service Operations, the Division of Professions, and
 280 the Division of Real Estate, as appropriate, shall ensure that

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

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

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

CS/HB 713

2010

309 | by law, the board may conduct such exercise. Therefore, board
310 | members may serve as examiners at a practical examination with
311 | the consent of the board.

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

334 | (e) The department shall adopt rules regarding the
335 | security and monitoring of examinations. In order to maintain
336 | the security of examinations, the department may employ the

337 | procedures set forth in s. 455.228 to seek fines and injunctive
338 | relief against an examinee who violates the provisions of s.
339 | 455.2175 or the rules adopted pursuant to this paragraph. The
340 | department, or any agent thereof, may, for the purposes of
341 | investigation, confiscate any written, photographic, or
342 | recording material or device in the possession of the examinee
343 | at the examination site which the department deems necessary to
344 | enforce such provisions or rules.

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

365 other portion.

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

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

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

391 Section 8. Paragraph (c) of subsection (1) of section
 392 455.227, Florida Statutes, is amended to read:

393 455.227 Grounds for discipline; penalties; enforcement.—

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

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

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

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

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

CS/HB 713

2010

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

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

432 455.274 Publication of legal advertisements and notices.-

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

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

448 (3) Notwithstanding s. 120.60(5), when the department is

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

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

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

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

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

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

472 468.8311 Definitions.—As used in this part, the term:

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

477 interior components, exterior components, and site conditions
 478 that affect the structure, for the purposes of providing a
 479 written professional opinion of the condition of the home.

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

484 468.8312 Fees.—

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

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

490 468.8313 Examinations.—

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

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

505 (5)

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

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

521 468.8318 Certification of corporations and partnerships.—

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

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

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

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

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

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

561 ~~inspector.~~

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

564 468.8319 Prohibitions; penalties.—

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

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

572 (b) Effective July 1, 2011, use the name or title
573 "certified home inspector," "registered home inspector,"
574 "licensed home inspector," "home inspector," "professional home
575 inspector," or any combination thereof unless the person has
576 complied with the provisions of this part;

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

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

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

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

588 (g) Inspect ~~for a fee~~ any property in which the inspector

589 or the inspector's company has any financial or transfer
 590 interest;

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

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

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

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

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

607 468.832 Disciplinary proceedings.—

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

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

612 Section 18. Section 468.8324, Florida Statutes, is amended
 613 to read:

614 468.8324 Grandfather clause.—

615 (1) A person who performs home inspection services as
 616 defined in this part may qualify for licensure ~~to be licensed~~ by

CS/HB 713

2010

617 the department as a home inspector if the person submits his or
618 her application to the department by March 1, 2011, whether
619 postmarked or delivered by that date, and if the person: ~~meets~~
620 the licensure requirements of this part by July 1, 2010.

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

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

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

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

643 (4) An applicant for licensure under this section must
644 comply with the criminal history, good moral character, and

645 insurance requirements of this part.

646 Section 19. Section 468.8325, Florida Statutes, is created
647 to read:

648 468.8325 Rulemaking authority.—The department shall adopt
649 rules to administer this part.

650 Section 20. Section 468.84, Florida Statutes, is amended
651 to read:

652 468.84 Mold-related services licensing program;
653 legislative purpose.—

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

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

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

666 468.8412 Fees.—

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

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

672 468.8413 Examinations.—

673 (1) A person desiring to be licensed as a mold assessor or
674 mold remediator must ~~shall~~ apply to the department after
675 satisfying the examination requirements of this part ~~to take a~~
676 ~~licensure examination.~~

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

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

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

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

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

701 (4)
 702 (d) An initial applicant must submit a complete set of his
 703 or her fingerprints to the Department of Law Enforcement for a
 704 statewide criminal history check. The Department of Law
 705 Enforcement shall forward the fingerprints to the Federal Bureau
 706 of Investigation for a national criminal history check. The
 707 department shall review the results of the criminal history
 708 checks according to the level 2 screening standards in s. 435.04
 709 and determine whether the applicant meets the licensure
 710 requirements. The costs of fingerprint processing shall be borne
 711 by the applicant. If the applicant's fingerprints are submitted
 712 through an authorized agency or vendor, the agency or vendor
 713 shall collect the required processing fees and remit the fees to
 714 the Department of Law Enforcement.

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

717 468.8414 Licensure.—

718 (3) The department shall certify as qualified for a
 719 license by endorsement an applicant who is of good moral
 720 character, who has the insurance coverage required under s.
 721 468.8421, and who:

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

728 (b) Holds a valid license to practice mold assessment or

CS/HB 713

2010

729 mold remediation issued by another state or territory of the
 730 United States if the criteria for issuance of the license were
 731 substantially the same as the licensure criteria that is
 732 established by this part as determined by the department.

733 Section 24. Section 468.8418, Florida Statutes, is amended
 734 to read:

735 468.8418 Certification of partnerships and corporations.-

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

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

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

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

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

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

775 Section 25. Section 468.8419, Florida Statutes, is amended
 776 to read:

777 468.8419 Prohibitions; penalties.—

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

782 (a) Effective July 1, 2011, perform or offer to perform
 783 any mold assessment unless the mold assessor has documented
 784 training in water, mold, and respiratory protection under s.

785 468.8414(2).

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

789 (c) Use the name or title "certified mold assessor,"
 790 "registered mold assessor," "licensed mold assessor," "mold
 791 assessor," "professional mold assessor," or any combination
 792 thereof unless the person has complied with the provisions of
 793 this part.

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

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

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

804 (g) Offer any compensation, inducement, or reward to a
 805 mold remediator or mold remediator's company for the referral of
 806 any business from the mold remediator or the mold remediator's
 807 company.

808 (h) Accept an engagement to make an omission of the
 809 assessment or conduct an assessment in which the assessment
 810 itself, or the fee payable for the assessment, is contingent
 811 upon the conclusions of the assessment.

812 (2) A mold remediator, a company that employs a mold

813 remediator, or a company that is controlled by a company that
 814 also has a financial interest in a company employing a mold
 815 remediator may not:

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

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

821 (c) Use the name or title "certified mold remediator,"
 822 "registered mold remediator," "licensed mold remediator," "mold
 823 remediator," "professional mold remediator," or any combination
 824 thereof unless the person has complied with the provisions of
 825 this part.

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

829 (e) Remediate for a fee any property in which the mold
 830 remediator or the mold remediator's company has any financial or
 831 transfer interest.

832 (f) Accept any compensation, inducement, or reward from a
 833 mold assessor or mold assessor's company for the referral of any
 834 business from the mold assessor or the mold assessor's company.

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

838 (3) Any person who violates any provision of this section
 839 commits:

840 (a) A misdemeanor of the second degree for a first

CS/HB 713

2010

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

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

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

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

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

852 468.842 Disciplinary proceedings.—

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

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

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

859 468.8421 Insurance.—

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

864 Section 28. Section 468.8423, Florida Statutes, is amended
865 to read:

866 468.8423 Grandfather clause.—

867 (1) A person who performs mold assessment or mold
868 remediation as defined in this part may qualify for licensure ~~to~~

869 ~~be licensed~~ by the department as a mold assessor or mold
870 remediator if the person submits his or her application to the
871 department by March 1, 2011, whether postmarked or delivered by
872 that date, and if the person: ~~meets the licensure requirements~~
873 of this part by July 1, 2010.

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

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

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

891 (3) An applicant may not qualify for licensure under this
892 section if he or she has had a mold assessor or mold remediator
893 license or a license in any related field revoked at any time or
894 suspended within the previous 5 years or has been assessed a
895 fine that exceeds \$500 within the previous 5 years. For purposes
896 of this subsection, a license in a related field includes, but

CS/HB 713

2010

897 is not limited to, licensure in real estate, construction, home
 898 inspection, building code administration or inspection, or
 899 indoor air quality.

900 (4) An applicant for licensure under this section must
 901 comply with the good moral character and insurance requirements
 902 of this part.

903 Section 29. Section 468.8424, Florida Statutes, is created
 904 to read:

905 468.8424 Rulemaking authority.—The department shall adopt
 906 rules to administer this part.

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

909 474.203 Exemptions.—This chapter shall not apply to:

910 (2) A person practicing as an intern or resident
 911 veterinarian who does not hold a valid license issued under this
 912 chapter and who is a graduate in training at a school or college
 913 of veterinary medicine located in this state and accredited by
 914 the American Veterinary Medical Association Council on Education
 915 or a school or college recognized by the American Veterinary
 916 Medical Association Commission for Foreign Veterinary Graduates.
 917 Such intern or resident must be a graduate of a school or
 918 college of veterinary medicine accredited by the American
 919 Veterinary Medical Association Council on Education or a school
 920 or college of veterinary medicine recognized by the Educational
 921 Commission for Foreign Veterinary Graduates of the American
 922 Veterinary Medical Association. This exemption expires when such
 923 intern or resident completes or is terminated from such
 924 training. Each school or college at which such intern or

CS/HB 713

2010

925 resident is in training shall, on July 1 of each year, provide
 926 the board with a written list of all such interns or residents
 927 designated for this exemption, and the school or college shall
 928 also notify the board of any additions or deletions to the list.

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

934 Section 31. Section 475.02, Florida Statutes, is amended
 935 to read:

936 475.02 Florida Real Estate Commission.—

937 (1) There is created within the department the Florida
 938 Real Estate Commission. The commission shall consist of seven
 939 members who shall be appointed by the Governor, subject to
 940 confirmation by the Senate. Four members must be licensed
 941 brokers, each of whom has held an active license for the 5 years
 942 preceding appointment; one member must be a licensed broker or a
 943 licensed sales associate who has held an active license for the
 944 2 years preceding appointment; and two members must be persons
 945 who are not, and have never been, brokers or sales associates.
 946 At least one member of the commission must be 60 years of age or
 947 older. The current members may complete their present terms
 948 unless removed for cause.

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

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

953 chief administrator permit, school instructor permit, or any
 954 combination of such permits issued by the department, to the
 955 extent authorized pursuant to such permit, may offer, conduct,
 956 or teach any course prescribed or approved by the commission or
 957 the department.

958 Section 32. Paragraph (a) of subsection (1) of section
 959 475.175, Florida Statutes, is amended to read:

960 475.175 Examinations.—

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

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

980 Section 33. Section 475.613, Florida Statutes, is amended

981 to read:

982 475.613 Florida Real Estate Appraisal Board.—

983 (1) There is created the Florida Real Estate Appraisal
 984 Board, which shall consist of seven members appointed by the
 985 Governor, subject to confirmation by the Senate. Four members of
 986 the board must be real estate appraisers who have been engaged
 987 in the general practice of appraising real property in this
 988 state for at least 5 years immediately preceding appointment. In
 989 appointing real estate appraisers to the board, while not
 990 excluding other appraisers, the Governor shall give preference
 991 to real estate appraisers who are not primarily engaged in real
 992 estate brokerage or mortgage lending activities. One member of
 993 the board must represent organizations that use appraisals for
 994 the purpose of eminent domain proceedings, financial
 995 transactions, or mortgage insurance. Two members of the board
 996 shall be representatives of the general public and shall not be
 997 connected in any way with the practice of real estate appraisal,
 998 ~~real estate brokerage, or mortgage lending.~~ The appraiser
 999 members shall be as representative of the entire industry as
 1000 possible, and membership in a nationally recognized or state-
 1001 recognized appraisal organization shall not be a prerequisite to
 1002 membership on the board. To the extent possible, no more than
 1003 two members of the board shall be primarily affiliated with any
 1004 one particular national or state appraisal association. Two of
 1005 the members must be licensed or certified residential real
 1006 estate appraisers and two of the members must be certified
 1007 general real estate appraisers at the time of their appointment.

1008 (a) Members of the board shall be appointed for 4-year

1009 terms. Any vacancy occurring in the membership of the board
 1010 shall be filled by appointment by the Governor for the unexpired
 1011 term. Upon expiration of her or his term, a member of the board
 1012 shall continue to hold office until the appointment and
 1013 qualification of the member's successor. A member may not be
 1014 appointed for more than two consecutive terms. The Governor may
 1015 remove any member for cause.

1016 (b) The headquarters for the board shall be in Orlando.

1017 (c) The board shall meet at least once each calendar
 1018 quarter to conduct its business.

1019 (d) The members of the board shall elect a chairperson at
 1020 the first meeting each year.

1021 (e) Each member of the board is entitled to per diem and
 1022 travel expenses as set by legislative appropriation for each day
 1023 that the member engages in the business of the board.

1024 (2) The board shall have, through its rules, full power to
 1025 regulate the issuance of licenses, certifications,
 1026 registrations, and permits; to discipline appraisers in any
 1027 manner permitted under this section; to establish qualifications
 1028 for licenses, certifications, registrations, and permits
 1029 consistent with this section; to regulate approved courses; to
 1030 establish standards for real estate appraisals; and to establish
 1031 standards for and regulate supervisory appraisers.

1032 (3) Notwithstanding s. 112.313, any member of the board
 1033 who is a licensed or certified real estate appraiser and who
 1034 holds an active appraiser instructor permit issued by the
 1035 department, to the extent authorized pursuant to such permit,
 1036 may offer, conduct, or teach any course prescribed or approved

1037 by the board or the department.

1038 Section 34. Subsections (4) through (8) of section
 1039 477.019, Florida Statutes, are renumbered as subsections (3)
 1040 through (7), respectively, and paragraph (c) of subsection (2)
 1041 and present subsection (3) of that section are amended to read:

1042 477.019 Cosmetologists; qualifications; licensure;
 1043 supervised practice; license renewal; endorsement; continuing
 1044 education.—

1045 (2) An applicant shall be eligible for licensure by
 1046 examination to practice cosmetology if the applicant:

1047 (c)1. Is authorized to practice cosmetology in another
 1048 state or country, has been so authorized for at least 1 year,
 1049 and does not qualify for licensure by endorsement as provided
 1050 for in subsection (5) ~~(6)~~; or

1051 2. Has received a minimum of 1,200 hours of training as
 1052 established by the board, which shall include, but shall not be
 1053 limited to, the equivalent of completion of services directly
 1054 related to the practice of cosmetology at one of the following:

1055 a. A school of cosmetology licensed pursuant to chapter
 1056 1005.

1057 b. A cosmetology program within the public school system.

1058 c. The Cosmetology Division of the Florida School for the
 1059 Deaf and the Blind, provided the division meets the standards of
 1060 this chapter.

1061 d. A government-operated cosmetology program in this
 1062 state.

1063
 1064 The board shall establish by rule procedures whereby the school

1065 or program may certify that a person is qualified to take the
 1066 required examination after the completion of a minimum of 1,000
 1067 actual school hours. If the person then passes the examination,
 1068 he or she shall have satisfied this requirement; but if the
 1069 person fails the examination, he or she shall not be qualified
 1070 to take the examination again until the completion of the full
 1071 requirements provided by this section.

1072 ~~(3) An application for the licensure examination for any~~
 1073 ~~license under this section may be submitted for examination~~
 1074 ~~approval in the last 100 hours of training by a pregraduate of a~~
 1075 ~~licensed cosmetology school or a program within the public~~
 1076 ~~school system, which school or program is certified by the~~
 1077 ~~Department of Education with fees as required in paragraph~~
 1078 ~~(2) (b). Upon approval, the applicant may schedule the~~
 1079 ~~examination on a date when the training hours are completed. An~~
 1080 ~~applicant shall have 6 months from the date of approval to take~~
 1081 ~~the examination. After the 6 months have passed, if the~~
 1082 ~~applicant failed to take the examination, the applicant must~~
 1083 ~~reapply. The board shall establish by rule the procedures for~~
 1084 ~~the pregraduate application process.~~

1085 Section 35. Subsection (4) of section 509.211, Florida
 1086 Statutes, is amended to read:

1087 509.211 Safety regulations.—

1088 (4) Every enclosed space or room that contains a boiler
 1089 regulated under chapter 554 which is fired by the direct
 1090 application of energy from the combustion of fuels and that is
 1091 located in any portion of a public lodging establishment that
 1092 also contains sleeping rooms shall be equipped with one or more

1093 carbon monoxide sensor devices that bear the label of a
 1094 nationally recognized testing laboratory and have been tested
 1095 and listed as complying with the most recent Underwriters
 1096 Laboratories, Inc., Standard 2034, or its equivalent, unless it
 1097 is determined that carbon monoxide hazards have otherwise been
 1098 adequately mitigated as determined by the Division of State Fire
 1099 Marshal of the Department of Financial Services. Such devices
 1100 shall be integrated with the public lodging establishment's fire
 1101 detection system. Any such installation or determination shall
 1102 be made in accordance with rules adopted by the Division of
 1103 State Fire Marshal.

1104 Section 36. Section 548.076, Florida Statutes, is created
 1105 to read:

1106 548.076 Cease and desist notices.—When the department has
 1107 probable cause to believe that any person not licensed by the
 1108 commission has violated any provision of this chapter, or any
 1109 rule adopted pursuant thereto, the department may issue and
 1110 deliver to such person a notice to cease and desist from such
 1111 violation. The department shall issue and enforce such cease and
 1112 desist notices in accordance with s. 455.228.

1113 Section 37. Subsection (1) of section 561.17, Florida
 1114 Statutes, is amended to read:

1115 561.17 License and registration applications; approved
 1116 person.—

1117 (1) Any person, before engaging in the business of
 1118 manufacturing, bottling, distributing, selling, or in any way
 1119 dealing in alcoholic beverages, shall file, with the district
 1120 licensing personnel of the district of the division in which the

CS/HB 713

2010

1121 place of business for which a license is sought is located, a
1122 sworn application in the format prescribed ~~duplicate on forms~~
1123 ~~provided to the district licensing personnel~~ by the division.
1124 The applicant must be a legal or business entity, person, or
1125 persons and must include all persons, officers, shareholders,
1126 and directors of such legal or business entity that have a
1127 direct or indirect interest in the business seeking to be
1128 licensed under this part. However, the applicant does not
1129 include any person that derives revenue from the license solely
1130 through a contractual relationship with the licensee, the
1131 substance of which contractual relationship is not related to
1132 the control of the sale of alcoholic beverages. Before ~~Prior to~~
1133 any application is being approved, the division may require the
1134 applicant to file a set of fingerprints on regular United States
1135 Department of Justice forms for herself or himself and for any
1136 person or persons interested directly or indirectly with the
1137 applicant in the business for which the license is being sought,
1138 when ~~so~~ required by the division. If the applicant or any person
1139 who is interested with the applicant either directly or
1140 indirectly in the business or who has a security interest in the
1141 license being sought or has a right to a percentage payment from
1142 the proceeds of the business, either by lease or otherwise, is
1143 not qualified, the division shall deny the application ~~shall be~~
1144 ~~denied by the division~~. However, any company regularly traded on
1145 a national securities exchange and not over the counter; any
1146 insurer, as defined in the Florida Insurance Code; or any bank
1147 or savings and loan association chartered by this state, another
1148 state, or the United States which has an interest, directly or

1149 indirectly, in an alcoholic beverage license is ~~shall~~ not be
 1150 required to obtain the division's ~~division~~ approval of its
 1151 officers, directors, or stockholders or any change of such
 1152 positions or interests. A shopping center with five or more
 1153 stores, one or more of which has an alcoholic beverage license
 1154 and is required under a lease common to all shopping center
 1155 tenants to pay no more than 10 percent of the gross proceeds of
 1156 the business holding the license to the shopping center, is
 1157 ~~shall~~ not be considered as having an interest, directly or
 1158 indirectly, in the license.

1159 Section 38. For the purpose of incorporating the amendment
 1160 made by this act to section 455.227, Florida Statutes, in a
 1161 reference thereto, paragraph (a) of subsection (2) of section
 1162 468.436, Florida Statutes, is reenacted to read:

1163 468.436 Disciplinary proceedings.—

1164 (2) The following acts constitute grounds for which the
 1165 disciplinary actions in subsection (4) may be taken:

1166 (a) Violation of any provision of s. 455.227(1).

1167 Section 39. For the purpose of incorporating the amendment
 1168 made by this act to section 455.227, Florida Statutes, in a
 1169 reference thereto, paragraph (a) of subsection (1) of section
 1170 468.832, Florida Statutes, is reenacted to read:

1171 468.832 Disciplinary proceedings.—

1172 (1) The following acts constitute grounds for which the
 1173 disciplinary actions in subsection (2) may be taken:

1174 (a) Violation of any provision of this part or s.
 1175 455.227(1);

1176 Section 40. For the purpose of incorporating the amendment

1177 made by this act to section 455.227, Florida Statutes, in a
 1178 reference thereto, paragraph (a) of subsection (1) of section
 1179 468.842, Florida Statutes, is reenacted to read:

1180 468.842 Disciplinary proceedings.—

1181 (1) The following acts constitute grounds for which the
 1182 disciplinary actions in subsection (2) may be taken:

1183 (a) Violation of any provision of this part or s.
 1184 455.227(1);

1185 Section 41. For the purpose of incorporating the amendment
 1186 made by this act to section 455.227, Florida Statutes, in a
 1187 reference thereto, paragraph (a) of subsection (1) of section
 1188 471.033, Florida Statutes, is reenacted to read:

1189 471.033 Disciplinary proceedings.—

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

1192 (a) Violating any provision of s. 455.227(1), s. 471.025,
 1193 or s. 471.031, or any other provision of this chapter or rule of
 1194 the board or department.

1195 Section 42. 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 473.323, Florida Statutes, is reenacted to read:

1199 473.323 Disciplinary proceedings.—

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

1202 (a) Violation of any provision of s. 455.227(1) or any
 1203 other provision of this chapter.

1204 Section 43. For the purpose of incorporating the amendment

CS/HB 713

2010

1205 made by this act to section 455.227, Florida Statutes, in a
 1206 reference thereto, paragraph (a) of subsection (1) of section
 1207 475.25, Florida Statutes, is reenacted to read:

1208 475.25 Discipline.—

1209 (1) The commission may deny an application for licensure,
 1210 registration, or permit, or renewal thereof; may place a
 1211 licensee, registrant, or permittee on probation; may suspend a
 1212 license, registration, or permit for a period not exceeding 10
 1213 years; may revoke a license, registration, or permit; may impose
 1214 an administrative fine not to exceed \$5,000 for each count or
 1215 separate offense; and may issue a reprimand, and any or all of
 1216 the foregoing, if it finds that the licensee, registrant,
 1217 permittee, or applicant:

1218 (a) Has violated any provision of s. 455.227(1) or s.
 1219 475.42. However, licensees under this part are exempt from the
 1220 provisions of s. 455.227(1) (i).

1221 Section 44. For the purpose of incorporating the amendment
 1222 made by this act to section 455.227, Florida Statutes, in a
 1223 reference thereto, subsection (1) of section 475.624, Florida
 1224 Statutes, is reenacted to read:

1225 475.624 Discipline.—The board may deny an application for
 1226 registration or certification; may investigate the actions of
 1227 any appraiser registered, licensed, or certified under this
 1228 part; may reprimand or impose an administrative fine not to
 1229 exceed \$5,000 for each count or separate offense against any
 1230 such appraiser; and may revoke or suspend, for a period not to
 1231 exceed 10 years, the registration, license, or certification of
 1232 any such appraiser, or place any such appraiser on probation, if

1233 it finds that the registered trainee, licensee, or
 1234 certificateholder:

1235 (1) Has violated any provisions of this part or s.
 1236 455.227(1); however, certificateholders, registrants, and
 1237 licensees under this part are exempt from the provisions of s.
 1238 455.227(1) (i).

1239 Section 45. For the purpose of incorporating the amendment
 1240 made by this act to section 455.227, Florida Statutes, in a
 1241 reference thereto, paragraph (h) of subsection (1) of section
 1242 476.204, Florida Statutes, is reenacted to read:

1243 476.204 Penalties.—

1244 (1) It is unlawful for any person to:

1245 (h) Violate any provision of s. 455.227(1), s. 476.194, or
 1246 s. 476.214.

1247 Section 46. For the purpose of incorporating the amendment
 1248 made by this act to section 455.227, Florida Statutes, in a
 1249 reference thereto, paragraph (h) of subsection (1) of section
 1250 477.029, Florida Statutes, is reenacted to read:

1251 477.029 Penalty.—

1252 (1) It is unlawful for any person to:

1253 (h) Violate any provision of s. 455.227(1), s. 477.0265,
 1254 or s. 477.028.

1255 Section 47. For the purpose of incorporating the amendment
 1256 made by this act to section 455.227, Florida Statutes, in a
 1257 reference thereto, paragraph (a) of subsection (1) of section
 1258 481.225, Florida Statutes, is reenacted to read:

1259 481.225 Disciplinary proceedings against registered
 1260 architects.—

CS/HB 713

2010

1261 (1) The following acts constitute grounds for which the
 1262 disciplinary actions in subsection (3) may be taken:

1263 (a) Violating any provision of s. 455.227(1), s. 481.221,
 1264 or s. 481.223, or any rule of the board or department lawfully
 1265 adopted pursuant to this part or chapter 455.

1266 Section 48. For the purpose of incorporating the amendment
 1267 made by this act to section 455.227, Florida Statutes, in a
 1268 reference thereto, paragraph (a) of subsection (1) of section
 1269 481.325, Florida Statutes, is reenacted to read:

1270 481.325 Disciplinary proceedings.—

1271 (1) The following acts constitute grounds for which the
 1272 disciplinary actions in subsection (3) may be taken:

1273 (a) Violation of any provision of s. 455.227(1), s.
 1274 481.321, or s. 481.323.

1275 Section 49. For the purpose of incorporating the amendment
 1276 made by this act to section 468.832, Florida Statutes, in a
 1277 reference thereto, subsection (2) of section 468.8314, Florida
 1278 Statutes, is reenacted to read:

1279 468.8314 Licensure.—

1280 (2) The department shall certify for licensure any
 1281 applicant who satisfies the requirements of s. 468.8313 and who
 1282 has passed the licensing examination. The department may refuse
 1283 to certify any applicant who has violated any of the provisions
 1284 of s. 468.832.

1285 Section 50. This act shall take effect July 1, 2010.