

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

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

57 | amending s. 468.8318, F.S.; deleting requirements for
58 | certificates of authorization for corporations or
59 | partnerships offering home inspection services; amending
60 | s. 468.8319, F.S.; prohibiting certain acts relating to
61 | home inspection services; delaying implementation of
62 | certain prohibited acts; providing penalties; exempting
63 | from punishment certain unlicensed activity occurring
64 | before a specified date; amending s. 468.832, F.S.;
65 | providing an additional ground for discipline of licensed
66 | home inspectors; amending s. 468.8324, F.S.; extending the
67 | time for licensure of home inspectors under certain
68 | grandfather provisions; revising the licensing criteria
69 | for such provisions; authorizing the department to
70 | investigate the validity of home inspection reports
71 | submitted for licensure under the grandfather provisions;
72 | providing penalties for the submission of false reports;
73 | creating s. 468.8325, F.S.; requiring the department to
74 | adopt rules; amending s. 468.84, F.S.; creating the mold-
75 | related services licensing program within the department;
76 | amending s. 468.8412, F.S.; deleting limits on fees for
77 | certificates of authorization to conform to changes made
78 | by the act; amending s. 468.8413, F.S.; requiring mold
79 | assessor and mold remediator license applicants to satisfy
80 | certain examination requirements before application for
81 | licensure; revising the educational requirements for
82 | licensure as a mold assessor or mold remediator; requiring
83 | criminal history checks and fees; amending s. 468.8414,
84 | F.S.; specifying that certain insurance coverage is

85 required for licensure by endorsement; amending s.
86 468.8418, F.S.; deleting requirements for certificates of
87 authorization for corporations or partnerships offering
88 mold-related services; amending s. 468.8419, F.S.;

89 prohibiting certain acts relating to mold assessment and
90 remediation; delaying implementation of certain prohibited
91 acts; providing penalties; exempting from punishment
92 certain unlicensed activity occurring before a specified
93 date; amending s. 468.842, F.S.; providing an additional
94 ground for discipline of licensed mold assessors and mold
95 remediators; amending s. 468.8421, F.S.; revising
96 insurance coverage requirements for mold assessors;
97 amending s. 468.8423, F.S.; extending the time for
98 licensure of mold assessors and mold remediators under
99 certain grandfather provisions; revising the licensing
100 criteria for such provisions; authorizing the department
101 to investigate the validity of mold assessments and
102 remediation invoices submitted for licensure under the
103 grandfather provisions; providing penalties for the
104 submission of false assessments or invoices; creating s.
105 468.8424, F.S.; requiring the department to adopt rules;
106 amending s. 474.203, F.S.; revising certain exemptions
107 from regulation of veterinary medical practice; amending
108 s. 475.02, F.S.; authorizing certain members of the
109 Florida Real Estate Commission to offer, conduct, and
110 teach courses prescribed or approved by the commission or
111 the department; amending s. 475.175, F.S.; revising the
112 application and fingerprint requirements for real estate

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

141 | landscape architects, to incorporate the amendment made to
 142 | s. 455.227, F.S., in references thereto; reenacting s.
 143 | 468.8314(2), F.S., relating to the licensure of home
 144 | inspectors, to incorporate the amendment made to s.
 145 | 468.832, F.S., in a reference thereto; providing an
 146 | effective date.

147 |
 148 | Be It Enacted by the Legislature of the State of Florida:
 149 |

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

152 | 20.165 Department of Business and Professional
 153 | Regulation.—There is created a Department of Business and
 154 | Professional Regulation.

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

- 157 | 1. Board of Architecture and Interior Design, created
 158 | under part I of chapter 481.
- 159 | 2. Florida Board of Auctioneers, created under part VI of
 160 | chapter 468.
- 161 | 3. Barbers' Board, created under chapter 476.
- 162 | 4. Florida Building Code Administrators and Inspectors
 163 | Board, created under part XII of chapter 468.
- 164 | 5. Construction Industry Licensing Board, created under
 165 | part I of chapter 489.
- 166 | 6. Board of Cosmetology, created under chapter 477.
- 167 | 7. Electrical Contractors' Licensing Board, created under
 168 | part II of chapter 489.

169 8. Board of Employee Leasing Companies, created under part
170 XI of chapter 468.

171 9. Board of Landscape Architecture, created under part II
172 of chapter 481.

173 10. Board of Pilot Commissioners, created under chapter
174 310.

175 11. Board of Professional Engineers, created under chapter
176 471.

177 12. Board of Professional Geologists, created under
178 chapter 492.

179 13. Board of Veterinary Medicine, created under chapter
180 474.

181 14. Home inspection services licensing program, created
182 under part XV of chapter 468.

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

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

187 1. Florida Real Estate Appraisal Board, created under part
188 II of chapter 475.

189 2. Florida Real Estate Commission, created under part I of
190 chapter 475.

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

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

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

196 215.37 Department of Business and Professional Regulation

197 and the boards to be financed from fees collected; deposit of
 198 funds; service charge; appropriation.—

199 (2) The regulation ~~by the department~~ of professions, as
 200 defined in s. 455.01 ~~chapter 455,~~ by the department shall be
 201 financed solely from revenue collected by it from fees and other
 202 charges and deposited in the Professional Regulation Trust Fund,
 203 and all such revenue is hereby appropriated to the department.
 204 However, it is legislative intent that each profession shall
 205 operate within its anticipated fees.

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

208 322.142 Color photographic or digital imaged licenses.—

209 (4) The department may maintain a film negative or print
 210 file. The department shall maintain a record of the digital
 211 image and signature of the licensees, together with other data
 212 required by the department for identification and retrieval.
 213 Reproductions from the file or digital record are exempt from
 214 the provisions of s. 119.07(1) and shall be made and issued only
 215 for departmental administrative purposes; for the issuance of
 216 duplicate licenses; in response to law enforcement agency
 217 requests; to the Department of Business and Professional
 218 Regulation pursuant to an interagency agreement for the purpose
 219 of accessing digital images for reproduction of licenses issued
 220 by the Department of Business and Professional Regulation; to
 221 the Department of State pursuant to an interagency agreement to
 222 facilitate determinations of eligibility of voter registration
 223 applicants and registered voters in accordance with ss. 98.045
 224 and 98.075; to the Department of Revenue pursuant to an

225 interagency agreement for use in establishing paternity and
 226 establishing, modifying, or enforcing support obligations in
 227 Title IV-D cases; to the Department of Children and Family
 228 Services pursuant to an interagency agreement to conduct
 229 protective investigations under part III of chapter 39; or to
 230 the Department of Financial Services pursuant to an interagency
 231 agreement to facilitate the location of owners of unclaimed
 232 property, the validation of unclaimed property claims, and the
 233 identification of fraudulent or false claims.

234 Section 4. Section 455.017, Florida Statutes, is amended
 235 to read:

236 455.017 Applicability of this chapter. ~~The provisions of~~
 237 This chapter applies apply only to the regulation ~~by the~~
 238 ~~department~~ of professions by the department.

239 Section 5. Section 455.02, Florida Statutes, is amended to
 240 read:

241 455.02 Licensure of members of the Armed Forces in good
 242 standing with administrative boards and their spouses.—

243 (1) Any member of the Armed Forces of the United States
 244 now or hereafter on active duty who, at the time of becoming
 245 such a member, was in good standing with any administrative
 246 board of the state and was entitled to practice or engage in his
 247 or her profession or vocation in the state shall be kept in good
 248 standing by such administrative board, without registering,
 249 paying dues or fees, or performing any other act on his or her
 250 part to be performed, as long as he or she is a member of the
 251 Armed Forces of the United States on active duty and for a
 252 period of 6 months after discharge from active duty as a member

253 of the Armed Forces of the United States, ~~if provided~~ he or she
 254 is not engaged in his or her licensed profession or vocation in
 255 the private sector for profit.

256 (2) The boards listed in s. 20.165 shall adopt ~~promulgate~~
 257 rules that exempt ~~exempting~~ the spouse ~~spouses~~ of a member
 258 ~~members~~ of the Armed Forces of the United States from licensure
 259 renewal provisions, but only in cases of his or her absence from
 260 the state because of his or her spouse's ~~their spouses'~~ duties
 261 with the Armed Forces.

262 (3) (a) The department may issue a temporary professional
 263 license to the spouse of an active duty member of the Armed
 264 Forces of the United States if the spouse applies to the
 265 department in the format prescribed by the department. An
 266 application must include:

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

269 2. Proof that the applicant holds a valid license for the
 270 profession issued by another state, the District of Columbia,
 271 any possession or territory of the United States, or any foreign
 272 jurisdiction.

273 3. Proof that the applicant's spouse is assigned to a duty
 274 station in this state and that the applicant is also assigned to
 275 a duty station in this state pursuant to the member's official
 276 active duty military orders.

277 4. Proof that a complete set of the applicant's
 278 fingerprints are submitted to the Department of Law Enforcement
 279 for a statewide criminal history check. The Department of Law
 280 Enforcement shall forward the fingerprints to the Federal Bureau

281 of Investigation for a national criminal history check. The
282 department shall, and the board may, review the results of the
283 criminal history checks according to the level 2 screening
284 standards in s. 435.04 and determine whether the applicant meets
285 the licensure requirements. The costs of fingerprint processing
286 shall be borne by the applicant. If the applicant's fingerprints
287 are submitted through an authorized agency or vendor, the agency
288 or vendor shall collect the required processing fees and remit
289 the fees to the Department of Law Enforcement.

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

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

295 Section 6. Section 455.2122, Florida Statutes, is created
296 to read:

297 455.2122 Education.—A board, or the department when there
298 is no board, shall approve distance learning courses as an
299 alternative to classroom courses to satisfy prelicensure or
300 postlicensure education requirements in part VIII of chapter 468
301 or part I of chapter 475. A board, or the department when there
302 is no board, may not require centralized examinations for
303 completion of prelicensure or postlicensure education
304 requirements for professions licensed under part VIII of chapter
305 468 or part I of chapter 475.

306 Section 7. Section 455.2123, Florida Statutes, is amended
307 to read:

308 455.2123 Continuing education.—A board, or the department

309 when there is no board, may provide by rule that distance
 310 learning may be used to satisfy continuing education
 311 requirements. A board, or the department when there is no board,
 312 shall approve distance learning courses as an alternative to
 313 classroom courses to satisfy continuing education requirements
 314 in part VIII, part XV, or part XVI of chapter 468 or part I or
 315 part II of chapter 475 and may not require centralized
 316 examinations for completion of continuing education requirements
 317 for the professions licensed under part VIII, part XV, or part
 318 XVI of chapter 468 or part I or part II of chapter 475.

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

321 455.213 General licensing provisions.—

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

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

339 455.217 Examinations.—This section shall be read in
 340 conjunction with the appropriate practice act associated with
 341 each regulated profession under this chapter.

342 (1) The Division of Professions ~~Service Operations~~ of the
 343 Department of Business and Professional Regulation shall
 344 provide, contract, or approve services for the development,
 345 preparation, administration, scoring, score reporting, and
 346 evaluation of all examinations. The division shall seek the
 347 advice of the appropriate board in providing such services.

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

361 (b) For each examination developed by the department or
 362 contracted vendor, to the extent not otherwise specified by
 363 statute, the board or the department when there is no board,
 364 shall by rule specify the general areas of competency to be

365 covered by the examination, the relative weight to be assigned
366 in grading each area tested, the score necessary to achieve a
367 passing grade, and the fees, where applicable, to cover the
368 actual cost for any purchase, development, and administration of
369 the required examination. However, statutory fee caps in each
370 practice act shall apply. This subsection does not apply to
371 national examinations approved and administered pursuant to
372 paragraph (d).

373 (c) If a practical examination is deemed to be necessary,
374 rules shall specify the criteria by which examiners are to be
375 selected, the grading criteria to be used by the examiner, the
376 relative weight to be assigned in grading each criterion, and
377 the score necessary to achieve a passing grade. When a mandatory
378 standardization exercise for a practical examination is required
379 by law, the board may conduct such exercise. Therefore, board
380 members may serve as examiners at a practical examination with
381 the consent of the board.

382 (d) A board, or the department when there is no board, may
383 approve by rule the use of any national examination which the
384 department has certified as meeting requirements of national
385 examinations and generally accepted testing standards pursuant
386 to department rules. Providers of examinations, which may be
387 either profit or nonprofit entities, seeking certification by
388 the department shall pay the actual costs incurred by the
389 department in making a determination regarding the
390 certification. The department shall use any national examination
391 which is available, certified by the department, and approved by
392 the board. The name and number of a candidate may be provided to

393 a national contractor for the limited purpose of preparing the
394 grade tape and information to be returned to the board or
395 department or, to the extent otherwise specified by rule, the
396 candidate may apply directly to the vendor of the national
397 examination. The department may delegate to the board the duty
398 to provide and administer the examination. Any national
399 examination approved by a board, or the department when there is
400 no board, prior to October 1, 1997, is deemed certified under
401 this paragraph. Any licensing or certification examination that
402 is not developed or administered by the department in-house or
403 provided as a national examination shall be competitively bid.

404 (e) The department shall adopt rules regarding the
405 security and monitoring of examinations. In order to maintain
406 the security of examinations, the department may employ the
407 procedures set forth in s. 455.228 to seek fines and injunctive
408 relief against an examinee who violates the provisions of s.
409 455.2175 or the rules adopted pursuant to this paragraph. The
410 department, or any agent thereof, may, for the purposes of
411 investigation, confiscate any written, photographic, or
412 recording material or device in the possession of the examinee
413 at the examination site which the department deems necessary to
414 enforce such provisions or rules.

415 (f) If the professional board with jurisdiction over an
416 examination concurs, the department may, for a fee, share with
417 any other state's licensing authority an examination developed
418 by or for the department unless prohibited by a contract entered
419 into by the department for development or purchase of the
420 examination. The department, with the concurrence of the

421 appropriate board, shall establish guidelines that ensure
422 security of a shared exam and shall require that any other
423 state's licensing authority comply with those guidelines. Those
424 guidelines shall be approved by the appropriate professional
425 board. All fees paid by the user shall be applied to the
426 department's examination and development program for professions
427 regulated by this chapter. All fees paid by the user for
428 professions not regulated by this chapter shall be applied to
429 offset the fees for the development and administration of that
430 profession's examination. If both a written and a practical
431 examination are given, an applicant shall be required to retake
432 only the portion of the examination for which he or she failed
433 to achieve a passing grade, if he or she successfully passes
434 that portion within a reasonable time of his or her passing the
435 other portion.

436 (3) Except for national examinations approved and
437 administered pursuant to paragraph (1)(d), the department shall
438 provide procedures for applicants who have taken and failed an
439 examination developed by the department or a contracted vendor
440 to review their most recently administered examination
441 questions, answers, papers, grades, and grading key for the
442 questions the candidate answered incorrectly or, if not
443 feasible, the parts of the examination failed. Applicants shall
444 bear the actual cost for the department to provide examination
445 review pursuant to this subsection. An applicant may waive in
446 writing the confidentiality of his or her examination grades.

447 Section 10. Section 455.2175, Florida Statutes, is amended
448 to read:

449 455.2175 Penalty for theft or reproduction of an
450 examination.—In addition to, or in lieu of, any other discipline
451 imposed pursuant to s. 455.227, the theft of an examination in
452 whole or in part or the act of reproducing or copying any
453 examination administered by the department, whether such
454 examination is reproduced or copied in part or in whole and by
455 any means, constitutes a felony of the third degree, punishable
456 as provided in s. 775.082, s. 775.083, or s. 775.084. An
457 examinee whose examination materials are confiscated is not
458 permitted to take another examination until the criminal
459 investigation reveals that the examinee did not violate this
460 section.

461 Section 11. Section 455.2226, Florida Statutes, is
462 repealed.

463 Section 12. Paragraph (c) of subsection (1) of section
464 455.227, Florida Statutes, is amended to read:

465 455.227 Grounds for discipline; penalties; enforcement.—

466 (1) The following acts shall constitute grounds for which
467 the disciplinary actions specified in subsection (2) may be
468 taken:

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

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

475 455.228 Unlicensed practice of a profession; cease and
476 desist notice; civil penalty; enforcement; citations; allocation

477 of moneys collected.—

478 (1) When the department has probable cause to believe that
479 any person not licensed by the department, or the appropriate
480 regulatory board within the department, has violated any
481 provision of this chapter or any statute that relates to the
482 practice of a profession regulated by the department, or any
483 rule adopted pursuant thereto, the department may issue and
484 deliver to such person a notice to cease and desist from such
485 violation. In addition, the department may issue and deliver a
486 notice to cease and desist to any person who aids and abets the
487 unlicensed practice of a profession by employing such unlicensed
488 person. The issuance of a notice to cease and desist shall not
489 constitute agency action for which a hearing under ss. 120.569
490 and 120.57 may be sought. For the purpose of enforcing a cease
491 and desist notice ~~order~~, the department may file a proceeding in
492 the name of the state seeking issuance of an injunction or a
493 writ of mandamus against any person who violates any provisions
494 of such notice ~~order~~. In addition to the foregoing remedies, the
495 department may impose an administrative penalty not to exceed
496 \$5,000 per incident pursuant to the provisions of chapter 120 or
497 may issue a citation pursuant to the provisions of subsection
498 (3). If the department is required to seek enforcement of the
499 notice ~~order~~ for a penalty pursuant to s. 120.569, it shall be
500 entitled to collect its attorney's fees and costs, together with
501 any cost of collection.

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

504 455.275 Address of record.—

505 (3) (a) Notwithstanding any provision of law, when an
506 administrative complaint is served on a licensee of the
507 department, the department shall provide service by regular mail
508 to the licensee's last known address of record, by certified
509 mail to the last known address of record, and, if possible, by
510 e-mail.

511 (b) If service, as provided in paragraph (a), does not
512 provide the department with proof of service, the department
513 shall call the last known telephone number of record and cause a
514 short, plain notice to the licensee to be published once each
515 week for 4 consecutive weeks in a newspaper published in the
516 county of the licensee's last known address of record. If a
517 newspaper is not published in the county, the administrative
518 complaint may be published in a newspaper of general circulation
519 in the county. If the licensee's last known address is located
520 in another state or in a foreign jurisdiction, the
521 administrative complaint may be published in Leon County
522 pursuant to s. 120.60(5).

523 Section 15. Section 468.83, Florida Statutes, is amended
524 to read:

525 468.83 Home inspection services licensing program;
526 purpose.—

527 (1) There is created within the department the home
528 inspection services licensing program.

529 (2) The Legislature recognizes that there is a need to
530 require the licensing of home inspectors and to ensure that
531 consumers of home inspection services can rely on the competence
532 of home inspectors, as determined by educational and experience

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533 requirements and testing. Therefore, the Legislature deems it
534 necessary in the interest of the public welfare to regulate home
535 inspectors in this state.

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

538 468.8311 Definitions.—As used in this part, the term:

539 (4) "Home inspection services" means a limited visual
540 examination of ~~one or more of~~ the following readily accessible
541 installed systems and components of a home: the structure,
542 electrical system, HVAC system, roof covering, plumbing system,
543 interior components, exterior components, and site conditions
544 that affect the structure, for the purposes of providing a
545 written professional opinion of the condition of the home.

546 Section 17. Subsections (5) through (8) of section
547 468.8312, Florida Statutes, are renumbered as subsections (4)
548 through (7), respectively, and present subsection (4) of that
549 section is amended to read:

550 468.8312 Fees.—

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

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

556 468.8313 Examinations.—

557 (1) A person desiring to be licensed as a home inspector
558 must shall apply to the department after satisfying the
559 examination requirements of this part ~~to take a licensure~~
560 ~~examination.~~

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561 (2) An applicant ~~may shall be entitled to take the~~
562 ~~licensure examination for the purpose of determining whether he~~
563 ~~or she is qualified to~~ practice in this state as a home
564 inspector if he or she passes the required examination, ~~the~~
565 ~~applicant~~ is of good moral character, and completes ~~has~~
566 ~~completed~~ a course of study of at least ~~no less than~~ 120 hours
567 that covers all of the following components of a home:
568 structure, electrical system, HVAC system, roof covering,
569 plumbing system, interior components, exterior components, and
570 site conditions that affect the structure.

571 (5)

572 (d) An applicant for a license shall submit, together with
573 the application, a complete set of electronic fingerprints to
574 the department. The department shall submit the fingerprints to
575 the Department of Law Enforcement for state processing, and the
576 Department of Law Enforcement shall forward the fingerprints to
577 the Federal Bureau of Investigation for national processing, to
578 determine whether the applicant has a criminal history record.
579 The department shall review the background results to determine
580 whether the applicant meets licensure requirements. The
581 applicant is responsible for the costs associated with
582 processing the fingerprints. The authorized agencies or vendors
583 shall collect such fees and pay for the processing costs due to
584 the Department of Law Enforcement.

585 Section 19. Section 468.8318, Florida Statutes, is amended
586 to read:

587 468.8318 Certification of corporations and partnerships.—

588 ~~(1) The department shall issue a certificate of~~

589 ~~authorization to a corporation or partnership offering home~~
 590 ~~inspection services to the public if the corporation or~~
 591 ~~partnership satisfies all of the requirements of this part.~~

592 ~~(2)~~ The practice of or the offer to practice home
 593 inspection services by licensees through a corporation or
 594 partnership offering home inspection services to the public, or
 595 by a corporation or partnership offering such services to the
 596 public through licensees under this part as agents, employees,
 597 officers, or partners, is permitted subject to the provisions of
 598 this part, provided that all personnel of the corporation or
 599 partnership who act in its behalf as home inspectors in this
 600 state are licensed as provided by this part; ~~and further~~
 601 ~~provided that the corporation or partnership has been issued a~~
 602 ~~certificate of authorization by the department as provided in~~
 603 ~~this section.~~ Nothing in this section shall be construed to
 604 allow a corporation to hold a license to practice home
 605 inspection services. No corporation or partnership shall be
 606 relieved of responsibility for the conduct or acts of its
 607 agents, employees, or officers by reason of its compliance with
 608 this section, nor shall any individual practicing home
 609 inspection services be relieved of responsibility for
 610 professional services performed by reason of his or her
 611 employment or relationship with a corporation or partnership.

612 ~~(3)~~ ~~For the purposes of this section, a certificate of~~
 613 ~~authorization shall be required for a corporation, partnership,~~
 614 ~~association, or person practicing under a fictitious name and~~
 615 ~~offering home inspection services to the public; however, when~~
 616 ~~an individual is practicing home inspection services in his or~~

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617 ~~her own given name, he or she shall not be required to register~~
618 ~~under this section.~~

619 ~~(4) Each certificate of authorization shall be renewed~~
620 ~~every 2 years. Each partnership and corporation certified under~~
621 ~~this section shall notify the department within 1 month of any~~
622 ~~change in the information contained in the application upon~~
623 ~~which the certification is based.~~

624 ~~(5) Disciplinary action against a corporation or~~
625 ~~partnership shall be administered in the same manner and on the~~
626 ~~same grounds as disciplinary action against a licensed home~~
627 ~~inspector.~~

628 Section 20. Section 468.8319, Florida Statutes, is amended
629 to read:

630 468.8319 Prohibitions; penalties.—

631 (1) A person ~~home inspector, a company that employs a home~~
632 ~~inspector, or a company that is controlled by a company that~~
633 ~~also has a financial interest in a company employing a home~~
634 ~~inspector~~ may not:

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

638 (b) Effective July 1, 2011, use the name or title
639 "certified home inspector," "registered home inspector,"
640 "licensed home inspector," "home inspector," "professional home
641 inspector," or any combination thereof unless the person has
642 complied with the provisions of this part;

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

644 (d) Knowingly give false or forged evidence to the

645 department or an employee thereof;

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

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

654 (g) Inspect ~~for a fee~~ any property in which the inspector
655 or the inspector's company has any financial or transfer
656 interest;

657 (h) Offer or deliver any compensation, inducement, or
658 reward to any broker or agent therefor for the referral of the
659 owner of the inspected property to the inspector or the
660 inspection company; or

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

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

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

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

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673 468.832 Disciplinary proceedings.—

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

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

678 Section 22. Section 468.8324, Florida Statutes, is amended
679 to read:

680 468.8324 Grandfather clause.—

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

687 (a) Is certified as a home inspector by a state or
688 national association that requires, for such certification,
689 successful completion of a proctored examination on home
690 inspection services and completes at least 14 hours of
691 verifiable education on such services; or

692 (b) At the time of application, has at least 3 years of
693 experience as a home inspector and completes at least 14 hours
694 of verifiable education on home inspection services. To
695 establish the 3 years of experience, an applicant must submit at
696 least 120 home inspection reports prepared by the applicant.

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

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

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

712 Section 23. Section 468.8325, Florida Statutes, is created
713 to read:

714 468.8325 Rulemaking authority.—The department shall adopt
715 rules to administer this part.

716 Section 24. Section 468.84, Florida Statutes, is amended
717 to read:

718 468.84 Mold-related services licensing program;
719 legislative purpose.—

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

722 (2) The Legislature finds it necessary in the interest of
723 the public safety and welfare, to prevent damage to real and
724 personal property, to avert economic injury to the residents of
725 this state, and to regulate persons and companies that hold
726 themselves out to the public as qualified to perform mold-
727 related services.

728 Section 25. Subsections (7) through (10) of section

729 468.8412, Florida Statutes, are renumbered as subsections (6)
 730 through (9), respectively, and present subsection (6) of that
 731 section is amended to read:

732 468.8412 Fees.—

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

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

738 468.8413 Examinations.—

739 (1) A person desiring to be licensed as a mold assessor or
 740 mold remediator must ~~shall~~ apply to the department after
 741 satisfying the examination requirements of this part ~~to take a~~
 742 ~~licensure examination.~~

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

748 (a)1. For a mold remediator, at least a 2-year associate
 749 of arts degree, or the equivalent, with at least 30 semester
 750 hours in microbiology, engineering, architecture, industrial
 751 hygiene, occupational safety, or a related field of science from
 752 an accredited institution and a minimum of 1 year of documented
 753 field experience in a field related to mold remediation; or

754 2. A high school diploma or the equivalent with a minimum
 755 of 4 years of documented field experience in a field related to
 756 mold remediation.

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

764 2. A high school diploma or the equivalent with a minimum
765 of 4 years of documented field experience in conducting
766 microbial sampling or investigations.

767 (4)

768 (d) An applicant for a license shall submit, together with
769 the application, a complete set of electronic fingerprints to
770 the department. The department shall submit the fingerprints to
771 the Department of Law Enforcement for state processing, and the
772 Department of Law Enforcement shall forward the fingerprints to
773 the Federal Bureau of Investigation for national processing, to
774 determine whether the applicant has a criminal history record.
775 The department shall review the background results to determine
776 whether the applicant meets licensure requirements. The
777 applicant is responsible for the costs associated with
778 processing the fingerprints. The authorized agencies or vendors
779 shall collect such fees and pay for the processing costs due to
780 the Department of Law Enforcement.

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

783 468.8414 Licensure.—

784 (3) The department shall certify as qualified for a

785 license by endorsement an applicant who is of good moral
 786 character, who has the insurance coverage required under s.
 787 468.8421, and who:

788 (a) Is qualified to take the examination as set forth in
 789 s. 468.8413 and has passed a certification examination offered
 790 by a nationally recognized organization that certifies persons
 791 in the specialty of mold assessment or mold remediation that has
 792 been approved by the department as substantially equivalent to
 793 the requirements of this part and s. 455.217; or

794 (b) Holds a valid license to practice mold assessment or
 795 mold remediation issued by another state or territory of the
 796 United States if the criteria for issuance of the license were
 797 substantially the same as the licensure criteria that is
 798 established by this part as determined by the department.

799 Section 28. Section 468.8418, Florida Statutes, is amended
 800 to read:

801 468.8418 Certification of partnerships and corporations.—

802 ~~(1) The department shall issue a certificate of~~
 803 ~~authorization to a corporation or partnership offering mold~~
 804 ~~assessment or mold remediation services to the public if the~~
 805 ~~corporation or partnership satisfies all of the requirements of~~
 806 ~~this part.~~

807 ~~(2)~~ The practice of or the offer to practice mold
 808 assessment or mold remediation by licensees through a
 809 corporation or partnership offering mold assessment or mold
 810 remediation to the public, or by a corporation or partnership
 811 offering such services to the public through licensees under
 812 this part as agents, employees, officers, or partners, is

813 | permitted subject to the provisions of this part, ~~provided that~~
 814 | ~~the corporation or partnership has been issued a certificate of~~
 815 | ~~authorization by the department as provided in this section.~~
 816 | Nothing in this section shall be construed to allow a
 817 | corporation to hold a license to practice mold assessment or
 818 | mold remediation. No corporation or partnership shall be
 819 | relieved of responsibility for the conduct or acts of its
 820 | agents, employees, or officers by reason of its compliance with
 821 | this section, nor shall any individual practicing mold
 822 | assessment or mold remediation be relieved of responsibility for
 823 | professional services performed by reason of his or her
 824 | employment or relationship with a corporation or partnership.

825 | ~~(3) For the purposes of this section, a certificate of~~
 826 | ~~authorization shall be required for a corporation, partnership,~~
 827 | ~~association, or person practicing under a fictitious name,~~
 828 | ~~offering mold assessment or mold remediation; however, when an~~
 829 | ~~individual is practicing mold assessment or mold remediation~~
 830 | ~~under his or her own given name, he or she shall not be required~~
 831 | ~~to register under this section.~~

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

837 | ~~(5) Disciplinary action against a corporation or~~
 838 | ~~partnership shall be administered in the same manner and on the~~
 839 | ~~same grounds as disciplinary action against a licensed mold~~
 840 | ~~assessor or mold remediator.~~

841 Section 29. Section 468.8419, Florida Statutes, is amended
842 to read:

843 468.8419 Prohibitions; penalties.—

844 (1) A person ~~mold assessor, a company that employs a mold~~
845 ~~assessor, or a company that is controlled by a company that also~~
846 ~~has a financial interest in a company employing a mold assessor~~
847 may not:

848 (a) Effective July 1, 2011, perform or offer to perform
849 any mold assessment unless the mold assessor has documented
850 training in water, mold, and respiratory protection under s.
851 468.8414(2).

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

855 (c) Use the name or title "certified mold assessor,"
856 "registered mold assessor," "licensed mold assessor," "mold
857 assessor," "professional mold assessor," or any combination
858 thereof unless the person has complied with the provisions of
859 this part.

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

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

866 (f) Accept any compensation, inducement, or reward from a
867 mold remediator or mold remediator's company for the referral of
868 any business to the mold remediator or the mold remediator's

869 company.

870 (g) Offer any compensation, inducement, or reward to a
871 mold remediator or mold remediator's company for the referral of
872 any business from the mold remediator or the mold remediator's
873 company.

874 (h) Accept an engagement to make an omission of the
875 assessment or conduct an assessment in which the assessment
876 itself, or the fee payable for the assessment, is contingent
877 upon the conclusions of the assessment.

878 (2) A mold remediator, a company that employs a mold
879 remediator, or a company that is controlled by a company that
880 also has a financial interest in a company employing a mold
881 remediator may not:

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

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

887 (c) Use the name or title "certified mold remediator,"
888 "registered mold remediator," "licensed mold remediator," "mold
889 remediator," "professional mold remediator," or any combination
890 thereof unless the person has complied with the provisions of
891 this part.

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

895 (e) Remediate for a fee any property in which the mold
896 remediator or the mold remediator's company has any financial or

897 transfer interest.

898 (f) Accept any compensation, inducement, or reward from a
 899 mold assessor or mold assessor's company for the referral of any
 900 business from the mold assessor or the mold assessor's company.

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

904 (3) Any person who violates any provision of this section
 905 commits:

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

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

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

913 (4) This section does not apply to unlicensed activity as
 914 described in paragraphs (1) (a)-(d) or s. 455.228 that occurs
 915 before July 1, 2011.

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

918 468.842 Disciplinary proceedings.—

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

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

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

925 468.8421 Insurance.—

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

930 Section 32. Section 468.8423, Florida Statutes, is amended
 931 to read:

932 468.8423 Grandfather clause.—

933 (1) A person who performs mold assessment or mold
 934 remediation as defined in this part may qualify for licensure ~~to~~
 935 ~~be licensed~~ by the department as a mold assessor or mold
 936 remediator if the person submits his or her application to the
 937 department by March 1, 2011, whether postmarked or delivered by
 938 that date, and if the person: meets the licensure requirements
 939 ~~of this part by July 1, 2010.~~

940 (a) Is certified as a mold assessor or mold remediator by
 941 a state or national association that requires, for such
 942 certification, successful completion of a proctored examination
 943 on mold assessment or mold remediation, as applicable, and
 944 completes at least 60 hours of education on mold assessment or
 945 at least 30 hours of education on mold remediation, as
 946 applicable; or

947 (b) At the time of application, has at least 3 years of
 948 experience as a mold assessor or mold remediator. To establish
 949 the 3 years of experience, an applicant must submit at least 40
 950 mold assessments or remediation invoices prepared by the
 951 applicant.

952 (2) The department may investigate the validity of a mold

953 assessment or remediation invoice submitted under paragraph
954 (1)(b) and, if the applicant submits a false assessment or
955 invoice, may take disciplinary action against the applicant
956 under s. 468.842(1)(e) or (g).

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

966 (4) An applicant for licensure under this section must
967 comply with the good moral character and insurance requirements
968 of this part.

969 Section 33. Section 468.8424, Florida Statutes, is created
970 to read:

971 468.8424 Rulemaking authority.—The department shall adopt
972 rules to administer this part.

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

975 474.203 Exemptions.—This chapter shall not apply to:

976 (2) A person practicing as an intern or resident
977 veterinarian who does not hold a valid license issued under this
978 chapter and who is a graduate in training at a school or college
979 of veterinary medicine located in this state and accredited by
980 the American Veterinary Medical Association Council on Education

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

995 (5) (a) Any person, or the person's regular employee,
 996 administering to the ills or injuries of her or his own animals,
 997 including, but not limited to, castration, spaying, and
 998 dehorning of herd animals, unless title is ~~has been~~ transferred
 999 or employment provided for the purpose of circumventing this
 1000 law. This exemption does ~~shall~~ not apply to any person licensed
 1001 as a veterinarian in another state or foreign jurisdiction and
 1002 is out-of-state veterinarians practicing temporarily in this the
 1003 state. However, only a veterinarian may immunize or treat an
 1004 animal for diseases which are communicable to humans and which
 1005 are of public health significance.

1006
 1007 For the purposes of chapters 465 and 893, persons exempt
 1008 pursuant to subsection (1), subsection (2), or subsection (4)

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1009 are deemed to be duly licensed practitioners authorized by the
 1010 laws of this state to prescribe drugs or medicinal supplies.

1011 Section 35. Section 475.02, Florida Statutes, is amended
 1012 to read:

1013 475.02 Florida Real Estate Commission.—

1014 (1) There is created within the department the Florida
 1015 Real Estate Commission. The commission shall consist of seven
 1016 members who shall be appointed by the Governor, subject to
 1017 confirmation by the Senate. Four members must be licensed
 1018 brokers, each of whom has held an active license for the 5 years
 1019 preceding appointment; one member must be a licensed broker or a
 1020 licensed sales associate who has held an active license for the
 1021 2 years preceding appointment; and two members must be persons
 1022 who are not, and have never been, brokers or sales associates.
 1023 At least one member of the commission must be 60 years of age or
 1024 older. The current members may complete their present terms
 1025 unless removed for cause.

1026 (2) Members shall be appointed for 4-year terms.

1027 (3) Notwithstanding s. 112.313, any member of the
 1028 commission who is a licensed real estate broker or sales
 1029 associate and who holds an active real estate school permit,
 1030 chief administrator permit, school instructor permit, or any
 1031 combination of such permits issued by the department, to the
 1032 extent authorized pursuant to such permit, may offer, conduct,
 1033 or teach any course prescribed or approved by the commission or
 1034 the department.

1035 Section 36. Paragraph (a) of subsection (1) of section
 1036 475.175, Florida Statutes, is amended to read:

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1037 475.175 Examinations.—

1038 (1) A person shall be entitled to take the license
 1039 examination to practice in this state if the person:

1040 (a) Submits to the department the appropriate signed or
 1041 electronically authenticated application, digital fingerprint
 1042 data, and fee, ~~and a fingerprint card~~. The digital fingerprints
 1043 ~~fingerprint card~~ shall be forwarded to the Division of Criminal
 1044 Justice Information Systems within the Department of Law
 1045 Enforcement for purposes of processing the fingerprints
 1046 ~~fingerprint card~~ to determine if the applicant has a criminal
 1047 history record. The fingerprints ~~fingerprint card~~ shall also be
 1048 forwarded to the Federal Bureau of Investigation for purposes of
 1049 processing the fingerprints ~~fingerprint card~~ to determine if the
 1050 applicant has a criminal history record. The information
 1051 obtained by the processing of the fingerprints ~~fingerprint card~~
 1052 by the ~~Florida~~ Department of Law Enforcement and the Federal
 1053 Bureau of Investigation shall be sent to the department for the
 1054 purpose of determining if the applicant is statutorily qualified
 1055 for examination. ~~Effective July 1, 2006, an applicant shall~~
 1056 ~~provide fingerprints in electronic format.~~

1057 Section 37. Section 475.613, Florida Statutes, is amended
 1058 to read:

1059 475.613 Florida Real Estate Appraisal Board.—

1060 (1) There is created the Florida Real Estate Appraisal
 1061 Board, which shall consist of seven members appointed by the
 1062 Governor, subject to confirmation by the Senate. Four members of
 1063 the board must be real estate appraisers who have been engaged
 1064 in the general practice of appraising real property in this

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1065 state for at least 5 years immediately preceding appointment. In
1066 appointing real estate appraisers to the board, while not
1067 excluding other appraisers, the Governor shall give preference
1068 to real estate appraisers who are not primarily engaged in real
1069 estate brokerage or mortgage lending activities. One member of
1070 the board must represent organizations that use appraisals for
1071 the purpose of eminent domain proceedings, financial
1072 transactions, or mortgage insurance. Two members of the board
1073 shall be representatives of the general public and shall not be
1074 connected in any way with the practice of real estate appraisal,
1075 ~~real estate brokerage, or mortgage lending~~. The appraiser
1076 members shall be as representative of the entire industry as
1077 possible, and membership in a nationally recognized or state-
1078 recognized appraisal organization shall not be a prerequisite to
1079 membership on the board. To the extent possible, no more than
1080 two members of the board shall be primarily affiliated with any
1081 one particular national or state appraisal association. Two of
1082 the members must be licensed or certified residential real
1083 estate appraisers and two of the members must be certified
1084 general real estate appraisers at the time of their appointment.

1085 (a) Members of the board shall be appointed for 4-year
1086 terms. Any vacancy occurring in the membership of the board
1087 shall be filled by appointment by the Governor for the unexpired
1088 term. Upon expiration of her or his term, a member of the board
1089 shall continue to hold office until the appointment and
1090 qualification of the member's successor. A member may not be
1091 appointed for more than two consecutive terms. The Governor may
1092 remove any member for cause.

1093 (b) The headquarters for the board shall be in Orlando.

1094 (c) The board shall meet at least once each calendar
1095 quarter to conduct its business.

1096 (d) The members of the board shall elect a chairperson at
1097 the first meeting each year.

1098 (e) Each member of the board is entitled to per diem and
1099 travel expenses as set by legislative appropriation for each day
1100 that the member engages in the business of the board.

1101 (2) The board shall have, through its rules, full power to
1102 regulate the issuance of licenses, certifications,
1103 registrations, and permits; to discipline appraisers in any
1104 manner permitted under this section; to establish qualifications
1105 for licenses, certifications, registrations, and permits
1106 consistent with this section; to regulate approved courses; to
1107 establish standards for real estate appraisals; and to establish
1108 standards for and regulate supervisory appraisers.

1109 (3) Notwithstanding s. 112.313, any member of the board
1110 who is a licensed or certified real estate appraiser and who
1111 holds an active appraiser instructor permit issued by the
1112 department, to the extent authorized pursuant to such permit,
1113 may offer, conduct, or teach any course prescribed or approved
1114 by the board or the department.

1115 Section 38. Subsections (4) through (8) of section
1116 477.019, Florida Statutes, are renumbered as subsections (3)
1117 through (7), respectively, and paragraph (c) of subsection (2)
1118 and present subsection (3) of that section are amended to read:

1119 477.019 Cosmetologists; qualifications; licensure;
1120 supervised practice; license renewal; endorsement; continuing

1121 education.—

1122 (2) An applicant shall be eligible for licensure by
 1123 examination to practice cosmetology if the applicant:

1124 (c)1. Is authorized to practice cosmetology in another
 1125 state or country, has been so authorized for at least 1 year,
 1126 and does not qualify for licensure by endorsement as provided
 1127 for in subsection (5) ~~(6)~~; or

1128 2. Has received a minimum of 1,200 hours of training as
 1129 established by the board, which shall include, but shall not be
 1130 limited to, the equivalent of completion of services directly
 1131 related to the practice of cosmetology at one of the following:

1132 a. A school of cosmetology licensed pursuant to chapter
 1133 1005.

1134 b. A cosmetology program within the public school system.

1135 c. The Cosmetology Division of the Florida School for the
 1136 Deaf and the Blind, provided the division meets the standards of
 1137 this chapter.

1138 d. A government-operated cosmetology program in this
 1139 state.

1140

1141 The board shall establish by rule procedures whereby the school
 1142 or program may certify that a person is qualified to take the
 1143 required examination after the completion of a minimum of 1,000
 1144 actual school hours. If the person then passes the examination,
 1145 he or she shall have satisfied this requirement; but if the
 1146 person fails the examination, he or she shall not be qualified
 1147 to take the examination again until the completion of the full
 1148 requirements provided by this section.

1149 ~~(3) An application for the licensure examination for any~~
1150 ~~license under this section may be submitted for examination~~
1151 ~~approval in the last 100 hours of training by a pregraduate of a~~
1152 ~~licensed cosmetology school or a program within the public~~
1153 ~~school system, which school or program is certified by the~~
1154 ~~Department of Education with fees as required in paragraph~~
1155 ~~(2) (b). Upon approval, the applicant may schedule the~~
1156 ~~examination on a date when the training hours are completed. An~~
1157 ~~applicant shall have 6 months from the date of approval to take~~
1158 ~~the examination. After the 6 months have passed, if the~~
1159 ~~applicant failed to take the examination, the applicant must~~
1160 ~~reapply. The board shall establish by rule the procedures for~~
1161 ~~the pregraduate application process.~~

1162 Section 39. Subsection (4) of section 509.211, Florida
1163 Statutes, is amended to read:

1164 509.211 Safety regulations.—

1165 (4) Every enclosed space or room that contains a boiler
1166 regulated under chapter 554 which is fired by the direct
1167 application of energy from the combustion of fuels and that is
1168 located in any portion of a public lodging establishment that
1169 also contains sleeping rooms shall be equipped with one or more
1170 carbon monoxide sensor devices that bear the label of a
1171 nationally recognized testing laboratory and have been tested
1172 and listed as complying with the most recent Underwriters
1173 Laboratories, Inc., Standard 2034, or its equivalent, unless it
1174 is determined that carbon monoxide hazards have otherwise been
1175 adequately mitigated as determined by the Division of State Fire
1176 Marshal of the Department of Financial Services. Such devices

1177 shall be integrated with the public lodging establishment's fire
 1178 detection system. Any such installation or determination shall
 1179 be made in accordance with rules adopted by the Division of
 1180 State Fire Marshal.

1181 Section 40. Section 548.076, Florida Statutes, is created
 1182 to read:

1183 548.076 Cease and desist notices.—When the department has
 1184 probable cause to believe that any person not licensed by the
 1185 commission has violated any provision of this chapter, or any
 1186 rule adopted pursuant thereto, the department may issue and
 1187 deliver to such person a notice to cease and desist from such
 1188 violation. The department shall issue and enforce such cease and
 1189 desist notices in accordance with s. 455.228.

1190 Section 41. Subsection (1) of section 561.17, Florida
 1191 Statutes, is amended to read:

1192 561.17 License and registration applications; approved
 1193 person.—

1194 (1) Any person, before engaging in the business of
 1195 manufacturing, bottling, distributing, selling, or in any way
 1196 dealing in alcoholic beverages, shall file, with the district
 1197 licensing personnel of the district of the division in which the
 1198 place of business for which a license is sought is located, a
 1199 sworn application in the format prescribed ~~duplicate on forms~~
 1200 ~~provided to the district licensing personnel~~ by the division.
 1201 The applicant must be a legal or business entity, person, or
 1202 persons and must include all persons, officers, shareholders,
 1203 and directors of such legal or business entity that have a
 1204 direct or indirect interest in the business seeking to be

1205 licensed under this part. However, the applicant does not
 1206 include any person that derives revenue from the license solely
 1207 through a contractual relationship with the licensee, the
 1208 substance of which contractual relationship is not related to
 1209 the control of the sale of alcoholic beverages. Before ~~Prior to~~
 1210 any application is being approved, the division may require the
 1211 applicant to file a set of fingerprints on regular United States
 1212 Department of Justice forms for herself or himself and for any
 1213 person or persons interested directly or indirectly with the
 1214 applicant in the business for which the license is being sought,
 1215 when ~~so~~ required by the division. If the applicant or any person
 1216 who is interested with the applicant either directly or
 1217 indirectly in the business or who has a security interest in the
 1218 license being sought or has a right to a percentage payment from
 1219 the proceeds of the business, either by lease or otherwise, is
 1220 not qualified, the division shall deny the application ~~shall be~~
 1221 ~~denied by the division~~. However, any company regularly traded on
 1222 a national securities exchange and not over the counter; any
 1223 insurer, as defined in the Florida Insurance Code; or any bank
 1224 or savings and loan association chartered by this state, another
 1225 state, or the United States which has an interest, directly or
 1226 indirectly, in an alcoholic beverage license is ~~shall not be~~
 1227 required to obtain the division's ~~division~~ approval of its
 1228 officers, directors, or stockholders or any change of such
 1229 positions or interests. A shopping center with five or more
 1230 stores, one or more of which has an alcoholic beverage license
 1231 and is required under a lease common to all shopping center
 1232 tenants to pay no more than 10 percent of the gross proceeds of

1233 the business holding the license to the shopping center, is
 1234 ~~shall not be~~ considered as having an interest, directly or
 1235 indirectly, in the license.

1236 Section 42. For the purpose of incorporating the amendment
 1237 made by this act to section 455.227, Florida Statutes, in a
 1238 reference thereto, paragraph (a) of subsection (2) of section
 1239 468.436, Florida Statutes, is reenacted to read:

1240 468.436 Disciplinary proceedings.—

1241 (2) The following acts constitute grounds for which the
 1242 disciplinary actions in subsection (4) may be taken:

1243 (a) Violation of any provision of s. 455.227(1).

1244 Section 43. For the purpose of incorporating the amendment
 1245 made by this act to section 455.227, Florida Statutes, in a
 1246 reference thereto, paragraph (a) of subsection (1) of section
 1247 468.832, Florida Statutes, is reenacted to read:

1248 468.832 Disciplinary proceedings.—

1249 (1) The following acts constitute grounds for which the
 1250 disciplinary actions in subsection (2) may be taken:

1251 (a) Violation of any provision of this part or s.
 1252 455.227(1);

1253 Section 44. For the purpose of incorporating the amendment
 1254 made by this act to section 455.227, Florida Statutes, in a
 1255 reference thereto, paragraph (a) of subsection (1) of section
 1256 468.842, Florida Statutes, is reenacted to read:

1257 468.842 Disciplinary proceedings.—

1258 (1) The following acts constitute grounds for which the
 1259 disciplinary actions in subsection (2) may be taken:

1260 (a) Violation of any provision of this part or s.

1261 455.227(1);

1262 Section 45. For the purpose of incorporating the amendment
 1263 made by this act to section 455.227, Florida Statutes, in a
 1264 reference thereto, paragraph (a) of subsection (1) of section
 1265 471.033, Florida Statutes, is reenacted to read:

1266 471.033 Disciplinary proceedings.—

1267 (1) The following acts constitute grounds for which the
 1268 disciplinary actions in subsection (3) may be taken:

1269 (a) Violating any provision of s. 455.227(1), s. 471.025,
 1270 or s. 471.031, or any other provision of this chapter or rule of
 1271 the board or department.

1272 Section 46. For the purpose of incorporating the amendment
 1273 made by this act to section 455.227, Florida Statutes, in a
 1274 reference thereto, paragraph (a) of subsection (1) of section
 1275 473.323, Florida Statutes, is reenacted to read:

1276 473.323 Disciplinary proceedings.—

1277 (1) The following acts constitute grounds for which the
 1278 disciplinary actions in subsection (3) may be taken:

1279 (a) Violation of any provision of s. 455.227(1) or any
 1280 other provision of this chapter.

1281 Section 47. For the purpose of incorporating the amendment
 1282 made by this act to section 455.227, Florida Statutes, in a
 1283 reference thereto, paragraph (a) of subsection (1) of section
 1284 475.25, Florida Statutes, is reenacted to read:

1285 475.25 Discipline.—

1286 (1) The commission may deny an application for licensure,
 1287 registration, or permit, or renewal thereof; may place a
 1288 licensee, registrant, or permittee on probation; may suspend a

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1289 license, registration, or permit for a period not exceeding 10
 1290 years; may revoke a license, registration, or permit; may impose
 1291 an administrative fine not to exceed \$5,000 for each count or
 1292 separate offense; and may issue a reprimand, and any or all of
 1293 the foregoing, if it finds that the licensee, registrant,
 1294 permittee, or applicant:

1295 (a) Has violated any provision of s. 455.227(1) or s.
 1296 475.42. However, licensees under this part are exempt from the
 1297 provisions of s. 455.227(1) (i).

1298 Section 48. For the purpose of incorporating the amendment
 1299 made by this act to section 455.227, Florida Statutes, in a
 1300 reference thereto, subsection (1) of section 475.624, Florida
 1301 Statutes, is reenacted to read:

1302 475.624 Discipline.—The board may deny an application for
 1303 registration or certification; may investigate the actions of
 1304 any appraiser registered, licensed, or certified under this
 1305 part; may reprimand or impose an administrative fine not to
 1306 exceed \$5,000 for each count or separate offense against any
 1307 such appraiser; and may revoke or suspend, for a period not to
 1308 exceed 10 years, the registration, license, or certification of
 1309 any such appraiser, or place any such appraiser on probation, if
 1310 it finds that the registered trainee, licensee, or
 1311 certificateholder:

1312 (1) Has violated any provisions of this part or s.
 1313 455.227(1); however, certificateholders, registrants, and
 1314 licensees under this part are exempt from the provisions of s.
 1315 455.227(1) (i).

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1317 made by this act to section 455.227, Florida Statutes, in a
 1318 reference thereto, paragraph (h) of subsection (1) of section
 1319 476.204, Florida Statutes, is reenacted to read:

1320 476.204 Penalties.—

1321 (1) It is unlawful for any person to:

1322 (h) Violate any provision of s. 455.227(1), s. 476.194, or
 1323 s. 476.214.

1324 Section 50. For the purpose of incorporating the amendment
 1325 made by this act to section 455.227, Florida Statutes, in a
 1326 reference thereto, paragraph (h) of subsection (1) of section
 1327 477.029, Florida Statutes, is reenacted to read:

1328 477.029 Penalty.—

1329 (1) It is unlawful for any person to:

1330 (h) Violate any provision of s. 455.227(1), s. 477.0265,
 1331 or s. 477.028.

1332 Section 51. For the purpose of incorporating the amendment
 1333 made by this act to section 455.227, Florida Statutes, in a
 1334 reference thereto, paragraph (a) of subsection (1) of section
 1335 481.225, Florida Statutes, is reenacted to read:

1336 481.225 Disciplinary proceedings against registered
 1337 architects.—

1338 (1) The following acts constitute grounds for which the
 1339 disciplinary actions in subsection (3) may be taken:

1340 (a) Violating any provision of s. 455.227(1), s. 481.221,
 1341 or s. 481.223, or any rule of the board or department lawfully
 1342 adopted pursuant to this part or chapter 455.

1343 Section 52. For the purpose of incorporating the amendment
 1344 made by this act to section 455.227, Florida Statutes, in a

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1345 reference thereto, paragraph (a) of subsection (1) of section
 1346 481.325, Florida Statutes, is reenacted to read:

1347 481.325 Disciplinary proceedings.—

1348 (1) The following acts constitute grounds for which the
 1349 disciplinary actions in subsection (3) may be taken:

1350 (a) Violation of any provision of s. 455.227(1), s.
 1351 481.321, or s. 481.323.

1352 Section 53. For the purpose of incorporating the amendment
 1353 made by this act to section 468.832, Florida Statutes, in a
 1354 reference thereto, subsection (2) of section 468.8314, Florida
 1355 Statutes, is reenacted to read:

1356 468.8314 Licensure.—

1357 (2) The department shall certify for licensure any
 1358 applicant who satisfies the requirements of s. 468.8313 and who
 1359 has passed the licensing examination. The department may refuse
 1360 to certify any applicant who has violated any of the provisions
 1361 of s. 468.832.

1362 Section 54. This act shall take effect July 1, 2010.