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CS/CS/CS/HB 713

2010 Legislature

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;

Page 1 of 50

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hb0713-04-er

ENROLLED
CS/CS/CS/HB 713

2010 Legislature

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;

Page 2 of 50

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hb0713-04-er

ENROLLED
CS/CS/CS/HB 713

2010 Legislature

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; providing an
63 | exemption for certain certified contractors; authorizing
64 | the department to require certain disclosures on contracts
65 | for home repairs performed by such contractors; exempting
66 | from punishment certain unlicensed activity occurring
67 | before a specified date; amending s. 468.832, F.S.;
68 | providing an additional ground for discipline of licensed
69 | home inspectors; amending s. 468.8324, F.S.; extending the
70 | time for licensure of home inspectors under certain
71 | grandfather provisions; revising the licensing criteria
72 | for such provisions; authorizing the department to
73 | investigate the validity of home inspection reports
74 | submitted for licensure under the grandfather provisions;
75 | providing penalties for the submission of false reports;
76 | creating s. 468.8325, F.S.; requiring the department to
77 | adopt rules; amending s. 468.84, F.S.; creating the mold-
78 | related services licensing program within the department;
79 | amending s. 468.8412, F.S.; deleting limits on fees for
80 | certificates of authorization to conform to changes made
81 | by the act; amending s. 468.8413, F.S.; requiring mold
82 | assessor and mold remediator license applicants to satisfy
83 | certain examination requirements before application for
84 | licensure; revising the educational requirements for

ENROLLED
CS/CS/CS/HB 713

2010 Legislature

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

Page 4 of 50

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

hb0713-04-er

ENROLLED
CS/CS/CS/HB 713

2010 Legislature

113 from regulation of veterinary medical practice; amending
 114 s. 475.02, F.S.; authorizing certain members of the
 115 Florida Real Estate Commission to offer, conduct, and
 116 teach courses prescribed or approved by the commission or
 117 the department; amending s. 475.175, F.S.; revising the
 118 application and fingerprint requirements for real estate
 119 broker and sales associate licenses; deleting a
 120 requirement that license applicants provide fingerprints
 121 in an electronic format; amending s. 475.613, F.S.;
 122 revising qualifications of members of the Florida Real
 123 Estate Appraisal Board; authorizing certain board members
 124 to offer, conduct, and teach courses prescribed or
 125 approved by the board or the department; amending s.
 126 477.019, F.S.; deleting time limits for cosmetology
 127 license applicants to take the licensure examination;
 128 conforming a cross-reference; amending s. 509.211, F.S.;
 129 assigning responsibility for the regulation of carbon
 130 monoxide hazards in certain public lodging establishments
 131 to the Division of State Fire Marshal of the Department of
 132 Financial Services; creating s. 548.076, F.S.; authorizing
 133 the Department of Business and Professional Regulation to
 134 issue and enforce notices to cease and desist from
 135 violations of provisions regulating pugilistic
 136 exhibitions; providing penalties; amending s. 561.17,
 137 F.S.; revising application requirements for alcoholic
 138 beverage licenses; reenacting ss. 468.436(2)(a),
 139 468.832(1)(a), 468.842(1)(a), 471.033(1)(a),
 140 473.323(1)(a), 475.25(1)(a), 475.624(1), 476.204(1)(h),

ENROLLED
CS/CS/CS/HB 713

2010 Legislature

141 477.029(1)(h), 481.225(1)(a), and 481.325(1)(a), F.S.,
 142 relating to disciplinary proceedings for community
 143 association managers, home inspectors, mold assessors,
 144 mold remediators, engineers, certified public accountants,
 145 real estate brokers and sales associates, real estate
 146 appraisers, barbers, cosmetologists, architects, and
 147 landscape architects, to incorporate the amendment made to
 148 s. 455.227, F.S., in references thereto; reenacting s.
 149 468.8314(2), F.S., relating to the licensure of home
 150 inspectors, to incorporate the amendment made to s.
 151 468.832, F.S., in a reference thereto; providing an
 152 effective date.

153

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

155

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

158 20.165 Department of Business and Professional
 159 Regulation.—There is created a Department of Business and
 160 Professional Regulation.

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

- 163 1. Board of Architecture and Interior Design, created
 164 under part I of chapter 481.
- 165 2. Florida Board of Auctioneers, created under part VI of
 166 chapter 468.
- 167 3. Barbers' Board, created under chapter 476.
- 168 4. Florida Building Code Administrators and Inspectors

ENROLLED
CS/CS/CS/HB 713

2010 Legislature

- 169 Board, created under part XII of chapter 468.
- 170 5. Construction Industry Licensing Board, created under
171 part I of chapter 489.
- 172 6. Board of Cosmetology, created under chapter 477.
- 173 7. Electrical Contractors' Licensing Board, created under
174 part II of chapter 489.
- 175 8. Board of Employee Leasing Companies, created under part
176 XI of chapter 468.
- 177 9. Board of Landscape Architecture, created under part II
178 of chapter 481.
- 179 10. Board of Pilot Commissioners, created under chapter
180 310.
- 181 11. Board of Professional Engineers, created under chapter
182 471.
- 183 12. Board of Professional Geologists, created under
184 chapter 492.
- 185 13. Board of Veterinary Medicine, created under chapter
186 474.
- 187 14. Home inspection services licensing program, created
188 under part XV of chapter 468.
- 189 15. Mold-related services licensing program, created under
190 part XVI of chapter 468.
- 191 (b) The following board and commission are established
192 within the Division of Real Estate:
- 193 1. Florida Real Estate Appraisal Board, created under part
194 II of chapter 475.
- 195 2. Florida Real Estate Commission, created under part I of
196 chapter 475.

ENROLLED
CS/CS/CS/HB 713

2010 Legislature

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

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

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

202 215.37 Department of Business and Professional Regulation
203 and the boards to be financed from fees collected; deposit of
204 funds; service charge; appropriation.—

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

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

214 322.142 Color photographic or digital imaged licenses.—

215 (4) The department may maintain a film negative or print
216 file. The department shall maintain a record of the digital
217 image and signature of the licensees, together with other data
218 required by the department for identification and retrieval.
219 Reproductions from the file or digital record are exempt from
220 the provisions of s. 119.07(1) and shall be made and issued only
221 for departmental administrative purposes; for the issuance of
222 duplicate licenses; in response to law enforcement agency
223 requests; to the Department of Business and Professional
224 Regulation pursuant to an interagency agreement for the purpose

ENROLLED
CS/CS/CS/HB 713

2010 Legislature

225 of accessing digital images for reproduction of licenses issued
 226 by the Department of Business and Professional Regulation; to
 227 the Department of State pursuant to an interagency agreement to
 228 facilitate determinations of eligibility of voter registration
 229 applicants and registered voters in accordance with ss. 98.045
 230 and 98.075; to the Department of Revenue pursuant to an
 231 interagency agreement for use in establishing paternity and
 232 establishing, modifying, or enforcing support obligations in
 233 Title IV-D cases; to the Department of Children and Family
 234 Services pursuant to an interagency agreement to conduct
 235 protective investigations under part III of chapter 39; or to
 236 the Department of Financial Services pursuant to an interagency
 237 agreement to facilitate the location of owners of unclaimed
 238 property, the validation of unclaimed property claims, and the
 239 identification of fraudulent or false claims.

240 Section 4. Section 455.017, Florida Statutes, is amended
 241 to read:

242 455.017 Applicability of this chapter. ~~The provisions of~~
 243 This chapter applies ~~apply~~ only to the regulation ~~by the~~
 244 ~~department~~ of professions by the department.

245 Section 5. Section 455.02, Florida Statutes, is amended to
 246 read:

247 455.02 Licensure of members of the Armed Forces in good
 248 standing with administrative boards and their spouses.—

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

ENROLLED
CS/CS/CS/HB 713

2010 Legislature

253 or her profession or vocation in the state shall be kept in good
 254 standing by such administrative board, without registering,
 255 paying dues or fees, or performing any other act on his or her
 256 part to be performed, as long as he or she is a member of the
 257 Armed Forces of the United States on active duty and for a
 258 period of 6 months after discharge from active duty as a member
 259 of the Armed Forces of the United States, if provided he or she
 260 is not engaged in his or her licensed profession or vocation in
 261 the private sector for profit.

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

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

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

275 2. Proof that the applicant holds a valid license for the
 276 profession issued by another state, the District of Columbia,
 277 any possession or territory of the United States, or any foreign
 278 jurisdiction.

279 3. Proof that the applicant's spouse is assigned to a duty
 280 station in this state and that the applicant is also assigned to

ENROLLED
CS/CS/CS/HB 713

2010 Legislature

281 a duty station in this state pursuant to the member's official
282 active duty military orders.

283 4. Proof that a complete set of the applicant's
284 fingerprints are submitted to the Department of Law Enforcement
285 for a statewide criminal history check. The Department of Law
286 Enforcement shall forward the fingerprints to the Federal Bureau
287 of Investigation for a national criminal history check. The
288 department shall, and the board may, review the results of the
289 criminal history checks according to the level 2 screening
290 standards in s. 435.04 and determine whether the applicant meets
291 the licensure requirements. The costs of fingerprint processing
292 shall be borne by the applicant. If the applicant's fingerprints
293 are submitted through an authorized agency or vendor, the agency
294 or vendor shall collect the required processing fees and remit
295 the fees to the Department of Law Enforcement.

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

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

301 Section 6. Section 455.2122, Florida Statutes, is created
302 to read:

303 455.2122 Education.—A board, or the department when there
304 is no board, shall approve distance learning courses as an
305 alternative to classroom courses to satisfy prelicensure or
306 postlicensure education requirements in part VIII of chapter 468
307 or part I of chapter 475. A board, or the department when there
308 is no board, may not require centralized examinations for

ENROLLED
CS/CS/CS/HB 713

2010 Legislature

309 completion of prelicensure or postlicensure education
310 requirements for professions licensed under part VIII of chapter
311 468 or part I of chapter 475.

312 Section 7. Section 455.2123, Florida Statutes, is amended
313 to read:

314 455.2123 Continuing education.—A board, or the department
315 when there is no board, may provide by rule that distance
316 learning may be used to satisfy continuing education
317 requirements. A board, or the department when there is no board,
318 shall approve distance learning courses as an alternative to
319 classroom courses to satisfy continuing education requirements
320 in part VIII, part XV, or part XVI of chapter 468 or part I or
321 part II of chapter 475 and may not require centralized
322 examinations for completion of continuing education requirements
323 for the professions licensed under part VIII, part XV, or part
324 XVI of chapter 468 or part I or part II of chapter 475.

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

327 455.213 General licensing provisions.—

328 (2) Before the issuance of any license, the department may
329 charge an initial license fee as determined by rule of the
330 applicable board or, if no such board exists, by rule of the
331 department. Upon receipt of the appropriate license fee, except
332 as provided in subsection (3), the department shall issue a
333 license to any person certified by the appropriate board, or its
334 designee, or the department when there is no board, as having
335 met the applicable requirements imposed by law or rule. However,
336 an applicant who is not otherwise qualified for licensure is not

ENROLLED
CS/CS/CS/HB 713

2010 Legislature

337 entitled to licensure solely based on a passing score on a
338 required examination. Upon a determination by the department
339 that it erroneously issued a license, or upon the revocation of
340 a license by the applicable board, or by the department when
341 there is no board, the licensee must surrender his or her
342 license to the department.

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

345 455.217 Examinations.—This section shall be read in
346 conjunction with the appropriate practice act associated with
347 each regulated profession under this chapter.

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

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

ENROLLED
CS/CS/CS/HB 713

2010 Legislature

365 evaluation of examinations, when such services are economically
366 and viably available and approved by the department.

367 (b) For each examination developed by the department or
368 contracted vendor, to the extent not otherwise specified by
369 statute, the board or the department when there is no board,
370 shall by rule specify the general areas of competency to be
371 covered by the examination, the relative weight to be assigned
372 in grading each area tested, the score necessary to achieve a
373 passing grade, and the fees, where applicable, to cover the
374 actual cost for any purchase, development, and administration of
375 the required examination. However, statutory fee caps in each
376 practice act shall apply. This subsection does not apply to
377 national examinations approved and administered pursuant to
378 paragraph (d).

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

388 (d) A board, or the department when there is no board, may
389 approve by rule the use of any national examination which the
390 department has certified as meeting requirements of national
391 examinations and generally accepted testing standards pursuant
392 to department rules. Providers of examinations, which may be

ENROLLED
CS/CS/CS/HB 713

2010 Legislature

393 either profit or nonprofit entities, seeking certification by
394 the department shall pay the actual costs incurred by the
395 department in making a determination regarding the
396 certification. The department shall use any national examination
397 which is available, certified by the department, and approved by
398 the board. The name and number of a candidate may be provided to
399 a national contractor for the limited purpose of preparing the
400 grade tape and information to be returned to the board or
401 department or, to the extent otherwise specified by rule, the
402 candidate may apply directly to the vendor of the national
403 examination. The department may delegate to the board the duty
404 to provide and administer the examination. Any national
405 examination approved by a board, or the department when there is
406 no board, prior to October 1, 1997, is deemed certified under
407 this paragraph. Any licensing or certification examination that
408 is not developed or administered by the department in-house or
409 provided as a national examination shall be competitively bid.

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

Page 15 of 50

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hb0713-04-er

ENROLLED
CS/CS/CS/HB 713

2010 Legislature

421 (f) If the professional board with jurisdiction over an
422 examination concurs, the department may, for a fee, share with
423 any other state's licensing authority an examination developed
424 by or for the department unless prohibited by a contract entered
425 into by the department for development or purchase of the
426 examination. The department, with the concurrence of the
427 appropriate board, shall establish guidelines that ensure
428 security of a shared exam and shall require that any other
429 state's licensing authority comply with those guidelines. Those
430 guidelines shall be approved by the appropriate professional
431 board. All fees paid by the user shall be applied to the
432 department's examination and development program for professions
433 regulated by this chapter. All fees paid by the user for
434 professions not regulated by this chapter shall be applied to
435 offset the fees for the development and administration of that
436 profession's examination. If both a written and a practical
437 examination are given, an applicant shall be required to retake
438 only the portion of the examination for which he or she failed
439 to achieve a passing grade, if he or she successfully passes
440 that portion within a reasonable time of his or her passing the
441 other portion.

442 (3) Except for national examinations approved and
443 administered pursuant to paragraph (1)(d), the department shall
444 provide procedures for applicants who have taken and failed an
445 examination developed by the department or a contracted vendor
446 to review their most recently administered examination
447 questions, answers, papers, grades, and grading key for the
448 questions the candidate answered incorrectly or, if not

ENROLLED
CS/CS/CS/HB 713

2010 Legislature

449 | feasible, the parts of the examination failed. Applicants shall
450 | bear the actual cost for the department to provide examination
451 | review pursuant to this subsection. An applicant may waive in
452 | writing the confidentiality of his or her examination grades.

453 | Section 10. Section 455.2175, Florida Statutes, is amended
454 | to read:

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

467 | Section 11. Section 455.2226, Florida Statutes, is
468 | repealed.

469 | Section 12. Paragraph (c) of subsection (1) of section
470 | 455.227, Florida Statutes, is amended to read:

471 | 455.227 Grounds for discipline; penalties; enforcement.—

472 | (1) The following acts shall constitute grounds for which
473 | the disciplinary actions specified in subsection (2) may be
474 | taken:

475 | (c) Being convicted or found guilty of, or entering a plea
476 | of guilty or nolo contendere to, regardless of adjudication, a

ENROLLED
CS/CS/CS/HB 713

2010 Legislature

477 crime in any jurisdiction which relates to the practice of, or
478 the ability to practice, a licensee's profession.

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

481 455.228 Unlicensed practice of a profession; cease and
482 desist notice; civil penalty; enforcement; citations; allocation
483 of moneys collected.—

484 (1) When the department has probable cause to believe that
485 any person not licensed by the department, or the appropriate
486 regulatory board within the department, has violated any
487 provision of this chapter or any statute that relates to the
488 practice of a profession regulated by the department, or any
489 rule adopted pursuant thereto, the department may issue and
490 deliver to such person a notice to cease and desist from such
491 violation. In addition, the department may issue and deliver a
492 notice to cease and desist to any person who aids and abets the
493 unlicensed practice of a profession by employing such unlicensed
494 person. The issuance of a notice to cease and desist shall not
495 constitute agency action for which a hearing under ss. 120.569
496 and 120.57 may be sought. For the purpose of enforcing a cease
497 and desist notice order, the department may file a proceeding in
498 the name of the state seeking issuance of an injunction or a
499 writ of mandamus against any person who violates any provisions
500 of such notice order. In addition to the foregoing remedies, the
501 department may impose an administrative penalty not to exceed
502 \$5,000 per incident pursuant to the provisions of chapter 120 or
503 may issue a citation pursuant to the provisions of subsection
504 (3). If the department is required to seek enforcement of the

ENROLLED
CS/CS/CS/HB 713

2010 Legislature

505 notice ~~order~~ for a penalty pursuant to s. 120.569, it shall be
506 entitled to collect its attorney's fees and costs, together with
507 any cost of collection.

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

510 455.275 Address of record.—

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

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

529 Section 15. Section 468.83, Florida Statutes, is amended
530 to read:

531 468.83 Home inspection services licensing program;
532 purpose.—

ENROLLED
CS/CS/CS/HB 713

2010 Legislature

533 (1) There is created within the department the home
534 inspection services licensing program.

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

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

544 468.8311 Definitions.—As used in this part, the term:

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

552 Section 17. Subsections (5) through (8) of section
553 468.8312, Florida Statutes, are renumbered as subsections (4)
554 through (7), respectively, and present subsection (4) of that
555 section is amended to read:

556 468.8312 Fees.—

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

559 Section 18. Subsections (1) and (2) of section 468.8313,
560 Florida Statutes, are amended, and paragraph (d) is added to

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CS/CS/CS/HB 713

2010 Legislature

561 subsection (5) of that section, to read:

562 468.8313 Examinations.—

563 (1) A person desiring to be licensed as a home inspector
564 must ~~shall~~ apply to the department after satisfying the
565 examination requirements of this part ~~to take a licensure~~
566 ~~examination.~~

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

577 (5)

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

ENROLLED
CS/CS/CS/HB 713

2010 Legislature

589 shall collect such fees and pay for the processing costs due to
590 the Department of Law Enforcement.

591 Section 19. Section 468.8318, Florida Statutes, is amended
592 to read:

593 468.8318 Certification of corporations and partnerships.—

594 ~~(1) The department shall issue a certificate of~~
595 ~~authorization to a corporation or partnership offering home~~
596 ~~inspection services to the public if the corporation or~~
597 ~~partnership satisfies all of the requirements of this part.~~

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

ENROLLED
CS/CS/CS/HB 713

2010 Legislature

617 employment or relationship with a corporation or partnership.

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

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

630 ~~(5) Disciplinary action against a corporation or~~
 631 ~~partnership shall be administered in the same manner and on the~~
 632 ~~same grounds as disciplinary action against a licensed home~~
 633 ~~inspector.~~

634 Section 20. Section 468.8319, Florida Statutes, is amended
 635 to read:

636 468.8319 Prohibitions; penalties.—

637 (1) A person ~~home inspector, a company that employs a home~~
 638 ~~inspector, or a company that is controlled by a company that~~
 639 ~~also has a financial interest in a company employing a home~~
 640 ~~inspector~~ may not:

641 (a) Effective July 1, 2011, practice or offer to practice
 642 home inspection services unless the person has complied with the
 643 provisions of this part.†

644 (b) Effective July 1, 2011, use the name or title

ENROLLED
CS/CS/CS/HB 713

2010 Legislature

645 "certified home inspector," "registered home inspector,"
646 "licensed home inspector," "home inspector," "professional home
647 inspector," or any combination thereof unless the person has
648 complied with the provisions of this part.~~†~~

649 (c) Present as his or her own the license of another.~~†~~

650 (d) Knowingly give false or forged evidence to the
651 department or an employee thereof.~~†~~

652 (e) Use or attempt to use a license that has been
653 suspended or revoked.~~†~~

654 (f) Perform or offer to perform, ~~prior to closing, for any~~
655 ~~additional fee,~~ any repairs to a home on which the inspector or
656 the inspector's company has prepared a home inspection report.

657 This paragraph does not apply to:

658 1. A home warranty company that is affiliated with or
659 retains a home inspector to perform repairs pursuant to a claim
660 made under a home warranty contract.

661 2. A certified contractor who is classified in s.
662 489.105(3) as a Division I contractor. However, the department
663 may adopt rules requiring that, if such contractor performs the
664 home inspection and offers to perform the repairs, the contract
665 for repairs provided to the homeowner disclose that he or she
666 has the right to request competitive bids.~~†~~

667 (g) Inspect ~~for a fee~~ any property in which the inspector
668 or the inspector's company has any financial or transfer
669 interest.~~†~~

670 (h) Offer or deliver any compensation, inducement, or
671 reward to any broker or agent therefor for the referral of the
672 owner of the inspected property to the inspector or the

ENROLLED
CS/CS/CS/HB 713

2010 Legislature

673 inspection company.~~† or~~

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

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

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

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

686 468.832 Disciplinary proceedings.—

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

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

691 Section 22. Section 468.8324, Florida Statutes, is amended
692 to read:

693 468.8324 Grandfather clause.—

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

700 (a) Is certified as a home inspector by a state or

ENROLLED
CS/CS/CS/HB 713

2010 Legislature

701 national association that requires, for such certification,
 702 successful completion of a proctored examination on home
 703 inspection services and completes at least 14 hours of
 704 verifiable education on such services; or

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

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

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

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

725 Section 23. Section 468.8325, Florida Statutes, is created
 726 to read:

727 468.8325 Rulemaking authority.—The department shall adopt
 728 rules to administer this part.

ENROLLED
CS/CS/CS/HB 713

2010 Legislature

729 Section 24. Section 468.84, Florida Statutes, is amended
730 to read:

731 468.84 Mold-related services licensing program;
732 legislative purpose.—

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

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

741 Section 25. Subsections (7) through (10) of section
742 468.8412, Florida Statutes, are renumbered as subsections (6)
743 through (9), respectively, and present subsection (6) of that
744 section is amended to read:

745 468.8412 Fees.—

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

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

751 468.8413 Examinations.—

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

756 (2) An applicant may ~~shall be entitled to take the~~

ENROLLED
CS/CS/CS/HB 713

2010 Legislature

757 ~~licensure examination to~~ practice in this state as a mold
758 assessor or mold remediator if he or she passes the required
759 examination, the applicant is of good moral character, and
760 completes ~~has satisfied~~ one of the following requirements:
761 (a)1. For a mold remediator, at least a 2-year associate
762 of arts degree, or the equivalent, with at least 30 semester
763 hours in microbiology, engineering, architecture, industrial
764 hygiene, occupational safety, or a related field of science from
765 an accredited institution and a minimum of 1 year of documented
766 field experience in a field related to mold remediation; or
767 2. A high school diploma or the equivalent with a minimum
768 of 4 years of documented field experience in a field related to
769 mold remediation.
770 (b)1. For a mold assessor, at least a 2-year associate of
771 arts degree, or the equivalent, with at least 30 semester hours
772 in microbiology, engineering, architecture, industrial hygiene,
773 occupational safety, or a related field of science from an
774 accredited institution and a minimum of 1 year of documented
775 field experience in conducting microbial sampling or
776 investigations; or
777 2. A high school diploma or the equivalent with a minimum
778 of 4 years of documented field experience in conducting
779 microbial sampling or investigations.
780 (4)
781 (d) An applicant for a license shall submit, together with
782 the application, a complete set of electronic fingerprints to
783 the department. The department shall submit the fingerprints to
784 the Department of Law Enforcement for state processing, and the

ENROLLED
CS/CS/CS/HB 713

2010 Legislature

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

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

796 468.8414 Licensure.—

797 (3) The department shall certify as qualified for a
798 license by endorsement an applicant who is of good moral
799 character, who has the insurance coverage required under s.
800 468.8421, and who:

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

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

812 Section 28. Section 468.8418, Florida Statutes, is amended

ENROLLED
CS/CS/CS/HB 713

2010 Legislature

813 to read:

814 468.8418 Certification of partnerships and corporations.—

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

816 ~~authorization to a corporation or partnership offering mold~~

817 ~~assessment or mold remediation services to the public if the~~

818 ~~corporation or partnership satisfies all of the requirements of~~

819 ~~this part.~~

820 ~~(2)~~ The practice of or the offer to practice mold

821 assessment or mold remediation by licensees through a

822 corporation or partnership offering mold assessment or mold

823 remediation to the public, or by a corporation or partnership

824 offering such services to the public through licensees under

825 this part as agents, employees, officers, or partners, is

826 permitted subject to the provisions of this part, ~~provided that~~

827 ~~the corporation or partnership has been issued a certificate of~~

828 ~~authorization by the department as provided in this section.~~

829 Nothing in this section shall be construed to allow a

830 corporation to hold a license to practice mold assessment or

831 mold remediation. No corporation or partnership shall be

832 relieved of responsibility for the conduct or acts of its

833 agents, employees, or officers by reason of its compliance with

834 this section, nor shall any individual practicing mold

835 assessment or mold remediation be relieved of responsibility for

836 professional services performed by reason of his or her

837 employment or relationship with a corporation or partnership.

838 ~~(3) For the purposes of this section, a certificate of~~

839 ~~authorization shall be required for a corporation, partnership,~~

840 ~~association, or person practicing under a fictitious name,~~

ENROLLED
CS/CS/CS/HB 713

2010 Legislature

841 ~~offering mold assessment or mold remediation; however, when an~~
842 ~~individual is practicing mold assessment or mold remediation~~
843 ~~under his or her own given name, he or she shall not be required~~
844 ~~to register under this section.~~

845 ~~(4) Each certificate of authorization shall be renewed~~
846 ~~every 2 years. Each partnership and corporation certified under~~
847 ~~this section shall notify the department within 1 month of any~~
848 ~~change in the information contained in the application upon~~
849 ~~which the certification is based.~~

850 ~~(5) Disciplinary action against a corporation or~~
851 ~~partnership shall be administered in the same manner and on the~~
852 ~~same grounds as disciplinary action against a licensed mold~~
853 ~~assessor or mold remediator.~~

854 Section 29. Section 468.8419, Florida Statutes, is amended
855 to read:

856 468.8419 Prohibitions; penalties.—

857 (1) A person ~~mold assessor, a company that employs a mold~~
858 ~~assessor, or a company that is controlled by a company that also~~
859 ~~has a financial interest in a company employing a mold assessor~~
860 may not:

861 (a) Effective July 1, 2011, perform or offer to perform
862 any mold assessment unless the mold assessor has documented
863 training in water, mold, and respiratory protection under s.
864 468.8414(2).

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

868 (c) Use the name or title "certified mold assessor,"

ENROLLED
CS/CS/CS/HB 713

2010 Legislature

869 "registered mold assessor," "licensed mold assessor," "mold
870 assessor," "professional mold assessor," or any combination
871 thereof unless the person has complied with the provisions of
872 this part.

873 (d) Perform or offer to perform any mold remediation to a
874 structure on which the mold assessor or the mold assessor's
875 company provided a mold assessment within the last 12 months.
876 This paragraph does not apply to a certified contractor who is
877 classified in s. 489.105(3) as a Division I contractor. However,
878 the department may adopt rules requiring that, if such
879 contractor performs the mold assessment and offers to perform
880 the mold remediation, the contract for mold remediation provided
881 to the homeowner disclose that he or she has the right to
882 request competitive bids.

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

886 (f) Accept any compensation, inducement, or reward from a
887 mold remediator or mold remediator's company for the referral of
888 any business to the mold remediator or the mold remediator's
889 company.

890 (g) Offer any compensation, inducement, or reward to a
891 mold remediator or mold remediator's company for the referral of
892 any business from the mold remediator or the mold remediator's
893 company.

894 (h) Accept an engagement to make an omission of the
895 assessment or conduct an assessment in which the assessment
896 itself, or the fee payable for the assessment, is contingent

ENROLLED
CS/CS/CS/HB 713

2010 Legislature

897 upon the conclusions of the assessment.

898 (2) A mold remediator, a company that employs a mold
899 remediator, or a company that is controlled by a company that
900 also has a financial interest in a company employing a mold
901 remediator may not:

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

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

907 (c) Use the name or title "certified mold remediator,"
908 "registered mold remediator," "licensed mold remediator," "mold
909 remediator," "professional mold remediator," or any combination
910 thereof unless the person has complied with the provisions of
911 this part.

912 (d) Perform or offer to perform any mold assessment to a
913 structure on which the mold remediator or the mold remediator's
914 company provided a mold remediation within the last 12 months.
915 This paragraph does not apply to a certified contractor who is
916 classified in s. 489.105(3) as a Division I contractor. However,
917 the department may adopt rules requiring that, if such
918 contractor performs the mold remediation and offers to perform
919 the mold assessment, the contract for mold assessment provided
920 to the homeowner disclose that he or she has the right to
921 request competitive bids.

922 (e) Remediate for a fee any property in which the mold
923 remediator or the mold remediator's company has any financial or
924 transfer interest.

ENROLLED
CS/CS/CS/HB 713

2010 Legislature

925 (f) Accept any compensation, inducement, or reward from a
926 mold assessor or mold assessor's company for the referral of any
927 business from the mold assessor or the mold assessor's company.

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

931 (3) Any person who violates any provision of this section
932 commits:

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

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

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

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

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

945 468.842 Disciplinary proceedings.—

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

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

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

952 468.8421 Insurance.—

ENROLLED
CS/CS/CS/HB 713

2010 Legislature

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

957 Section 32. Section 468.8423, Florida Statutes, is amended
958 to read:

959 468.8423 Grandfather clause.—

960 (1) A person who performs mold assessment or mold
961 remediation as defined in this part may qualify for licensure ~~to~~
962 ~~be licensed~~ by the department as a mold assessor or mold
963 remediator if the person submits his or her application to the
964 department by March 1, 2011, whether postmarked or delivered by
965 that date, and if the person: meets the licensure requirements
966 of this part by July 1, 2010.

967 (a) Is certified as a mold assessor or mold remediator by
968 a state or national association that requires, for such
969 certification, successful completion of a proctored examination
970 on mold assessment or mold remediation, as applicable, and
971 completes at least 60 hours of education on mold assessment or
972 at least 30 hours of education on mold remediation, as
973 applicable; or

974 (b) At the time of application, has at least 3 years of
975 experience as a mold assessor or mold remediator. To establish
976 the 3 years of experience, an applicant must submit at least 40
977 mold assessments or remediation invoices prepared by the
978 applicant.

979 (2) The department may investigate the validity of a mold
980 assessment or remediation invoice submitted under paragraph

ENROLLED
CS/CS/CS/HB 713

2010 Legislature

981 (1) (b) and, if the applicant submits a false assessment or
 982 invoice, may take disciplinary action against the applicant
 983 under s. 468.842(1) (e) or (g).

984 (3) An applicant may not qualify for licensure under this
 985 section if he or she has had a mold assessor or mold remediator
 986 license or a license in any related field revoked at any time or
 987 suspended within the previous 5 years or has been assessed a
 988 fine that exceeds \$500 within the previous 5 years. For purposes
 989 of this subsection, a license in a related field includes, but
 990 is not limited to, licensure in real estate, construction, home
 991 inspection, building code administration or inspection, or
 992 indoor air quality.

993 (4) An applicant for licensure under this section must
 994 comply with the good moral character and insurance requirements
 995 of this part.

996 Section 33. Section 468.8424, Florida Statutes, is created
 997 to read:

998 468.8424 Rulemaking authority.—The department shall adopt
 999 rules to administer this part.

1000 Section 34. Subsection (2) and paragraph (a) of subsection
 1001 (5) of section 474.203, Florida Statutes, are amended to read:

1002 474.203 Exemptions.—This chapter shall not apply to:

1003 (2) A person practicing as an intern or resident
 1004 veterinarian who does not hold a valid license issued under this
 1005 chapter and who is a graduate in training at a school or college
 1006 of veterinary medicine located in this state and accredited by
 1007 the American Veterinary Medical Association Council on Education
 1008 or a school or college recognized by the American Veterinary

ENROLLED
CS/CS/CS/HB 713

2010 Legislature

1009 Medical Association Commission for Foreign Veterinary Graduates.
 1010 Such intern or resident must be a graduate of a school or
 1011 college of veterinary medicine accredited by the American
 1012 Veterinary Medical Association Council on Education or a school
 1013 or college of veterinary medicine recognized by the Educational
 1014 Commission for Foreign Veterinary Graduates of the American
 1015 Veterinary Medical Association. This exemption expires when such
 1016 intern or resident completes or is terminated from such
 1017 training. Each school or college at which such intern or
 1018 resident is in training shall, on July 1 of each year, provide
 1019 the board with a written list of all such interns or residents
 1020 designated for this exemption, and the school or college shall
 1021 also notify the board of any additions or deletions to the list.

1022 (5) (a) Any person, or the person's regular employee,
 1023 administering to the ills or injuries of her or his own animals,
 1024 including, but not limited to, castration, spaying, and
 1025 dehorning of herd animals, unless title is ~~has been~~ transferred
 1026 or employment provided for the purpose of circumventing this
 1027 law. This exemption does ~~shall~~ not apply to any person licensed
 1028 as a veterinarian in another state or foreign jurisdiction and
 1029 ~~is out-of-state veterinarians~~ practicing temporarily in this ~~the~~
 1030 state. However, only a veterinarian may immunize or treat an
 1031 animal for diseases which are communicable to humans and which
 1032 are of public health significance.

1033
 1034 For the purposes of chapters 465 and 893, persons exempt
 1035 pursuant to subsection (1), subsection (2), or subsection (4)
 1036 are deemed to be duly licensed practitioners authorized by the

ENROLLED
CS/CS/CS/HB 713

2010 Legislature

1037 laws of this state to prescribe drugs or medicinal supplies.

1038 Section 35. Section 475.02, Florida Statutes, is amended
1039 to read:

1040 475.02 Florida Real Estate Commission.—

1041 (1) There is created within the department the Florida
1042 Real Estate Commission. The commission shall consist of seven
1043 members who shall be appointed by the Governor, subject to
1044 confirmation by the Senate. Four members must be licensed
1045 brokers, each of whom has held an active license for the 5 years
1046 preceding appointment; one member must be a licensed broker or a
1047 licensed sales associate who has held an active license for the
1048 2 years preceding appointment; and two members must be persons
1049 who are not, and have never been, brokers or sales associates.
1050 At least one member of the commission must be 60 years of age or
1051 older. The current members may complete their present terms
1052 unless removed for cause.

1053 (2) Members shall be appointed for 4-year terms.

1054 (3) Notwithstanding s. 112.313, any member of the
1055 commission who is a licensed real estate broker or sales
1056 associate and who holds an active real estate school permit,
1057 chief administrator permit, school instructor permit, or any
1058 combination of such permits issued by the department, to the
1059 extent authorized pursuant to such permit, may offer, conduct,
1060 or teach any course prescribed or approved by the commission or
1061 the department.

1062 Section 36. Paragraph (a) of subsection (1) of section
1063 475.175, Florida Statutes, is amended to read:

1064 475.175 Examinations.—

ENROLLED
CS/CS/CS/HB 713

2010 Legislature

1065 (1) A person shall be entitled to take the license
1066 examination to practice in this state if the person:

1067 (a) Submits to the department the appropriate signed or
1068 electronically authenticated application, digital fingerprint
1069 data, and fee, ~~and a fingerprint card~~. The digital fingerprints
1070 ~~fingerprint card~~ shall be forwarded to the Division of Criminal
1071 Justice Information Systems within the Department of Law
1072 Enforcement for purposes of processing the fingerprints
1073 ~~fingerprint card~~ to determine if the applicant has a criminal
1074 history record. The fingerprints ~~fingerprint card~~ shall also be
1075 forwarded to the Federal Bureau of Investigation for purposes of
1076 processing the fingerprints ~~fingerprint card~~ to determine if the
1077 applicant has a criminal history record. The information
1078 obtained by the processing of the fingerprints ~~fingerprint card~~
1079 by the ~~Florida~~ Department of Law Enforcement and the Federal
1080 Bureau of Investigation shall be sent to the department for the
1081 purpose of determining if the applicant is statutorily qualified
1082 for examination. ~~Effective July 1, 2006, an applicant shall~~
1083 ~~provide fingerprints in electronic format.~~

1084 Section 37. Section 475.613, Florida Statutes, is amended
1085 to read:

1086 475.613 Florida Real Estate Appraisal Board.—

1087 (1) There is created the Florida Real Estate Appraisal
1088 Board, which shall consist of seven members appointed by the
1089 Governor, subject to confirmation by the Senate. Four members of
1090 the board must be real estate appraisers who have been engaged
1091 in the general practice of appraising real property in this
1092 state for at least 5 years immediately preceding appointment. In

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CS/CS/CS/HB 713

2010 Legislature

1093 appointing real estate appraisers to the board, while not
1094 excluding other appraisers, the Governor shall give preference
1095 to real estate appraisers who are not primarily engaged in real
1096 estate brokerage or mortgage lending activities. One member of
1097 the board must represent organizations that use appraisals for
1098 the purpose of eminent domain proceedings, financial
1099 transactions, or mortgage insurance. Two members of the board
1100 shall be representatives of the general public and shall not be
1101 connected in any way with the practice of real estate appraisal,
1102 ~~real estate brokerage, or mortgage lending.~~ The appraiser
1103 members shall be as representative of the entire industry as
1104 possible, and membership in a nationally recognized or state-
1105 recognized appraisal organization shall not be a prerequisite to
1106 membership on the board. To the extent possible, no more than
1107 two members of the board shall be primarily affiliated with any
1108 one particular national or state appraisal association. Two of
1109 the members must be licensed or certified residential real
1110 estate appraisers and two of the members must be certified
1111 general real estate appraisers at the time of their appointment.

1112 (a) Members of the board shall be appointed for 4-year
1113 terms. Any vacancy occurring in the membership of the board
1114 shall be filled by appointment by the Governor for the unexpired
1115 term. Upon expiration of her or his term, a member of the board
1116 shall continue to hold office until the appointment and
1117 qualification of the member's successor. A member may not be
1118 appointed for more than two consecutive terms. The Governor may
1119 remove any member for cause.

1120 (b) The headquarters for the board shall be in Orlando.

ENROLLED
CS/CS/CS/HB 713

2010 Legislature

1121 (c) The board shall meet at least once each calendar
1122 quarter to conduct its business.

1123 (d) The members of the board shall elect a chairperson at
1124 the first meeting each year.

1125 (e) Each member of the board is entitled to per diem and
1126 travel expenses as set by legislative appropriation for each day
1127 that the member engages in the business of the board.

1128 (2) The board shall have, through its rules, full power to
1129 regulate the issuance of licenses, certifications,
1130 registrations, and permits; to discipline appraisers in any
1131 manner permitted under this section; to establish qualifications
1132 for licenses, certifications, registrations, and permits
1133 consistent with this section; to regulate approved courses; to
1134 establish standards for real estate appraisals; and to establish
1135 standards for and regulate supervisory appraisers.

1136 (3) Notwithstanding s. 112.313, any member of the board
1137 who is a licensed or certified real estate appraiser and who
1138 holds an active appraiser instructor permit issued by the
1139 department, to the extent authorized pursuant to such permit,
1140 may offer, conduct, or teach any course prescribed or approved
1141 by the board or the department.

1142 Section 38. Subsections (4) through (8) of section
1143 477.019, Florida Statutes, are renumbered as subsections (3)
1144 through (7), respectively, and paragraph (c) of subsection (2)
1145 and present subsection (3) of that section are amended to read:

1146 477.019 Cosmetologists; qualifications; licensure;
1147 supervised practice; license renewal; endorsement; continuing
1148 education.—

ENROLLED
CS/CS/CS/HB 713

2010 Legislature

1149 (2) An applicant shall be eligible for licensure by
1150 examination to practice cosmetology if the applicant:

1151 (c)1. Is authorized to practice cosmetology in another
1152 state or country, has been so authorized for at least 1 year,
1153 and does not qualify for licensure by endorsement as provided
1154 for in subsection (5) ~~(6)~~; or

1155 2. Has received a minimum of 1,200 hours of training as
1156 established by the board, which shall include, but shall not be
1157 limited to, the equivalent of completion of services directly
1158 related to the practice of cosmetology at one of the following:

1159 a. A school of cosmetology licensed pursuant to chapter
1160 1005.

1161 b. A cosmetology program within the public school system.

1162 c. The Cosmetology Division of the Florida School for the
1163 Deaf and the Blind, provided the division meets the standards of
1164 this chapter.

1165 d. A government-operated cosmetology program in this
1166 state.

1167

1168 The board shall establish by rule procedures whereby the school
1169 or program may certify that a person is qualified to take the
1170 required examination after the completion of a minimum of 1,000
1171 actual school hours. If the person then passes the examination,
1172 he or she shall have satisfied this requirement; but if the
1173 person fails the examination, he or she shall not be qualified
1174 to take the examination again until the completion of the full
1175 requirements provided by this section.

1176 ~~(3) An application for the licensure examination for any~~

ENROLLED
CS/CS/CS/HB 713

2010 Legislature

1177 ~~license under this section may be submitted for examination~~
 1178 ~~approval in the last 100 hours of training by a pregraduate of a~~
 1179 ~~licensed cosmetology school or a program within the public~~
 1180 ~~school system, which school or program is certified by the~~
 1181 ~~Department of Education with fees as required in paragraph~~
 1182 ~~(2) (b). Upon approval, the applicant may schedule the~~
 1183 ~~examination on a date when the training hours are completed. An~~
 1184 ~~applicant shall have 6 months from the date of approval to take~~
 1185 ~~the examination. After the 6 months have passed, if the~~
 1186 ~~applicant failed to take the examination, the applicant must~~
 1187 ~~reapply. The board shall establish by rule the procedures for~~
 1188 ~~the pregraduate application process.~~

1189 Section 39. Subsection (4) of section 509.211, Florida
 1190 Statutes, is amended to read:

1191 509.211 Safety regulations.—

1192 (4) Every enclosed space or room that contains a boiler
 1193 regulated under chapter 554 which is fired by the direct
 1194 application of energy from the combustion of fuels and that is
 1195 located in any portion of a public lodging establishment that
 1196 also contains sleeping rooms shall be equipped with one or more
 1197 carbon monoxide sensor devices that bear the label of a
 1198 nationally recognized testing laboratory and have been tested
 1199 and listed as complying with the most recent Underwriters
 1200 Laboratories, Inc., Standard 2034, or its equivalent, unless it
 1201 is determined that carbon monoxide hazards have otherwise been
 1202 adequately mitigated as determined by the Division of State Fire
 1203 Marshal of the Department of Financial Services. Such devices
 1204 shall be integrated with the public lodging establishment's fire

ENROLLED
CS/CS/CS/HB 713

2010 Legislature

1205 detection system. Any such installation or determination shall
1206 be made in accordance with rules adopted by the Division of
1207 State Fire Marshal.

1208 Section 40. Section 548.076, Florida Statutes, is created
1209 to read:

1210 548.076 Cease and desist notices.—When the department has
1211 probable cause to believe that any person not licensed by the
1212 commission has violated any provision of this chapter, or any
1213 rule adopted pursuant thereto, the department may issue and
1214 deliver to such person a notice to cease and desist from such
1215 violation. The department shall issue and enforce such cease and
1216 desist notices in accordance with s. 455.228.

1217 Section 41. Subsection (1) of section 561.17, Florida
1218 Statutes, is amended to read:

1219 561.17 License and registration applications; approved
1220 person.—

1221 (1) Any person, before engaging in the business of
1222 manufacturing, bottling, distributing, selling, or in any way
1223 dealing in alcoholic beverages, shall file, with the district
1224 licensing personnel of the district of the division in which the
1225 place of business for which a license is sought is located, a
1226 sworn application in the format prescribed ~~duplicate on forms~~
1227 ~~provided to the district licensing personnel~~ by the division.
1228 The applicant must be a legal or business entity, person, or
1229 persons and must include all persons, officers, shareholders,
1230 and directors of such legal or business entity that have a
1231 direct or indirect interest in the business seeking to be
1232 licensed under this part. However, the applicant does not

ENROLLED
CS/CS/CS/HB 713

2010 Legislature

1233 include any person that derives revenue from the license solely
 1234 through a contractual relationship with the licensee, the
 1235 substance of which contractual relationship is not related to
 1236 the control of the sale of alcoholic beverages. Before ~~Prior to~~
 1237 any application is ~~being~~ approved, the division may require the
 1238 applicant to file a set of fingerprints on regular United States
 1239 Department of Justice forms for herself or himself and for any
 1240 person or persons interested directly or indirectly with the
 1241 applicant in the business for which the license is being sought,
 1242 when ~~so~~ required by the division. If the applicant or any person
 1243 who is interested with the applicant either directly or
 1244 indirectly in the business or who has a security interest in the
 1245 license being sought or has a right to a percentage payment from
 1246 the proceeds of the business, either by lease or otherwise, is
 1247 not qualified, the division shall deny the application ~~shall be~~
 1248 ~~denied by the division~~. However, any company regularly traded on
 1249 a national securities exchange and not over the counter; any
 1250 insurer, as defined in the Florida Insurance Code; or any bank
 1251 or savings and loan association chartered by this state, another
 1252 state, or the United States which has an interest, directly or
 1253 indirectly, in an alcoholic beverage license is ~~shall not be~~
 1254 required to obtain the division's ~~division~~ approval of its
 1255 officers, directors, or stockholders or any change of such
 1256 positions or interests. A shopping center with five or more
 1257 stores, one or more of which has an alcoholic beverage license
 1258 and is required under a lease common to all shopping center
 1259 tenants to pay no more than 10 percent of the gross proceeds of
 1260 the business holding the license to the shopping center, is

ENROLLED
CS/CS/CS/HB 713

2010 Legislature

1261 ~~shall not be~~ considered as having an interest, directly or
1262 indirectly, in the license.

1263 Section 42. For the purpose of incorporating the amendment
1264 made by this act to section 455.227, Florida Statutes, in a
1265 reference thereto, paragraph (a) of subsection (2) of section
1266 468.436, Florida Statutes, is reenacted to read:

1267 468.436 Disciplinary proceedings.—

1268 (2) The following acts constitute grounds for which the
1269 disciplinary actions in subsection (4) may be taken:

1270 (a) Violation of any provision of s. 455.227(1).

1271 Section 43. For the purpose of incorporating the amendment
1272 made by this act to section 455.227, Florida Statutes, in a
1273 reference thereto, paragraph (a) of subsection (1) of section
1274 468.832, Florida Statutes, is reenacted to read:

1275 468.832 Disciplinary proceedings.—

1276 (1) The following acts constitute grounds for which the
1277 disciplinary actions in subsection (2) may be taken:

1278 (a) Violation of any provision of this part or s.
1279 455.227(1);

1280 Section 44. For the purpose of incorporating the amendment
1281 made by this act to section 455.227, Florida Statutes, in a
1282 reference thereto, paragraph (a) of subsection (1) of section
1283 468.842, Florida Statutes, is reenacted to read:

1284 468.842 Disciplinary proceedings.—

1285 (1) The following acts constitute grounds for which the
1286 disciplinary actions in subsection (2) may be taken:

1287 (a) Violation of any provision of this part or s.
1288 455.227(1);

ENROLLED
CS/CS/CS/HB 713

2010 Legislature

1289 Section 45. For the purpose of incorporating the amendment
1290 made by this act to section 455.227, Florida Statutes, in a
1291 reference thereto, paragraph (a) of subsection (1) of section
1292 471.033, Florida Statutes, is reenacted to read:

1293 471.033 Disciplinary proceedings.—

1294 (1) The following acts constitute grounds for which the
1295 disciplinary actions in subsection (3) may be taken:

1296 (a) Violating any provision of s. 455.227(1), s. 471.025,
1297 or s. 471.031, or any other provision of this chapter or rule of
1298 the board or department.

1299 Section 46. For the purpose of incorporating the amendment
1300 made by this act to section 455.227, Florida Statutes, in a
1301 reference thereto, paragraph (a) of subsection (1) of section
1302 473.323, Florida Statutes, is reenacted to read:

1303 473.323 Disciplinary proceedings.—

1304 (1) The following acts constitute grounds for which the
1305 disciplinary actions in subsection (3) may be taken:

1306 (a) Violation of any provision of s. 455.227(1) or any
1307 other provision of this chapter.

1308 Section 47. For the purpose of incorporating the amendment
1309 made by this act to section 455.227, Florida Statutes, in a
1310 reference thereto, paragraph (a) of subsection (1) of section
1311 475.25, Florida Statutes, is reenacted to read:

1312 475.25 Discipline.—

1313 (1) The commission may deny an application for licensure,
1314 registration, or permit, or renewal thereof; may place a
1315 licensee, registrant, or permittee on probation; may suspend a
1316 license, registration, or permit for a period not exceeding 10

ENROLLED
CS/CS/CS/HB 713

2010 Legislature

1317 | years; may revoke a license, registration, or permit; may impose
1318 | an administrative fine not to exceed \$5,000 for each count or
1319 | separate offense; and may issue a reprimand, and any or all of
1320 | the foregoing, if it finds that the licensee, registrant,
1321 | permittee, or applicant:

1322 | (a) Has violated any provision of s. 455.227(1) or s.
1323 | 475.42. However, licensees under this part are exempt from the
1324 | provisions of s. 455.227(1)(i).

1325 | Section 48. For the purpose of incorporating the amendment
1326 | made by this act to section 455.227, Florida Statutes, in a
1327 | reference thereto, subsection (1) of section 475.624, Florida
1328 | Statutes, is reenacted to read:

1329 | 475.624 Discipline.—The board may deny an application for
1330 | registration or certification; may investigate the actions of
1331 | any appraiser registered, licensed, or certified under this
1332 | part; may reprimand or impose an administrative fine not to
1333 | exceed \$5,000 for each count or separate offense against any
1334 | such appraiser; and may revoke or suspend, for a period not to
1335 | exceed 10 years, the registration, license, or certification of
1336 | any such appraiser, or place any such appraiser on probation, if
1337 | it finds that the registered trainee, licensee, or
1338 | certificateholder:

1339 | (1) Has violated any provisions of this part or s.
1340 | 455.227(1); however, certificateholders, registrants, and
1341 | licensees under this part are exempt from the provisions of s.
1342 | 455.227(1)(i).

1343 | Section 49. For the purpose of incorporating the amendment
1344 | made by this act to section 455.227, Florida Statutes, in a

ENROLLED
CS/CS/CS/HB 713

2010 Legislature

1345 reference thereto, paragraph (h) of subsection (1) of section
1346 476.204, Florida Statutes, is reenacted to read:

1347 476.204 Penalties.—

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

1349 (h) Violate any provision of s. 455.227(1), s. 476.194, or
1350 s. 476.214.

1351 Section 50. For the purpose of incorporating the amendment
1352 made by this act to section 455.227, Florida Statutes, in a
1353 reference thereto, paragraph (h) of subsection (1) of section
1354 477.029, Florida Statutes, is reenacted to read:

1355 477.029 Penalty.—

1356 (1) It is unlawful for any person to:

1357 (h) Violate any provision of s. 455.227(1), s. 477.0265,
1358 or s. 477.028.

1359 Section 51. For the purpose of incorporating the amendment
1360 made by this act to section 455.227, Florida Statutes, in a
1361 reference thereto, paragraph (a) of subsection (1) of section
1362 481.225, Florida Statutes, is reenacted to read:

1363 481.225 Disciplinary proceedings against registered
1364 architects.—

1365 (1) The following acts constitute grounds for which the
1366 disciplinary actions in subsection (3) may be taken:

1367 (a) Violating any provision of s. 455.227(1), s. 481.221,
1368 or s. 481.223, or any rule of the board or department lawfully
1369 adopted pursuant to this part or chapter 455.

1370 Section 52. For the purpose of incorporating the amendment
1371 made by this act to section 455.227, Florida Statutes, in a
1372 reference thereto, paragraph (a) of subsection (1) of section

ENROLLED
CS/CS/CS/HB 713

2010 Legislature

1373 481.325, Florida Statutes, is reenacted to read:
 1374 481.325 Disciplinary proceedings.—
 1375 (1) The following acts constitute grounds for which the
 1376 disciplinary actions in subsection (3) may be taken:
 1377 (a) Violation of any provision of s. 455.227(1), s.
 1378 481.321, or s. 481.323.
 1379 Section 53. For the purpose of incorporating the amendment
 1380 made by this act to section 468.832, Florida Statutes, in a
 1381 reference thereto, subsection (2) of section 468.8314, Florida
 1382 Statutes, is reenacted to read:
 1383 468.8314 Licensure.—
 1384 (2) The department shall certify for licensure any
 1385 applicant who satisfies the requirements of s. 468.8313 and who
 1386 has passed the licensing examination. The department may refuse
 1387 to certify any applicant who has violated any of the provisions
 1388 of s. 468.832.
 1389 Section 54. This act shall take effect July 1, 2010.