



294240

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
04/01/2011	.	
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The Committee on Regulated Industries (Dean) recommended the following:

**Senate Amendment (with title amendment)**

Delete lines 51 - 348  
and insert:  
the purpose of identifying subjects who are under investigation for unlicensed activity pursuant to s. 455.228; to the Department of State pursuant to an interagency agreement to facilitate determinations of eligibility of voter registration applicants and registered voters in accordance with ss. 98.045 and 98.075; to the Department of Revenue pursuant to an interagency agreement for use in establishing paternity and establishing, modifying, or enforcing support obligations in



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13 Title IV-D cases; to the Department of Children and Family  
14 Services pursuant to an interagency agreement to conduct  
15 protective investigations under part III of chapter 39 and  
16 chapter 415; to the Department of Children and Family Services  
17 pursuant to an interagency agreement specifying the number of  
18 employees in each of that department's regions to be granted  
19 access to the records for use as verification of identity to  
20 expedite the determination of eligibility for public assistance  
21 and for use in public assistance fraud investigations; or to the  
22 Department of Financial Services pursuant to an interagency  
23 agreement to facilitate the location of owners of unclaimed  
24 property, the validation of unclaimed property claims, and the  
25 identification of fraudulent or false claims.

26 Section 2. Subsection (12) is added to section 455.213,  
27 Florida Statutes, to read:

28 455.213 General licensing provisions.—

29 (12) The department may grant a fee waiver for a license  
30 renewal to a licensee on a case-by-case basis due to financial  
31 hardship or an error caused by the department.

32 Section 3. Subsection (10) of section 455.271, Florida  
33 Statutes, is amended to read:

34 455.271 Inactive and delinquent status.—

35 (10) The board, or the department if there is no board,  
36 shall require ~~Before reactivation,~~ an inactive or delinquent  
37 licensee, except a licensee under chapter 473 or chapter 475, to  
38 complete one renewal cycle of ~~shall meet the same~~ continuing  
39 education in order to reactivate a license requirements, if any,  
40 imposed on an active status licensee for all biennial licensure  
41 periods in which the licensee was inactive or delinquent. This



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42 ~~subsection does not apply to persons regulated under chapter~~  
43 ~~473.~~

44 Section 4. Subsection (1) of section 475.42, Florida  
45 Statutes, is amended to read:

46 475.42 Violations and penalties.—

47 (1) VIOLATIONS.—

48 (a) A person may not operate as a broker or sales associate  
49 without being the holder of a valid and current active license  
50 therefor. Any person who violates this paragraph commits a  
51 felony of the third degree, punishable as provided in s. 775.082  
52 or s. 775.083, or, if a corporation, as provided in s. 775.083.

53 (b) A person licensed as a sales associate may not operate  
54 as a broker or operate as a sales associate for any person not  
55 registered as her or his employer.

56 (c) A broker may not employ, or continue in employment, any  
57 person as a sales associate who is not the holder of a valid and  
58 current license as sales associate; but a license as sales  
59 associate may be issued to a person licensed as an active  
60 broker, upon request and surrender of the license as broker,  
61 without a fee in addition to that paid for the issuance of the  
62 broker's active license.

63 (d) A sales associate may not collect any money in  
64 connection with any real estate brokerage transaction, whether  
65 as a commission, deposit, payment, rental, or otherwise, except  
66 in the name of the employer and with the express consent of the  
67 employer; and no real estate sales associate, whether the holder  
68 of a valid and current license or not, shall commence or  
69 maintain any action for a commission or compensation in  
70 connection with a real estate brokerage transaction against any



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71 person except a person registered as her or his employer at the  
72 time the sales associate performed the act or rendered the  
73 service for which the commission or compensation is due.

74 ~~(e) A person may not violate any lawful order or rule of~~  
75 ~~the commission which is binding upon her or him.~~

76 (e)~~(f)~~ A person may not commit any conduct or practice set  
77 forth in s. 475.25(1) (b), (c), (d), or (g) ~~(h)~~.

78 (f)~~(g)~~ A person may not make any false affidavit or  
79 affirmation intended for use as evidence by or before the  
80 commission or a member thereof, or by any of its authorized  
81 representatives, nor may any person give false testimony under  
82 oath or affirmation to or before the commission or any member  
83 thereof in any proceeding authorized by this chapter.

84 (g)~~(h)~~ A person may not fail or refuse to appear at the  
85 time and place designated in a subpoena issued with respect to a  
86 violation of this chapter, unless because of facts that are  
87 sufficient to excuse appearance in response to a subpoena from  
88 the circuit court; nor may a person who is present before the  
89 commission or a member thereof or one of its authorized  
90 representatives acting under authority of this chapter refuse to  
91 be sworn or to affirm or fail or refuse to answer fully any  
92 question propounded by the commission, the member, or such  
93 representative, or by any person by the authority of such  
94 officer or appointee; nor may any person, so being present,  
95 conduct herself or himself in a disorderly, disrespectful, or  
96 contumacious manner.

97 (h)~~(i)~~ A person may not obstruct or hinder in any manner  
98 the enforcement of this chapter or the performance of any lawful  
99 duty by any person acting under the authority of this chapter or



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100 interfere with, intimidate, or offer any bribe to any member of  
101 the commission or any of its employees or any person who is, or  
102 is expected to be, a witness in any investigation or proceeding  
103 relating to a violation of this chapter.

104 (i)~~(j)~~ A broker or sales associate may not place, or cause  
105 to be placed, upon the public records of any county, any  
106 contract, assignment, deed, will, mortgage, affidavit, or other  
107 writing which purports to affect the title of, or encumber, any  
108 real property if the same is known to her or him to be false,  
109 void, or not authorized to be placed of record, or not executed  
110 in the form entitling it to be recorded, or the execution or  
111 recording whereof has not been authorized by the owner of the  
112 property, maliciously or for the purpose of collecting a  
113 commission, or to coerce the payment of money to the broker or  
114 sales associate or other person, or for any unlawful purpose.  
115 However, nothing in this paragraph shall be construed to  
116 prohibit a broker or a sales associate from recording a judgment  
117 rendered by a court of this state or to prohibit a broker from  
118 placing a lien on a property where expressly permitted by  
119 contractual agreement or otherwise allowed by law.

120 (j)~~(k)~~ A person may not operate as a broker under a trade  
121 name without causing the trade name to be noted in the records  
122 of the commission and placed on the person's license, or so  
123 operate as a member of a partnership or as a corporation or as  
124 an officer or manager thereof, unless such partnership or  
125 corporation is the holder of a valid current registration.

126 (k)~~(l)~~ A person may not knowingly conceal any information  
127 relating to violations of this chapter.

128 (l)~~(m)~~ A person may not undertake to list or sell one or



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129 more timeshare periods per year in one or more timeshare plans  
130 on behalf of any number of persons without first being the  
131 holder of a valid and current license as a broker or sales  
132 associate pursuant to this chapter, except as provided in s.  
133 475.011 and chapter 721.

134 (m) ~~(n)~~ A broker or sales associate may not enter into any  
135 listing or other agreement regarding her or his services in  
136 connection with the resale of a timeshare period unless the  
137 broker or sales associate fully and fairly discloses all  
138 material aspects of the agreement to the owner of the timeshare  
139 period. Further, a broker or sales associate may not use any  
140 form of contract or purchase and sale agreement in connection  
141 with the resale of a timeshare period unless the contract or  
142 purchase and sale agreement fully and fairly discloses all  
143 material aspects of the timeshare plan and the rights and  
144 obligations of both buyer and seller. The commission is  
145 authorized to adopt rules pursuant to chapter 120 as necessary  
146 to implement, enforce, and interpret this paragraph.

147 (n) ~~(o)~~ A person may not disseminate or cause to be  
148 disseminated by any means any false or misleading information  
149 for the purpose of offering for sale, or for the purpose of  
150 causing or inducing any other person to purchase, lease, or  
151 rent, real estate located in the state or for the purpose of  
152 causing or inducing any other person to acquire an interest in  
153 the title to real estate located in the state.

154 Section 5. Subsection (2) of section 477.0212, Florida  
155 Statutes, is amended to read:

156 477.0212 Inactive status.—

157 (2) The board shall promulgate rules relating to licenses



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158 which have become inactive and for the renewal of inactive  
159 licenses. The board shall prescribe by rule a fee not to exceed  
160 \$50 for the reactivation of an inactive license and a fee not to  
161 exceed \$50 for the renewal of an inactive license. The board  
162 shall also require a licensee to complete one renewal cycle of  
163 continuing education requirements.

164 Section 6. Subsection (1) of section 477.0265, Florida  
165 Statutes, is amended to read:

166 477.0265 Prohibited acts.—

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

168 (a) Engage in the practice of cosmetology or a specialty  
169 without an active license as a cosmetologist or registration as  
170 a specialist issued by the department pursuant to the provisions  
171 of this chapter.

172 (b) Own, operate, maintain, open, establish, conduct, or  
173 have charge of, either alone or with another person or persons,  
174 a cosmetology salon or specialty salon:

175 1. Which is not licensed under the provisions of this  
176 chapter; or

177 2. In which a person not licensed or registered as a  
178 cosmetologist or a specialist is permitted to perform  
179 cosmetology services or any specialty.

180 ~~(c) Engage in willful or repeated violations of this~~  
181 ~~chapter or of any rule adopted by the board.~~

182 ~~(c)~~ ~~(d)~~ Permit an employed person to engage in the practice  
183 of cosmetology or of a specialty unless such person holds a  
184 valid, active license as a cosmetologist or registration as a  
185 specialist.

186 ~~(d)~~ ~~(e)~~ Obtain or attempt to obtain a license or



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187 registration for money, other than the required fee, or any  
188 other thing of value or by fraudulent misrepresentations.

189 (e)~~(f)~~ Use or attempt to use a license to practice  
190 cosmetology or a registration to practice a specialty, which  
191 license or registration is suspended or revoked.

192 (f)~~(g)~~ Advertise or imply that skin care services or body  
193 wrapping, as performed under this chapter, have any relationship  
194 to the practice of massage therapy as defined in s. 480.033(3),  
195 except those practices or activities defined in s. 477.013.

196 (g)~~(h)~~ In the practice of cosmetology, use or possess a  
197 cosmetic product containing a liquid nail monomer containing any  
198 trace of methyl methacrylate (MMA).

199 Section 7. Subsection (1) of section 481.217, Florida  
200 Statutes, is amended to read:

201 481.217 Inactive status.—

202 (1) The board may prescribe by rule continuing education  
203 requirements as a condition of reactivating a license. The  
204 licensee must complete one renewal cycle of continuing education  
205 requirements in order to reactivate ~~The continuing education~~  
206 ~~requirements for reactivating~~ a license for a registered  
207 architect ~~may not exceed 12 contact hours for each year the~~  
208 ~~license was inactive. The minimum continuing education~~  
209 ~~requirement for reactivating a license for a registered interior~~  
210 ~~designer shall be those of the most recent biennium plus one-~~  
211 ~~half of the requirements in s. 481.215 for each year or part~~  
212 ~~thereof during which the license was inactive.~~ The board shall  
213 ~~only~~ approve continuing education that builds only upon the  
214 basic knowledge of interior design.

215 Section 8. Subsection (1) of section 481.315, Florida





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216 Statutes, is amended to read:

217 481.315 Inactive status.—

218 (1) A license that has become inactive or delinquent may be  
219 reactivated under this section upon application to the  
220 department and payment of any applicable biennial renewal or  
221 delinquency fee, or both, and a reactivation fee. The board  
222 shall also require a licensee to complete one renewal cycle of  
223 continuing education requirements. ~~The board may prescribe by~~  
224 ~~rule continuing education requirements as a condition of~~  
225 ~~reactivating the license. The continuing education requirements~~  
226 ~~for reactivating a license may not exceed 12 classroom hours for~~  
227 ~~each year the license was inactive.~~

228 Section 9. Subsections (3) and (6) of section 489.116,  
229 Florida Statutes, are amended to read:

230 489.116 Inactive and delinquent status; renewal and  
231 cancellation notices.—

232 (3) An inactive status certificateholder or registrant may  
233 change to active status at any time, provided the  
234 certificateholder or registrant meets all requirements for  
235 active status, pays any additional licensure fees necessary to  
236 equal those imposed on an active status certificateholder or  
237 registrant, ~~and~~ pays any applicable late fees, and completes one  
238 renewal cycle of continuing education requirements.

239 (6) An inactive certificateholder or registrant shall  
240 complete one renewal cycle of ~~comply with the same~~ continuing  
241 education requirements in order to reactive his or her  
242 certification or registration, ~~if any, that are imposed on an~~  
243 ~~active status certificateholder or registrant.~~

244 Section 10. Subsection (1) of section 489.519, Florida



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245 Statutes, is amended to read:

246 489.519 Inactive status.—

247 (1) A certificate or registration that has become inactive  
248 may be reactivated under s. 489.517 upon application to the  
249 department. The licensee must complete one renewal cycle of  
250 continuing education requirements. ~~The board may prescribe, by~~  
251 ~~rule, continuing education requirements as a condition of~~  
252 ~~reactivating a certificate or registration. The continuing~~  
253 ~~education requirements for reactivating a certificate or~~  
254 ~~registration may not exceed 12 classroom hours for each year the~~  
255 ~~certificate or registration was inactive.~~

256 Section 11. Effective July 1, 2014, paragraph (v) of  
257 subsection (1) of section 475.611, Florida Statutes, as amended  
258 by chapter 2010-84, Laws of Florida, is repealed.

259 Section 12. Notwithstanding the amendment made by this act  
260 to section 10 of chapter 2010-84, Laws of Florida, effective  
261 upon this act becoming a law, paragraphs (b) and (c) of  
262 subsection (1) of section 475.626, Florida Statutes, as amended  
263 by chapter 2010-84, Laws of Florida, are repealed.

264 Section 13. Subsection (14) of section 475.624, Florida  
265 Statutes, as amended by chapter 2010-84, Laws of Florida, is  
266 amended to read:

267 475.624 Discipline of appraisers.—The board may deny an  
268 application for registration or certification of an appraiser;  
269 may investigate the actions of any appraiser registered,  
270 licensed, or certified under this part; may reprimand or impose  
271 an administrative fine not to exceed \$5,000 for each count or  
272 separate offense against any such appraiser; and may revoke or  
273 suspend, for a period not to exceed 10 years, the registration,



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274 license, or certification of any such appraiser, or place any  
275 such appraiser on probation, if the board finds that the  
276 registered trainee, licensee, or certificateholder:

277 (14) Has violated any standard of professional practice,  
278 including standards for the development or communication of a  
279 real estate appraisal, as established by board rule ~~or other~~  
280 ~~provision of the Uniform Standards of Professional Appraisal~~  
281 ~~Practice.~~

282 Section 14. Section 475.628, Florida Statutes, is amended  
283 to read:

284 475.628 Professional standards for appraisers registered,  
285 licensed, or certified under this part.—Each appraiser  
286 registered, licensed, or certified under this part shall comply  
287 with the standards of professional practice as established by  
288 board rules. The board shall adopt rules stating the standards  
289 of practice that meet or exceed nationally recognized standards  
290 of appraisal practice, including the professional standards of  
291 the Appraisal Foundation ~~Uniform Standards of Professional~~  
292 ~~Appraisal Practice.~~ Statements on appraisal standards which may  
293 be issued for the purpose of clarification, interpretation,  
294 explanation, or elaboration through the Appraisal Foundation  
295 shall also be binding on any appraiser registered, licensed, or  
296 certified under this part, upon adoption by board rule.

297 Section 15. Subsection (7) of section 509.032, Florida  
298 Statutes, is amended to read:

299 509.032 Duties.—

300 (7) PREEMPTION AUTHORITY.—The regulation of public lodging  
301 establishments and public food service establishments,  
302 including, but not limited to, ~~the inspection of public lodging~~



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303 ~~establishments and public food service establishments for~~  
304 ~~compliance with the~~ sanitation standards, inspections, adopted  
305 ~~under this section, and the regulation of food safety protection~~  
306 ~~standards for required~~ training and testing of ~~food service~~  
307 ~~establishment~~ personnel, and matters related to the nutritional  
308 content and marketing of foods offered in such establishments  
309 are preempted to the state. This subsection does not preempt the  
310 authority of a local government or local enforcement district to  
311 conduct inspections of public lodging and public food service  
312 establishments for compliance with the Florida Building Code and  
313 the Florida Fire Prevention Code, pursuant to ss. 553.80 and  
314 633.022.

315 Section 16. Subsection (1) of section 509.261, Florida  
316 Statutes, is amended to read:

317 509.261 Revocation or suspension of licenses; fines;  
318 procedure.—

319 (1) Any public lodging establishment or public food service  
320 establishment that has operated or is operating in violation of  
321 this chapter or the rules of the division, operating without a  
322 license, or operating with a suspended or revoked license may be  
323 subject by the division to:

324 (a) Fines not to exceed \$1,000 per offense;

325 (b) Mandatory completion attendance, at personal expense,  
326 of a remedial at-an educational program administered sponsored  
327 by a food safety training program provider whose program been  
328 approved by the division, as provided in s. 509.049 the  
329 Hospitality Education Program; and

330 (c) The suspension, revocation, or refusal of a license  
331 issued pursuant to this chapter.



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332 Section 17. Effective upon this act becoming a law, section  
333 10 of chapter 2010-84, Laws of Florida, is amended to read:

334 Section 10. This act shall take effect July 1, 2014 ~~2011~~.

335 Section 18. Except as otherwise expressly provided in this  
336 act and except for this section, which shall take effect upon  
337 this act becoming a law, this act shall take effect July 1,  
338 2011.

339  
340 ===== T I T L E A M E N D M E N T =====

341 And the title is amended as follows:

342 Delete lines 2 - 32

343 and insert:

344 An act relating to regulated professions and  
345 occupations; amending s. 322.142, F.S.; authorizing  
346 the Department of Highway Safety and Motor Vehicles to  
347 release certain digital images to the Department of  
348 Business and Professional Regulation to identify  
349 certain persons; amending s. 455.213, F.S.;  
350 authorizing the Department of Business and  
351 Professional Regulation to grant waivers of renewal  
352 fees under certain circumstances; amending s. 455.271,  
353 F.S.; revising continuing education requirements for  
354 certain license reactivations; amending s. 475.42,  
355 F.S.; revising violations and penalties for real  
356 estate professionals; amending s. 477.0212, F.S.;  
357 revising continuing education requirements for  
358 cosmetology license reactivations; amending s.  
359 477.0265, F.S.; revising prohibited acts for  
360 cosmetologists; amending s. 481.217, F.S.; revising



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361 continuing education requirements for license  
362 reactivation of architect or interior design licenses;  
363 amending s. 481.315, F.S.; revising continuing  
364 education requirements for landscape architect license  
365 reactivations; amending s. 489.116, F.S.; revising  
366 continuing education requirements for contractor  
367 license reactivations; amending s. 489.519, F.S.;  
368 revising continuing education requirements for  
369 electrical and alarm system contractor license  
370 reactivations; repealing s. 475.611(1)(v), F.S.,  
371 relating to Uniform Standards of Professional  
372 Appraisal Practice; repealing s. 475.626(1)(b) and  
373 (c), F.S., relating to violations and penalties  
374 against registered appraisers; amending s. 475.624,  
375 F.S.; establishing professional standards for  
376 appraisers by board rule; amending s. 475.628, F.S.;  
377 authorizing the board to adopt rules establishing  
378 standards of professional appraisal practice; amending  
379 s. 509.032, F.S.; clarifying provisions relating to  
380 the preemption to the state of the regulation of  
381 public lodging and public food service establishments;  
382 amending s. 509.261, F.S.; providing for remedial  
383 training in response to certain violations by public  
384 lodging and food service establishments; amending s.  
385 10, chapter 2010-84, Laws of Florida; delaying the  
386 effective date of provisions relating to the  
387 discipline of appraisal management companies;  
388 providing effective dates.