

20111824e1

1 A bill to be entitled
2 An act relating to regulated professions and
3 occupations; amending s. 322.142, F.S.; authorizing
4 the Department of Highway Safety and Motor Vehicles to
5 release certain digital images to the Department of
6 Business and Professional Regulation to identify
7 certain persons; amending s. 455.213, F.S.;
8 authorizing the Department of Business and
9 Professional Regulation to grant waivers of renewal
10 fees under certain circumstances; amending s. 455.271,
11 F.S.; revising continuing education requirements for
12 certain license reactivations; amending s. 475.42,
13 F.S.; revising violations and penalties for real
14 estate professionals; amending s. 477.0212, F.S.;
15 revising continuing education requirements for
16 cosmetology license reactivations; amending s.
17 477.0265, F.S.; revising prohibited acts for
18 cosmetologists; amending s. 481.217, F.S.; revising
19 continuing education requirements for license
20 reactivation of architect or interior design licenses;
21 amending s. 481.315, F.S.; revising continuing
22 education requirements for landscape architect license
23 reactivations; amending s. 489.116, F.S.; revising
24 continuing education requirements for contractor
25 license reactivations; amending s. 489.519, F.S.;
26 revising continuing education requirements for
27 electrical and alarm system contractor license
28 reactivations; repealing s. 475.611(1)(v), F.S.,
29 relating to Uniform Standards of Professional

20111824e1

30 Appraisal Practice; repealing s. 475.626(1)(b) and
31 (c), F.S., relating to violations and penalties
32 against registered appraisers; amending s. 475.624,
33 F.S.; establishing professional standards for
34 appraisers by board rule; amending s. 475.628, F.S.;
35 authorizing the board to adopt rules establishing
36 standards of professional appraisal practice; amending
37 s. 509.032, F.S.; clarifying provisions relating to
38 the preemption to the state of the regulation of
39 public lodging and public food service establishments;
40 amending s. 509.261, F.S.; providing for remedial
41 training in response to certain violations by public
42 lodging and food service establishments; amending s.
43 10, chapter 2010-84, Laws of Florida; delaying the
44 effective date of provisions relating to the
45 discipline of appraisal management companies; creating
46 s. 473.3066, F.S.; authorizing the Board of
47 Accountancy to establish a peer review oversight
48 committee; providing for membership and duties of the
49 oversight committee; requiring the board to adopt
50 rules under certain circumstances; amending s.
51 473.311, F.S.; revising licensure renewal requirements
52 for firms engaged in certain aspects of the practice
53 of public accounting; requiring such firms to comply
54 with certain peer review requirements; providing an
55 exception; creating s. 473.3125, F.S.; defining terms
56 for purposes of peer review requirements; requiring
57 firms engaged in certain aspects of the practice of
58 public accounting to enroll in peer review programs

20111824e1

59 and undergo peer reviews; providing for the frequency
60 of peer reviews; providing exceptions; requiring firms
61 that fail a specified number of peer reviews to submit
62 certain documentation to the board; requiring the
63 board to adopt rules establishing minimum standards
64 for peer review programs and requiring a peer review
65 administering organization to submit certain
66 information; providing for the approval of peer review
67 administering organizations; authorizing the board to
68 withdraw approval of peer review administering
69 organizations under certain circumstances; providing
70 that certain persons who perform specified
71 administrative services for a peer review
72 administering organization are immune from civil
73 liability; providing that the proceedings, records,
74 and workpapers of peer review administering
75 organizations are confidential and privileged;
76 providing exceptions; prohibiting persons involved in
77 peer reviews from testifying; amending s. 473.323,
78 F.S.; providing additional grounds for the discipline
79 of firms engaged in certain aspects of the practice of
80 public accounting, to which penalties apply;
81 authorizing disciplinary actions to be taken against
82 firms that fail to enroll in a peer review program, to
83 undergo a peer review, or to cooperate with a peer
84 review administering organization approved by the
85 board; revising requirements for reissuance of
86 licenses after compliance with disciplinary final
87 orders; conforming provisions; amending s. 481.205,

20111824e1

88 F.S.; authorizing the Board of Architecture and
89 Interior Design to contract with certain private
90 entities for specific functions; repealing s. 686.201,
91 F.S., relating to sales representative contracts
92 involving commissions; amending s. 373.461, F.S.;
93 requiring certain appraisers to follow specific
94 standards of professional practice in appraisals
95 involving the restoration of the Lake Apopka Basin;
96 amending s. 475.25, F.S.; conforming and clarifying
97 certain real estate appraisal standards and practices;
98 amending s. 475.615, F.S.; conforming provisions
99 relating to standards of professional practice for
100 real estate appraisers; amending s. 475.617, F.S.;
101 conforming provisions relating to appraisal practice;
102 amending s. 475.6175, F.S.; conforming provisions
103 relating to appraisal practice; amending s. 475.6235,
104 F.S.; conforming provisions relating to appraisal
105 practice; amending s. 475.6245, F.S.; conforming
106 provisions relating to appraisal practice; amending s.
107 489.118, F.S.; extending the date within which certain
108 registered contractors may apply for certification;
109 amending s. 499.003, F.S.; redefining the term
110 "prescription drug" to exclude active pharmaceutical
111 ingredients; providing effective dates.

112
113 Be It Enacted by the Legislature of the State of Florida:

114
115 Section 1. Subsection (4) of section 322.142, Florida
116 Statutes, is amended to read:

20111824e1

117 322.142 Color photographic or digital imaged licenses.—

118 (4) The department may maintain a film negative or print
119 file. The department shall maintain a record of the digital
120 image and signature of the licensees, together with other data
121 required by the department for identification and retrieval.
122 Reproductions from the file or digital record are exempt from
123 the provisions of s. 119.07(1) and shall be made and issued only
124 for departmental administrative purposes; for the issuance of
125 duplicate licenses; in response to law enforcement agency
126 requests; to the Department of Business and Professional
127 Regulation pursuant to an interagency agreement for the purpose
128 of accessing digital images for reproduction of licenses issued
129 by the Department of Business and Professional Regulation or for
130 the purpose of identifying subjects who are under investigation
131 for unlicensed activity pursuant to s. 455.228; to the
132 Department of State pursuant to an interagency agreement to
133 facilitate determinations of eligibility of voter registration
134 applicants and registered voters in accordance with ss. 98.045
135 and 98.075; to the Department of Revenue pursuant to an
136 interagency agreement for use in establishing paternity and
137 establishing, modifying, or enforcing support obligations in
138 Title IV-D cases; to the Department of Children and Family
139 Services pursuant to an interagency agreement to conduct
140 protective investigations under part III of chapter 39 and
141 chapter 415; to the Department of Children and Family Services
142 pursuant to an interagency agreement specifying the number of
143 employees in each of that department's regions to be granted
144 access to the records for use as verification of identity to
145 expedite the determination of eligibility for public assistance

20111824e1

146 and for use in public assistance fraud investigations; or to the
147 Department of Financial Services pursuant to an interagency
148 agreement to facilitate the location of owners of unclaimed
149 property, the validation of unclaimed property claims, and the
150 identification of fraudulent or false claims.

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

153 455.213 General licensing provisions.—

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

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

159 455.271 Inactive and delinquent status.—

160 (10) The board, or the department if there is no board,
161 shall require ~~Before reactivation,~~ an inactive or delinquent
162 licensee, except a licensee under chapter 473 or chapter 475, to
163 complete one renewal cycle of ~~shall meet the same~~ continuing
164 education in order to reactivate a license ~~requirements, if any,~~
165 ~~imposed on an active status licensee for all biennial licensure~~
166 ~~periods in which the licensee was inactive or delinquent. This~~
167 ~~subsection does not apply to persons regulated under chapter~~
168 ~~473.~~

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

171 475.42 Violations and penalties.—

172 (1) VIOLATIONS.—

173 (a) A person may not operate as a broker or sales associate
174 without being the holder of a valid and current active license

20111824e1

175 therefor. Any person who violates this paragraph commits a
176 felony of the third degree, punishable as provided in s. 775.082
177 or s. 775.083, or, if a corporation, as provided in s. 775.083.

178 (b) A person licensed as a sales associate may not operate
179 as a broker or operate as a sales associate for any person not
180 registered as her or his employer.

181 (c) A broker may not employ, or continue in employment, any
182 person as a sales associate who is not the holder of a valid and
183 current license as sales associate; but a license as sales
184 associate may be issued to a person licensed as an active
185 broker, upon request and surrender of the license as broker,
186 without a fee in addition to that paid for the issuance of the
187 broker's active license.

188 (d) A sales associate may not collect any money in
189 connection with any real estate brokerage transaction, whether
190 as a commission, deposit, payment, rental, or otherwise, except
191 in the name of the employer and with the express consent of the
192 employer; and no real estate sales associate, whether the holder
193 of a valid and current license or not, shall commence or
194 maintain any action for a commission or compensation in
195 connection with a real estate brokerage transaction against any
196 person except a person registered as her or his employer at the
197 time the sales associate performed the act or rendered the
198 service for which the commission or compensation is due.

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

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

203 (f) ~~(g)~~ A person may not make any false affidavit or

20111824e1

204 affirmation intended for use as evidence by or before the
205 commission or a member thereof, or by any of its authorized
206 representatives, nor may any person give false testimony under
207 oath or affirmation to or before the commission or any member
208 thereof in any proceeding authorized by this chapter.

209 (g)~~(h)~~ A person may not fail or refuse to appear at the
210 time and place designated in a subpoena issued with respect to a
211 violation of this chapter, unless because of facts that are
212 sufficient to excuse appearance in response to a subpoena from
213 the circuit court; nor may a person who is present before the
214 commission or a member thereof or one of its authorized
215 representatives acting under authority of this chapter refuse to
216 be sworn or to affirm or fail or refuse to answer fully any
217 question propounded by the commission, the member, or such
218 representative, or by any person by the authority of such
219 officer or appointee; nor may any person, so being present,
220 conduct herself or himself in a disorderly, disrespectful, or
221 contumacious manner.

222 (h)~~(i)~~ A person may not obstruct or hinder in any manner
223 the enforcement of this chapter or the performance of any lawful
224 duty by any person acting under the authority of this chapter or
225 interfere with, intimidate, or offer any bribe to any member of
226 the commission or any of its employees or any person who is, or
227 is expected to be, a witness in any investigation or proceeding
228 relating to a violation of this chapter.

229 (i)~~(j)~~ A broker or sales associate may not place, or cause
230 to be placed, upon the public records of any county, any
231 contract, assignment, deed, will, mortgage, affidavit, or other
232 writing which purports to affect the title of, or encumber, any

20111824e1

233 real property if the same is known to her or him to be false,
234 void, or not authorized to be placed of record, or not executed
235 in the form entitling it to be recorded, or the execution or
236 recording whereof has not been authorized by the owner of the
237 property, maliciously or for the purpose of collecting a
238 commission, or to coerce the payment of money to the broker or
239 sales associate or other person, or for any unlawful purpose.
240 However, nothing in this paragraph shall be construed to
241 prohibit a broker or a sales associate from recording a judgment
242 rendered by a court of this state or to prohibit a broker from
243 placing a lien on a property where expressly permitted by
244 contractual agreement or otherwise allowed by law.

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

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

253 (l)~~(m)~~ A person may not undertake to list or sell one or
254 more timeshare periods per year in one or more timeshare plans
255 on behalf of any number of persons without first being the
256 holder of a valid and current license as a broker or sales
257 associate pursuant to this chapter, except as provided in s.
258 475.011 and chapter 721.

259 (m)~~(n)~~ A broker or sales associate may not enter into any
260 listing or other agreement regarding her or his services in
261 connection with the resale of a timeshare period unless the

20111824e1

262 broker or sales associate fully and fairly discloses all
263 material aspects of the agreement to the owner of the timeshare
264 period. Further, a broker or sales associate may not use any
265 form of contract or purchase and sale agreement in connection
266 with the resale of a timeshare period unless the contract or
267 purchase and sale agreement fully and fairly discloses all
268 material aspects of the timeshare plan and the rights and
269 obligations of both buyer and seller. The commission is
270 authorized to adopt rules pursuant to chapter 120 as necessary
271 to implement, enforce, and interpret this paragraph.

272 (n) ~~(e)~~ A person may not disseminate or cause to be
273 disseminated by any means any false or misleading information
274 for the purpose of offering for sale, or for the purpose of
275 causing or inducing any other person to purchase, lease, or
276 rent, real estate located in the state or for the purpose of
277 causing or inducing any other person to acquire an interest in
278 the title to real estate located in the state.

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

281 477.0212 Inactive status.—

282 (2) The board shall promulgate rules relating to licenses
283 which have become inactive and for the renewal of inactive
284 licenses. The board shall prescribe by rule a fee not to exceed
285 \$50 for the reactivation of an inactive license and a fee not to
286 exceed \$50 for the renewal of an inactive license. The board
287 shall also require a licensee to complete one renewal cycle of
288 continuing education requirements.

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

20111824e1

291 477.0265 Prohibited acts.—

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

293 (a) Engage in the practice of cosmetology or a specialty
294 without an active license as a cosmetologist or registration as
295 a specialist issued by the department pursuant to the provisions
296 of this chapter.

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

300 1. Which is not licensed under the provisions of this
301 chapter; or

302 2. In which a person not licensed or registered as a
303 cosmetologist or a specialist is permitted to perform
304 cosmetology services or any specialty.

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

307 (c)~~(d)~~ Permit an employed person to engage in the practice
308 of cosmetology or of a specialty unless such person holds a
309 valid, active license as a cosmetologist or registration as a
310 specialist.

311 (d)~~(e)~~ Obtain or attempt to obtain a license or
312 registration for money, other than the required fee, or any
313 other thing of value or by fraudulent misrepresentations.

314 (e)~~(f)~~ Use or attempt to use a license to practice
315 cosmetology or a registration to practice a specialty, which
316 license or registration is suspended or revoked.

317 (f)~~(g)~~ Advertise or imply that skin care services or body
318 wrapping, as performed under this chapter, have any relationship
319 to the practice of massage therapy as defined in s. 480.033(3),

20111824e1

320 except those practices or activities defined in s. 477.013.

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

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

326 481.217 Inactive status.—

327 (1) The board may prescribe by rule continuing education
328 requirements as a condition of reactivating a license. The rules
329 may not require more than one renewal cycle of continuing
330 education in order to reactive requirements for reactivating a
331 license for a registered architect or interior designer may not
332 exceed 12 contact hours for each year the license was inactive.
333 The minimum continuing education requirement for reactivating a
334 license for a registered interior designer shall be those of the
335 most recent biennium plus one-half of the requirements in s.
336 481.215 for each year or part thereof during which the license
337 was inactive. The board may ~~shall only~~ approve continuing
338 education for an interior designer which that builds only upon
339 the basic knowledge of interior design.

340 Section 8. Subsection (1) of section 481.315, Florida
341 Statutes, is amended to read:

342 481.315 Inactive status.—

343 (1) A license that has become inactive or delinquent may be
344 reactivated under this section upon application to the
345 department and payment of any applicable biennial renewal or
346 delinquency fee, or both, and a reactivation fee. The board
347 shall also require a licensee to complete one renewal cycle of
348 continuing education requirements. ~~The board may prescribe by~~

20111824e1

349 ~~rule continuing education requirements as a condition of~~
350 ~~reactivating the license. The continuing education requirements~~
351 ~~for reactivating a license may not exceed 12 classroom hours for~~
352 ~~each year the license was inactive.~~

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

355 489.116 Inactive and delinquent status; renewal and
356 cancellation notices.—

357 (3) An inactive status certificateholder or registrant may
358 change to active status at any time, provided the
359 certificateholder or registrant meets all requirements for
360 active status, pays any additional licensure fees necessary to
361 equal those imposed on an active status certificateholder or
362 registrant, ~~and~~ pays any applicable late fees, and completes one
363 renewal cycle of continuing education requirements.

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

369 Section 10. Subsection (1) of section 489.519, Florida
370 Statutes, is amended to read:

371 489.519 Inactive status.—

372 (1) A certificate or registration that has become inactive
373 may be reactivated under s. 489.517 upon application to the
374 department. The licensee must complete one renewal cycle of
375 continuing education requirements. ~~The board may prescribe, by~~
376 ~~rule, continuing education requirements as a condition of~~
377 ~~reactivating a certificate or registration. The continuing~~

20111824e1

378 ~~education requirements for reactivating a certificate or~~
379 ~~registration may not exceed 12 classroom hours for each year the~~
380 ~~certificate or registration was inactive.~~

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

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

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

392 475.624 Discipline of appraisers.—The board may deny an
393 application for registration or certification of an appraiser;
394 may investigate the actions of any appraiser registered,
395 licensed, or certified under this part; may reprimand or impose
396 an administrative fine not to exceed \$5,000 for each count or
397 separate offense against any such appraiser; and may revoke or
398 suspend, for a period not to exceed 10 years, the registration,
399 license, or certification of any such appraiser, or place any
400 such appraiser on probation, if the board finds that the
401 registered trainee, licensee, or certificateholder:

402 (14) Has violated any standard of professional practice
403 established by board rule, including standards for the
404 development or communication of a real estate appraisal ~~or other~~
405 ~~provision of the Uniform Standards of Professional Appraisal~~
406 ~~Practice.~~

20111824e1

407 Section 14. Section 475.628, Florida Statutes, is amended
408 to read:

409 475.628 Professional standards for appraisers registered,
410 licensed, or certified under this part.—The board shall adopt
411 rules establishing standards of professional practice that meet
412 or exceed nationally recognized standards of appraisal practice,
413 including standards adopted by the Appraiser Standards Board of
414 the Appraisal Foundation. Each appraiser registered, licensed,
415 or certified under this part must ~~shall~~ comply with the rules
416 ~~Uniform Standards of Professional Appraisal Practice.~~ Statements
417 on appraisal standards which may be issued for the purpose of
418 clarification, interpretation, explanation, or elaboration
419 through the Appraisal Foundation shall also be binding on any
420 appraiser registered, licensed, or certified under this part,
421 upon adoption by board rule.

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

424 509.032 Duties.—

425 (7) PREEMPTION AUTHORITY.—The regulation of public lodging
426 establishments and public food service establishments,
427 including, but not limited to, ~~the inspection of public lodging~~
428 ~~establishments and public food service establishments for~~
429 ~~compliance with the sanitation standards,~~ inspections, ~~adopted~~
430 ~~under this section, and the regulation of food safety protection~~
431 ~~standards for required training and testing of food service~~
432 ~~establishment personnel,~~ and matters related to the nutritional
433 content and marketing of foods offered in such establishments
434 are preempted to the state. This subsection does not preempt the
435 authority of a local government or local enforcement district to

20111824e1

436 conduct inspections of public lodging and public food service
437 establishments for compliance with the Florida Building Code and
438 the Florida Fire Prevention Code, pursuant to ss. 553.80 and
439 633.022.

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

442 509.261 Revocation or suspension of licenses; fines;
443 procedure.—

444 (1) Any public lodging establishment or public food service
445 establishment that has operated or is operating in violation of
446 this chapter or the rules of the division, operating without a
447 license, or operating with a suspended or revoked license may be
448 subject by the division to:

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

450 (b) Mandatory completion attendance, at personal expense,
451 of a remedial at an educational program administered sponsored
452 by a food safety training program provider whose program been
453 approved by the division, as provided in s. 509.049 the
454 Hospitality Education Program; and

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

457 Section 17. Effective upon this act becoming a law, section
458 10 of chapter 2010-84, Laws of Florida, is amended to read:

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

460 Section 18. Section 473.3066, Florida Statutes, is created
461 to read:

462 473.3066 Peer review oversight committee.—

463 (1) The board may establish a peer review oversight
464 committee to oversee the peer review requirements of s.

20111824e1

465 473.3125.

466 (2) If the board establishes the peer review oversight
467 committee, the board shall adopt rules providing for the
468 qualifications, appointment, and terms of committee members as
469 follows:

470 (a) The peer review oversight committee shall be composed
471 of five or fewer members appointed by the board.

472 (b) Each committee member must hold a valid license as a
473 Florida certified public accountant.

474 (c) Each committee member or his or her firm must have
475 undergone a peer review and received a review rating of "pass"
476 on the most recent peer review.

477 (d) A committee member may not be a member of any state
478 accountancy board, be a member of another state accountancy
479 board committee, or perform any enforcement-related work for a
480 state accountancy board.

481 (e) Committee members shall serve for terms not to exceed 3
482 years, except that the board, to establish staggered terms, may
483 appoint members to initial terms that are shorter than the terms
484 adopted by rule. The board shall fill the vacancy of a committee
485 member for the unexpired portion of the member's term in the
486 same manner as the original appointment.

487 (f) Committee members shall serve without compensation and
488 are not entitled to reimbursement of per diem or travel
489 expenses.

490 (3) The rules, if adopted, shall also provide for the
491 duties of the peer review oversight committee, which may
492 include, but need not be limited to:

493 (a) Providing oversight for peer review programs and peer

20111824e1

494 review administering organizations.

495 (b) Periodically reporting to the board on the
496 effectiveness of peer review programs and providing a list of
497 licensees that participate in the programs.

498 (c) Performing other duties relating to oversight of peer
499 review programs.

500 Section 19. Section 473.311, Florida Statutes, is amended
501 to read:

502 473.311 Renewal of license.—

503 (1) The department shall renew a license issued under s.
504 473.308 upon receipt of the renewal application and fee and upon
505 certification by the board that the Florida certified public
506 accountant has satisfactorily completed the continuing education
507 requirements of s. 473.312.

508 (2) Effective January 1, 2015, the department shall renew a
509 license issued under s. 473.3101 upon certification by the board
510 that the sole proprietor, partnership, corporation, limited
511 liability company, or other firm engaged in the practice of
512 public accounting as defined in s. 473.302 (8) (a) has
513 satisfactorily complied with the peer review requirements of s.
514 473.3125 or that the board has extended the time to comply with
515 the peer review requirements.

516 (3)~~(2)~~ The department shall adopt rules establishing a
517 procedure for the biennial renewal of licenses issued under ss.
518 473.308 and 473.3101.

519 Section 20. Section 473.3125, Florida Statutes, is created
520 to read:

521 473.3125 Peer review.—

522 (1) As used in this section, the term:

20111824e1

523 (a) "Licensee" means a sole proprietor, partnership,
524 corporation, limited liability company, or any other firm
525 engaged in the practice of public accounting as defined in s.
526 473.302(8)(a) which is required to be licensed under s.
527 473.3101.

528 (b) "Peer review" means the study, appraisal, or review by
529 one or more independent certified public accountants of one or
530 more aspects of the professional work of a licensee.

531 (2)(a) Except as otherwise provided in paragraph (b) or
532 paragraph (c), a licensee must:

533 1. Enroll in the peer review program of a peer review
534 administering organization approved by the board; and

535 2. Undergo a complete peer review at least once every 3
536 years, which is performed in the manner prescribed by this
537 section and rules adopted by the board under this section and
538 for which a peer review report is submitted to and accepted by
539 the peer review administering organization.

540 (b) A licensee is not required to enroll in a peer review
541 program or undergo a peer review if the licensee does not engage
542 in the practice of public accounting as defined in s.
543 473.302(8)(a).

544 (c) A licensee that is licensed for less than 18 months
545 must enroll in a peer review program but is not required to
546 undergo a peer review.

547 (d) A licensee that receives a review rating of "fail" on
548 two consecutive peer reviews must submit to the board any
549 documentation requested by the board relating to the peer
550 reviews for which the licensee received a review rating of
551 "fail."

20111824e1

552 (3) (a) The board shall adopt rules establishing minimum
553 standards for peer review programs, including, but not limited
554 to, standards for administering, performing, and reporting peer
555 reviews. The board shall also adopt rules establishing minimum
556 criteria for the board's approval of one or more peer review
557 administering organizations to facilitate and administer peer
558 review programs.

559 (b) The rules shall require a peer review administering
560 organization to submit to the board a written summary of the
561 organization's peer review program, including a description of
562 its entire peer review process; the organization's standards for
563 administering, performing, and reporting peer reviews; oversight
564 procedures; training requirements; and support materials.

565 (c) The board may approve a peer review administering
566 organization if:

567 1. The organization meets or exceeds the board's minimum
568 criteria for the approval of peer review administering
569 organizations.

570 2. The organization's peer review program meets or exceeds
571 the board's minimum standards for peer review programs.

572 3. The organization demonstrates the ability to administer
573 its peer review program in the manner described in its written
574 summary and to comply with the board's minimum standards for
575 peer review programs.

576 (d) The board may withdraw its approval of a peer review
577 administering organization if the organization fails to comply
578 with this section or rules adopted by the board under this
579 section.

580 (4) A certified public accountant or other person appointed

20111824e1

581 or authorized to perform administrative services for a peer
582 review administering organization is immune from civil liability
583 for furnishing information, data, reports, or records to the
584 peer review administering organization or for damages resulting
585 from any decision, opinion, action, or proceeding that is
586 rendered, entered, or acted upon by the peer review
587 administering organization and that is undertaken or performed
588 within the scope or function of the duties of the peer review
589 administering organization.

590 (5) The proceedings, records, and workpapers of a peer
591 review administering organization are privileged, confidential,
592 and not subject to discovery, subpoena, or other means of legal
593 process or to introduction into evidence in a civil action or
594 arbitration proceeding. A person who is involved in a peer
595 review may not testify in a civil action or arbitration
596 proceeding as to any matter produced, presented, disclosed, or
597 discussed during or in connection with the peer review or as to
598 any finding, recommendation, evaluation, opinion, or other
599 action of the peer review administering organization. Public
600 records and materials prepared for a particular engagement are
601 not privileged merely because they were presented or considered
602 as part of a peer review. This privilege does not apply to any
603 dispute between a peer review administering organization and the
604 licensee subject to a review arising from the performance of the
605 peer review.

606 Section 21. Section 473.323, Florida Statutes, is amended
607 to read:

608 473.323 Disciplinary proceedings.—

609 (1) ~~The following acts constitute grounds for which The~~

20111824e1

610 disciplinary actions in subsection (3) may be taken against any
611 certified public accountant or firm that:

612 (a) Violates ~~Violation of~~ any provision of s. 455.227(1) or
613 any other provision of this chapter.

614 (b) Attempts ~~Attempting~~ to procure a license to practice
615 public accounting by bribery or fraudulent misrepresentations.

616 (c) Has ~~Having~~ a license to practice public accounting
617 revoked, suspended, or otherwise acted against, including ~~the~~
618 denial of licensure, by the licensing authority of another
619 state, territory, or country.

620 (d) Is ~~Being~~ convicted or found guilty of, or enters
621 ~~entering~~ a plea of nolo contendere to, regardless of
622 adjudication, a crime in any jurisdiction which directly relates
623 to the practice of public accounting or the ability to practice
624 public accounting.

625 (e) Makes ~~Making~~ or files ~~filing~~ a report or record that
626 the certified public accountant or firm knows to be false,
627 willfully fails ~~failing~~ to file a report or record required by
628 state or federal law, willfully impedes ~~impeding~~ or obstructs
629 ~~obstructing~~ such filing, or induces ~~inducing~~ another person to
630 impede or obstruct such filing. Such reports or records include
631 only those that are signed in the capacity of a certified public
632 accountant.

633 (f) Advertises ~~Advertising~~ goods or services in a manner
634 that is fraudulent, false, deceptive, or misleading in form or
635 content.

636 (g) Commits ~~Committing~~ an act of fraud or deceit, or of
637 negligence, incompetency, or misconduct, in the practice of
638 public accounting.

20111824e1

639 (h) Violates ~~Violation of~~ any rule adopted under ~~pursuant~~
640 ~~to~~ this chapter or chapter 455.

641 (i) Practices public accounting using ~~Practicing on~~ a
642 revoked, suspended, inactive, or delinquent license.

643 (j) Has ~~Suspension or revocation of~~ the right to practice
644 public accounting suspended or revoked by ~~before~~ any state or
645 federal agency.

646 (k) Performs ~~Performance of~~ any fraudulent act in any
647 jurisdiction while holding a license to practice public
648 accounting in this state or while using practice privileges in
649 this state.

650 (l) Fails ~~Failing~~ to maintain a good moral character as
651 provided in s. 473.308 while applying for licensure, ~~or~~ while
652 licensed in this state, or while using practice privileges under
653 ~~pursuant to~~ s. 473.3141.

654 (m) Fails ~~Failing~~ to provide any written disclosure to a
655 client or the public which is required by this chapter or rule
656 adopted by ~~of~~ the board.

657 (n) Has ~~Having~~ the same or equivalent practice privileges
658 of a Florida certified public accountant or firm revoked,
659 suspended, or otherwise acted against by the licensing authority
660 of another state, territory, or country as a result of activity
661 in that jurisdiction which would have subjected the Florida
662 certified public accountant or firm to discipline in this state.

663
664 ~~(2)~~ The board shall specify, by rule, what acts or omissions
665 constitute a violation of this subsection ~~(1)~~.

666 (2) The disciplinary actions in subsection (3) may be taken
667 against any licensed audit firm or public accounting firm

20111824e1

668 licensed under s. 473.3101 engaged in the practice of public
669 accounting as defined in s. 473.302(8) (a) which:

670 (a) Fails to enroll in a peer review program or undergo a
671 peer review as required under s. 473.3125; or

672 (b) Engages in material noncooperation with a peer review
673 administering organization approved by the board under s.
674 473.3125.

675 (3) When the board finds any certified public accountant or
676 firm guilty of any of the grounds set forth in subsection (1),
677 or finds any licensed audit firm or public accounting firm
678 licensed under s. 473.3101 engaged in the practice of public
679 accounting as defined in s. 473.302(8) (a) guilty of any of the
680 grounds set forth in subsection (2), the board ~~it~~ may enter an
681 order imposing one or more of the following penalties:

682 (a) Denial of an application for licensure.

683 (b) Revocation or suspension of the certified public
684 accountant's accountant or licensed audit firm's or public
685 accounting firm's license or practice privileges in this state.

686 (c) Imposition of an administrative fine not to exceed
687 \$5,000 for each count or separate offense.

688 (d) Issuance of a reprimand.

689 (e) Placement of the certified public accountant on
690 probation for a period of time and subject to such conditions as
691 the board may specify, including requiring the certified public
692 accountant to attend continuing education courses or to work
693 under the supervision of another certified public accountant
694 licensee.

695 (f) Restriction of the authorized scope of practice by the
696 certified public accountant.

20111824e1

697 (4) Upon ~~The department shall reissue the license of a~~
698 ~~disciplined licensee upon~~ certification by the board that a
699 certified public accountant, licensed audit firm, or public
700 accounting firm whose license was subject to discipline ~~the~~
701 ~~disciplined licensee~~ has complied with all ~~of~~ the terms and
702 conditions set forth in the final order, the department shall
703 reissue the license under s. 473.311.

704 Section 22. Present subsection (4) of section 481.205,
705 Florida Statutes, is renumbered as subsection (5), and a new
706 subsection (4) is added to that section, to read:

707 481.205 Board of Architecture and Interior Design.—

708 (4) In addition to the authority granted in subsection (3),
709 the board may contract for all other services pursuant to s.
710 455.32.

711 Section 23. Section 686.201, Florida Statutes, is repealed.

712 Section 24. Paragraph (c) of subsection (5) of section
713 373.461, Florida Statutes, is amended to read:

714 373.461 Lake Apopka improvement and management.—

715 (5) PURCHASE OF AGRICULTURAL LANDS.—

716 (c) The district shall explore the availability of funding
717 from all sources, including any federal, state, regional, and
718 local land acquisition funding programs, to purchase the
719 agricultural lands described in paragraph (a). It is the
720 Legislature's intent that, if such funding sources can be
721 identified, acquisition of the lands described in paragraph (a)
722 may be undertaken by the district to purchase these properties
723 from willing sellers. However, the purchase price paid for
724 acquisition of such lands that were in active cultivation during
725 1996 shall not exceed the highest appraisal obtained by the

20111824e1

726 district for these lands from a state-certified general
727 appraiser following the standards of professional practice
728 established by rule of the Florida Real Estate Appraisal Board,
729 including standards for the development or communication of a
730 real estate appraisal ~~Uniform Standards of Professional~~
731 ~~Appraisal Practice~~. This maximum purchase price limitation shall
732 not include, nor be applicable to, that portion of the purchase
733 price attributable to consideration of income described in
734 paragraph (b), or that portion attributable to related
735 facilities, or closing costs.

736 Section 25. Paragraph (t) of subsection (1) of section
737 475.25, Florida Statutes, is amended to read:

738 475.25 Discipline.—

739 (1) The commission may deny an application for licensure,
740 registration, or permit, or renewal thereof; may place a
741 licensee, registrant, or permittee on probation; may suspend a
742 license, registration, or permit for a period not exceeding 10
743 years; may revoke a license, registration, or permit; may impose
744 an administrative fine not to exceed \$5,000 for each count or
745 separate offense; and may issue a reprimand, and any or all of
746 the foregoing, if it finds that the licensee, registrant,
747 permittee, or applicant:

748 (t) Has violated any standard of professional practice
749 established by rule of the Florida Real Estate Appraisal Board,
750 including standards for the development or communication of a
751 real estate appraisal ~~or other provision of the Uniform~~
752 ~~Standards of Professional Appraisal Practice, as defined in s.~~
753 ~~475.611,~~ as approved and adopted by the Appraisal Standards
754 Board of the Appraisal Foundation, as defined in s. 475.611.

20111824e1

755 This paragraph does not apply to a real estate broker or sales
756 associate who, in the ordinary course of business, performs a
757 comparative market analysis, gives a broker price opinion, or
758 gives an opinion of value of real estate. However, in no event
759 may this comparative market analysis, broker price opinion, or
760 opinion of value of real estate be referred to as an appraisal,
761 as defined in s. 475.611.

762 Section 26. Subsection (5) of section 475.615, Florida
763 Statutes, is amended to read:

764 475.615 Qualifications for registration or certification.—

765 (5) At the time of filing an application for registration
766 or certification, the applicant must sign a pledge indicating
767 that upon becoming registered or certified, he or she will
768 comply with the standards of professional practice established
769 by board rule, including standards for the development or
770 communication of a real estate appraisal, ~~to comply with the~~
771 ~~Uniform Standards of Professional Appraisal Practice upon~~
772 ~~registration or certification~~ and must indicate in writing that
773 she or he understands the types of misconduct for which
774 disciplinary proceedings may be initiated. The application shall
775 expire 1 year after the date received by the department.

776 Section 27. Subsections (1), (2), and (3) of section
777 475.617, Florida Statutes, are amended to read:

778 475.617 Education and experience requirements.—

779 (1) To be registered as a trainee appraiser, an applicant
780 must present evidence satisfactory to the board that she or he
781 has successfully completed at least 100 hours of approved
782 academic courses in subjects related to real estate appraisal,
783 which shall include coverage of the Uniform Standards of

20111824e1

784 Professional Appraisal Practice, or its equivalent, as
785 established by board rule, from a nationally recognized or
786 state-recognized appraisal organization, career center,
787 accredited community college, college, or university, state or
788 federal agency or commission, or proprietary real estate school
789 that holds a permit pursuant to s. 475.451. The board may
790 increase the required number of hours to not more than 125
791 hours. A classroom hour is defined as 50 minutes out of each 60-
792 minute segment. Past courses may be approved on an hour-for-hour
793 basis.

794 (2) To be certified as a residential appraiser, an
795 applicant must present satisfactory evidence to the board that
796 she or he has met the minimum education and experience
797 requirements prescribed by rule of the board. The board shall
798 prescribe by rule education and experience requirements that
799 meet or exceed the following real property appraiser
800 qualification criteria adopted on February 20, 2004, by the
801 Appraisal Qualifications Board of the Appraisal Foundation:

802 (a) Has at least 2,500 hours of experience obtained over a
803 24-month period in real property appraisal as defined by rule.

804 (b) Has successfully completed at least 200 classroom
805 hours, inclusive of examination, of approved academic courses in
806 subjects related to real estate appraisal, which shall include a
807 15-hour National Uniform Standards of Professional Appraisal
808 Practice course, or its equivalent, as established by board
809 rule, from a nationally recognized or state-recognized appraisal
810 organization, career center, accredited community college,
811 college, or university, state or federal agency or commission,
812 or proprietary real estate school that holds a permit pursuant

20111824e1

813 to s. 475.451. A classroom hour is defined as 50 minutes out of
814 each 60-minute segment. Past courses may be approved by the
815 board and substituted on an hour-for-hour basis.

816 (3) To be certified as a general appraiser, an applicant
817 must present evidence satisfactory to the board that she or he
818 has met the minimum education and experience requirements
819 prescribed by rule of the board. The board shall prescribe
820 education and experience requirements that meet or exceed the
821 following real property appraiser qualification criteria adopted
822 on February 20, 2004, by the Appraisal Qualifications Board of
823 the Appraisal Foundation:

824 (a) Has at least 3,000 hours of experience obtained over a
825 30-month period in real property appraisal as defined by rule.

826 (b) Has successfully completed at least 300 classroom
827 hours, inclusive of examination, of approved academic courses in
828 subjects related to real estate appraisal, which shall include a
829 15-hour National Uniform Standards of Professional Appraisal
830 Practice course, or its equivalent, as established by board
831 rule, from a nationally recognized or state-recognized appraisal
832 organization, career center, accredited community college,
833 college, or university, state or federal agency or commission,
834 or proprietary real estate school that holds a permit pursuant
835 to s. 475.451. A classroom hour is defined as 50 minutes out of
836 each 60-minute segment. Past courses may be approved by the
837 board and substituted on an hour-for-hour basis.

838 Section 28. Subsection (1) of section 475.6175, Florida
839 Statutes, is amended to read:

840 475.6175 Registered trainee appraiser; postlicensure
841 education required.—

20111824e1

842 (1) The board shall prescribe postlicensure educational
843 requirements in order for a person to maintain a valid
844 registration as a registered trainee appraiser. If prescribed,
845 the postlicensure educational requirements consist of one or
846 more courses which total no more than the total educational
847 hours required to qualify as a state certified residential
848 appraiser. Such courses must be in subjects related to real
849 estate appraisal and shall include coverage of the Uniform
850 Standards of Professional Appraisal Practice, or its equivalent,
851 as established by board rule. Such courses are provided by a
852 nationally or state-recognized appraisal organization, career
853 center, accredited community college, college, or university,
854 state or federal agency or commission, or proprietary real
855 estate school that holds a permit pursuant to s. 475.451.

856 Section 29. Subsection (4) of section 475.6235, Florida
857 Statutes, is amended to read:

858 475.6235 Registration of appraisal management companies
859 required.—

860 (4) At the time of filing an application for registration
861 of an appraisal management company, each person listed in
862 paragraph (2) (f) must sign a pledge to comply with the standards
863 of professional practice established by board rule, including
864 standards for the development or communication of a real estate
865 appraisal, ~~Uniform Standards of Professional Appraisal Practice~~
866 upon registration and must indicate in writing that she or he
867 understands the types of misconduct for which disciplinary
868 proceedings may be initiated. The application shall expire 1
869 year after the date received by the department.

870 Section 30. Paragraph (n) of subsection (1) of section

20111824e1

871 475.6245, Florida Statutes, is amended to read:

872 475.6245 Discipline of appraisal management companies.—

873 (1) The board may deny an application for registration of
874 an appraisal management company; may investigate the actions of
875 any appraisal management company registered under this part; may
876 reprimand or impose an administrative fine not to exceed \$5,000
877 for each count or separate offense against any such appraisal
878 management company; and may revoke or suspend, for a period not
879 to exceed 10 years, the registration of any such appraisal
880 management company, or place any such appraisal management
881 company on probation, if the board finds that the appraisal
882 management company or any person listed in s. 475.6235(2)(f):

883 (n) Has instructed an appraiser to violate any standard of
884 professional practice established by board rule, including
885 standards for the development or communication of a real estate
886 appraisal or other provision of the Uniform Standards of
887 Professional Appraisal Practice.

888 Section 31. Section 489.118, Florida Statutes, is amended
889 to read:

890 489.118 Certification of registered contractors;
891 grandfathering provisions.—The board shall, upon receipt of a
892 completed application and appropriate fee, issue a certificate
893 in the appropriate category to any contractor registered under
894 this part who makes application to the board and can show that
895 he or she meets each of the following requirements:

896 (1) Currently holds a valid registered local license in one
897 of the contractor categories defined in s. 489.105(3)(a)-(p).

898 (2) Has, for that category, passed a written examination
899 that the board finds to be substantially similar to the

20111824e1

900 examination required to be licensed as a certified contractor
901 under this part. For purposes of this subsection, a written,
902 proctored examination such as that produced by the National
903 Assessment Institute, Block and Associates, NAI/Block, Experior
904 Assessments, Professional Testing, Inc., or Assessment Systems,
905 Inc., shall be considered to be substantially similar to the
906 examination required to be licensed as a certified contractor.
907 The board may not impose or make any requirements regarding the
908 nature or content of these cited examinations.

909 (3) Has at least 5 years of experience as a contractor in
910 that contracting category, or as an inspector or building
911 administrator with oversight over that category, at the time of
912 application. For contractors, only time periods in which the
913 contractor license is active and the contractor is not on
914 probation shall count toward the 5 years required by this
915 subsection.

916 (4) Has not had his or her contractor's license revoked at
917 any time, had his or her contractor's license suspended within
918 the last 5 years, or been assessed a fine in excess of \$500
919 within the last 5 years.

920 (5) Is in compliance with the insurance and financial
921 responsibility requirements in s. 489.115(5).

922
923 Applicants wishing to obtain a certificate pursuant to this
924 section must make application by November 1, 2015 ~~2005~~.

925 Section 32. Subsection (43) of section 499.003, Florida
926 Statutes, is amended to read:

927 499.003 Definitions of terms used in this part.—As used in
928 this part, the term:

20111824e1

929 (43) "Prescription drug" means a prescription, medicinal,
930 or legend drug, ~~including, but not limited to, finished dosage~~
931 ~~forms or active ingredients~~ subject to, defined by, or described
932 by s. 503(b) of the Federal Food, Drug, and Cosmetic Act or s.
933 465.003(8), s. 499.007(13), or subsection (11), subsection (46),
934 or subsection (53). The term does not mean an active
935 pharmaceutical ingredient.

936 Section 33. Except as otherwise expressly provided in this
937 act and except for this section, which shall take effect upon
938 this act becoming a law, this act shall take effect July 1,
939 2011.