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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
02/05/2012	.	
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The Committee on Regulated Industries (Jones) recommended the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause
and insert:

Section 1. Subsection (12) is added to section 455.213,
Florida Statutes, to read:

455.213 General licensing provisions.—

(12) The department shall waive the initial licensing fee,
the initial application fee, and the initial unlicensed activity
fee for a military veteran who applies to the department for a
license, in a format prescribed by the department, within 24
months after discharge from any branch of the United States



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13 Armed Forces. To qualify for this waiver, the veteran must have
14 been honorably discharged.

15 Section 2. Subsection (1) of section 455.2179, Florida
16 Statutes, is amended to read:

17 455.2179 Continuing education provider and course approval;
18 cease and desist orders.—

19 (1) If a board, or the department if there is no board,
20 requires completion of continuing education as a requirement for
21 renewal of a license, the board, or the department if there is
22 no board, shall approve the providers and courses for ~~of~~ the
23 continuing education. Notwithstanding this subsection or any
24 other provision of law, the department may approve continuing
25 education providers or courses even if there is a board. If the
26 department determines that an application for a continuing
27 education provider or course requires expert review or should be
28 denied, the department shall forward the application to the
29 appropriate board for review and approval or denial. The
30 approval of continuing education providers and courses must be
31 for a specified period of time, not to exceed 4 years. An
32 approval that does not include such a time limitation may remain
33 in effect pursuant to the applicable practice act or the rules
34 adopted under the applicable practice act. Notwithstanding this
35 subsection or any other provision of law, only the department
36 may determine the contents of any documents submitted for
37 approval of a continuing education provider or course.

38 Section 3. Paragraph (b) of subsection (6) of section
39 455.271, Florida Statutes, is amended to read:

40 455.271 Inactive and delinquent status.—

41 (6)



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42 (b) Notwithstanding the provisions of the professional
43 practice acts administered by the department, ~~the board, or the~~
44 ~~department if there is no board,~~ may, at its discretion,
45 reinstate the license of an individual whose license has become
46 void if the ~~board or department, as applicable,~~ determines that
47 the individual ~~has made a good faith effort to comply with this~~
48 ~~section but has~~ failed to comply because of illness or ~~unusual~~
49 economic hardship. The individual must apply to ~~the board, or~~
50 the department ~~if there is no board,~~ for reinstatement in a
51 ~~manner prescribed by rules of the board or the department, as~~
52 ~~applicable,~~ and shall pay an applicable fee in an amount
53 determined by rule. The ~~board, or the department if there is no~~
54 ~~board,~~ shall require that such individual meet all continuing
55 education requirements prescribed by law, pay appropriate
56 licensing fees, and otherwise be eligible for renewal of
57 licensure under this chapter.

58
59 This subsection does not apply to individuals subject to
60 regulation under chapter 473.

61 Section 4. Section 455.273, Florida Statutes, is amended to
62 read:

63 455.273 Renewal and cancellation notices.—

64 ~~(1)~~ At least 90 days before the end of a licensure cycle,
65 the department ~~of Business and Professional Regulation~~ shall:

66 (1) ~~(a)~~ Forward a licensure renewal notification to an
67 active or inactive licensee at the licensee's last known address
68 of record or e-mail address provided to ~~with~~ the department.

69 (2) ~~(b)~~ Forward a notice of pending cancellation of
70 licensure to a delinquent status licensee at the licensee's last



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71 known address of record or e-mail address provided to ~~with~~ the
72 department.

73 ~~(2) Each licensure renewal notification and each notice of~~
74 ~~pending cancellation of licensure must state conspicuously that~~
75 ~~a licensee who remains on inactive status for more than two~~
76 ~~consecutive biennial licensure cycles and who wishes to~~
77 ~~reactivate the license may be required to demonstrate the~~
78 ~~competency to resume active practice by sitting for a special~~
79 ~~purpose examination or by completing other reactivation~~
80 ~~requirements, as defined by rule of the board or the department~~
81 ~~when there is no board.~~

82 Section 5. Subsections (1) and (2) of section 455.275,
83 Florida Statutes, are amended to read:

84 455.275 Address of record.—

85 (1) Each licensee of the department is solely responsible
86 for notifying the department in writing of the licensee's
87 current mailing address, e-mail-address, and place of practice,
88 as defined by rule of the board or the department when there is
89 no board. A licensee's failure to notify the department of a
90 change of address constitutes a violation of this section, and
91 the licensee may be disciplined by the board or the department
92 when there is no board.

93 (2) Notwithstanding any other provision of law, service by
94 regular mail or e-mail to a licensee's last known mailing
95 address or e-mail address of record with the department
96 constitutes adequate and sufficient notice to the licensee for
97 any official communication to the licensee by the board or the
98 department except when other service is required pursuant to s.
99 455.225.



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100 Section 6. Paragraph (c) of subsection (2) of section
101 475.451, Florida Statutes, is amended, present subsections (4)
102 through (8) are renumbered as subsections (5) through (9),
103 respectively, and a new subsection (4) is added to that section,
104 to read:

105 475.451 Schools teaching real estate practice.—

106 (2) An applicant for a permit to operate a proprietary real
107 estate school, to be a chief administrator of a proprietary real
108 estate school or a state institution, or to be an instructor for
109 a proprietary real estate school or a state institution must
110 meet the qualifications for practice set forth in s. 475.17(1)
111 and the following minimal requirements:

112 (c) "School instructor" means an individual who instructs
113 persons in the classroom in noncredit college courses in a
114 college, university, or community college or courses in a career
115 center or proprietary real estate school.

116 1. Before commencing to provide such instruction, the
117 applicant must certify the applicant's competency and obtain an
118 instructor permit by meeting one of the following requirements:

119 a. Hold a bachelor's degree in a business-related subject,
120 such as real estate, finance, accounting, business
121 administration, or its equivalent and hold a valid broker's
122 license in this state.

123 b. Hold a bachelor's degree, have extensive real estate
124 experience, as defined by rule, and hold a valid broker's
125 license in this state.

126 c. Pass an instructor's examination approved by the
127 commission.

128 2. Any requirement by the commission for a teaching



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129 demonstration or practical examination must apply to all school
130 instructor applicants.

131 3. The department shall renew an instructor permit upon
132 receipt of a renewal application and fee. The renewal
133 application shall include proof that the permitholder has, since
134 the issuance or renewal of the current permit, successfully
135 completed a minimum of 7 classroom or distance learning hours of
136 instruction in real estate subjects or instructional techniques,
137 as prescribed by the commission. The commission shall adopt
138 rules providing for the renewal of instructor permits at least
139 every 2 years. Any permit that ~~which~~ is not renewed at the end
140 of the permit period established by the department ~~shall~~
141 automatically reverts ~~revert~~ to involuntarily inactive status.
142

143 The department may require an applicant to submit names of
144 persons having knowledge concerning the applicant and the
145 enterprise; may propound interrogatories to such persons and to
146 the applicant concerning the character of the applicant,
147 including the taking of fingerprints for processing through the
148 Federal Bureau of Investigation; and shall make such
149 investigation of the applicant or the school or institution as
150 it may deem necessary to the granting of the permit. If an
151 objection is filed, it shall be considered in the same manner as
152 objections or administrative complaints against other applicants
153 for licensure by the department.

154 (4) A real estate school may offer any course through
155 distance learning if the course complies with s. 475.17(2).

156 Section 7. Paragraphs (c) and (d) of subsection (1) of
157 section 475.611, Florida Statutes, are amended to read:



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158 475.611 Definitions.—

159 (1) As used in this part, the term:

160 (c) "Appraisal management company" means a person who
161 performs appraisal management services regardless of the use of
162 the term "appraisal management company," "appraiser
163 cooperative," "appraiser portal," "mortgage technology company,"
164 or other term.

165 (d) "Appraisal management services" means the coordination
166 or management of appraisal services for compensation by:

167 1. Employing, contracting with, or otherwise retaining one
168 or more licensed or certified appraisers to perform appraisal
169 services for a client; or

170 2. Acting as a broker or intermediary between a client and
171 one or more licensed or certified appraisers to facilitate the
172 client's employing, contracting with, or otherwise retaining the
173 appraisers.

174 Section 8. Subsection (4) of section 475.6171, Florida
175 Statutes, is amended to read:

176 475.6171 Issuance of registration or certification.—The
177 registration or certification of an applicant may be issued upon
178 receipt by the board of the following:

179 (4) If required, proof of passing a written examination as
180 specified in s. 475.616. ~~No certification shall be issued based~~
181 ~~upon any examination results obtained more than 24 months after~~
182 ~~the date of examination.~~

183 Section 9. Subsection (1) of section 475.6235, Florida
184 Statutes, is amended, and subsection (9) is added to that
185 section, to read:

186 475.6235 Registration of appraisal management companies



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187 required; exemptions.-

188 (1) A person may not engage, or offer to engage, in
189 appraisal management services for compensation in this state or
190 advertise or represent herself or himself as an appraisal
191 management company, ~~or use the titles "appraisal management~~
192 ~~company," "appraiser cooperative," "appraiser portal," or~~
193 ~~"mortgage technology company," or any abbreviation or words to~~
194 ~~that effect~~, unless the person is registered with the department
195 as an appraisal management company under this section. However,
196 an employee of an appraisal management company is not required
197 to obtain a separate registration.

198 (9) This section does not apply to any bank, credit union,
199 or other lending institution that owns and operates an internal
200 appraisal office, business unit, or department.

201 Section 10. Paragraph (v) is added to subsection (1) of
202 section 475.6245, Florida Statutes, to read:

203 475.6245 Discipline of appraisal management companies.-

204 (1) The board may deny an application for registration of
205 an appraisal management company; may investigate the actions of
206 any appraisal management company registered under this part; may
207 reprimand or impose an administrative fine not to exceed \$5,000
208 for each count or separate offense against any such appraisal
209 management company; and may revoke or suspend, for a period not
210 to exceed 10 years, the registration of any such appraisal
211 management company, or place any such appraisal management
212 company on probation, if the board finds that the appraisal
213 management company or any person listed in s. 475.6235(2)(f):

214 (v) Has required or attempted to require an appraiser to
215 sign any indemnification agreement that would require the



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216 appraiser to hold harmless the appraisal management company or
217 its owners, agents, employees, or independent contractors from
218 any liability, damage, loss, or claim arising from the services
219 performed by the appraisal management company or its owners,
220 agents, employees, or independent contractors and not the
221 services performed by the appraiser.

222 Section 11. Subsection (2) of section 476.188, Florida
223 Statutes, is amended to read:

224 476.188 Barber services to be performed in registered
225 barbershop; exception.—

226 (2) Pursuant to rules established by the board, barber
227 services may be performed by a licensed barber in a location
228 other than a registered barbershop, including, but not limited
229 to, a nursing home, hospital, place of employment, or residence,
230 ~~when a client for reasons of ill health is unable to go to a~~
231 ~~registered barbershop.~~ Arrangements for the performance of
232 barber services in a location other than a registered barbershop
233 shall be made only through a registered barbershop.

234 Section 12. Subsection (7) is added to section 477.0135,
235 Florida Statutes, to read:

236 477.0135 Exemptions.—

237 (7) A license is not required of any individual providing
238 makeup services to the general public.

239 Section 13. Subsection (6) of section 477.019, Florida
240 Statutes, is amended to read:

241 477.019 Cosmetologists; qualifications; licensure;
242 supervised practice; license renewal; endorsement; continuing
243 education.—

244 (6) The board shall adopt rules specifying procedures for



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245 the licensure by endorsement of practitioners desiring to be
246 licensed in this state who hold a current active license in
247 another state and who have met qualifications substantially
248 similar to, equivalent to, or greater than the qualifications
249 required of applicants from this state. For purposes of
250 qualifying for licensure by endorsement under this subsection,
251 work experience may be substituted for required educational
252 hours in the amount and manner provided by board rule.

253 Section 14. Subsection (4) is added to section 477.0263,
254 Florida Statutes, to read:

255 477.0263 Cosmetology services to be performed in licensed
256 salon; exceptions ~~exception~~.-

257 (4) Pursuant to rules adopted by the board, any cosmetology
258 or specialty service may be performed in a location other than a
259 licensed salon when the service is performed in connection with
260 a special event and is performed by a person who is employed by
261 a licensed salon and who holds the proper license or specialty
262 registration. An appointment for the performance of any such
263 service in a location other than a licensed salon must be made
264 through a licensed salon.

265 Section 15. Section 489.118, Florida Statutes, is reenacted
266 and amended to read:

267 489.118 Certification of registered contractors;
268 grandfathering provisions.-The board shall, upon receipt of a
269 completed application and appropriate fee, issue a certificate
270 in the appropriate category to any contractor registered under
271 this part who makes application to the board and can show that
272 he or she meets each of the following requirements:

273 (1) Currently holds a valid registered local license in one



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274 of the contractor categories defined in s. 489.105(3)(a)-(p).

275 (2) Has, for that category, passed a written examination
276 that the board finds to be substantially similar to the
277 examination required to be licensed as a certified contractor
278 under this part. For purposes of this subsection, a written,
279 proctored examination such as that produced by the National
280 Assessment Institute, Block and Associates, NAI/Block, Experior
281 Assessments, Professional Testing, Inc., or Assessment Systems,
282 Inc., shall be considered to be substantially similar to the
283 examination required to be licensed as a certified contractor.
284 The board may not impose or make any requirements regarding the
285 nature or content of these cited examinations.

286 (3) Has at least 5 years of experience as a contractor in
287 that contracting category, or as an inspector or building
288 administrator with oversight over that category, at the time of
289 application. For contractors, only time periods in which the
290 contractor license is active and the contractor is not on
291 probation shall count toward the 5 years required by this
292 subsection.

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

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

299
300 Applicants wishing to obtain a certificate pursuant to this
301 section must make application by November 1, 2014 ~~2005~~.

302 Section 16. This act shall take effect October 1, 2012.



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

And the title is amended as follows:

Delete everything before the enacting clause
and insert:

A bill to be entitled
An act relating to business and professional
regulation; amending s. 455.271, F.S.; limiting to the
department the authority to reinstate a license that
has become void under certain circumstances; amending
s. 455.273, F.S.; revising the method of license
renewal notification or notice of pending cancellation
of licensure to include an e-mail address; deleting a
requirement that a licensure renewal notification and
a notice of cancellation of licensure include certain
information regarding the applicant; amending s.
455.275, F.S.; revising a provision relating to
maintenance of current address-of-record information
to include e-mail address; revising a provision
relating to notice to a licensee to allow service of
process by e-mail; amending s. 475.451, F.S.;
authorizing distance learning courses as an acceptable
alternative to classroom instruction for renewal of a
real estate instructor permit; providing that distance
learning courses are under the discretion of the
school offering the real estate course; requiring
distance learning courses to adhere to certain
requirements; amending s. 475.611, F.S.; revising the



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332 definition of the terms "appraisal management company"
333 and "appraisal management services"; amending s.
334 475.6171, F.S.; revising requirements for the issuance
335 of registration or certification upon receipt of
336 proper documentation; amending s. 475.6235, F.S.;
337 revising provisions relating to titles an appraisal
338 management company must be registered to use;
339 providing exemptions from registration requirements;
340 amending s. 475.6245, F.S.; providing additional
341 grounds for discipline of appraisal management
342 companies, to which penalties apply; amending s.
343 476.188, F.S.; revising the list of locations for the
344 performance of barber services not in a registered
345 barbershop; amending s. 477.0135, F.S.; exempting from
346 cosmetology licensure individuals who perform makeup
347 services to the general public; amending s. 477.019,
348 F.S.; revising procedures for cosmetology licensure by
349 endorsement to authorize work experience as a
350 substitute for educational hours; amending s.
351 477.0263, F.S.; authorizing the performance of
352 cosmetology and specialty services in a location other
353 than a licensed salon under certain circumstances;
354 reenacting and amending s. 489.118, F.S.; reviving
355 grandfathering provisions and establishing a new
356 deadline for applications for certification of certain
357 registered contractors; providing an effective date.