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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
03/01/2012	.	
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The Committee on Budget Subcommittee on General Government Appropriations (Jones) recommended the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause and insert:

Section 1. Subsections (4) and (5) of section 210.16, Florida Statutes, are renumbered as subsections (5) and (6), respectively, and a new subsection (4) is added to that section to read:

210.16 Revocation or suspension of permit.—

(4) At the discretion of the wholesale dealer making the sale, credit for the sale of tobacco products may be extended to a retail dealer that has been issued a permit pursuant to



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13 chapter 569. Upon submission of proof to the division by a
14 wholesale dealer, the division shall suspend or deny the renewal
15 of a retail permit to any person or, if a corporation, to any
16 officer or stockholder of the corporation who has failed to
17 satisfy the terms of a civil judgment obtained against the
18 person, corporation, officer, or stockholder for failure to pay
19 for tobacco products purchased from a wholesale dealer. The
20 permit shall remain suspended until the retail dealer submits
21 proof to the division that it has entered into an agreed payment
22 plan with the wholesale dealer or satisfied the civil judgment
23 in full.

24 Section 2. Subsection (1) of section 210.181, Florida
25 Statutes, is amended to read:

26 210.181 Civil penalties.—

27 (1) Except as provided in s. 210.16(6) ~~210.16(5)~~, whoever
28 knowingly omits, neglects, or refuses to comply with any duty
29 imposed upon him or her by this part, or to do or cause to be
30 done any of the things required by this part, or does anything
31 prohibited by this part shall, in addition to any other penalty
32 provided in this part, be liable for a fine of \$1,000 or five
33 times the retail value of the cigarettes involved, whichever is
34 greater.

35 Section 3. Subsection (12) is added to section 455.213,
36 Florida Statutes, to read:

37 455.213 General licensing provisions.—

38 (12) The department shall waive the initial licensing fee,
39 the initial application fee, and the initial unlicensed activity
40 fee for a military veteran who applies to the department for a
41 license, in a format prescribed by the department, within 24



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42 months after discharge from any branch of the United States
43 Armed Forces. To qualify for this waiver, the veteran must have
44 been honorably discharged.

45 Section 4. Subsection (1) of section 455.2179, Florida
46 Statutes, is amended to read:

47 455.2179 Continuing education provider and course approval;
48 cease and desist orders.—

49 (1) If a board, or the department if there is no board,
50 requires completion of continuing education as a requirement for
51 renewal of a license, the board, or the department if there is
52 no board, shall approve the providers and courses for ~~of~~ the
53 continuing education. Notwithstanding this subsection or any
54 other provision of law, the department may approve continuing
55 education providers or courses even if there is a board. If the
56 department determines that an application for a continuing
57 education provider or course requires expert review or should be
58 denied, the department shall forward the application to the
59 appropriate board for review and approval or denial. The
60 approval of continuing education providers and courses must be
61 for a specified period of time, not to exceed 4 years. An
62 approval that does not include such a time limitation may remain
63 in effect pursuant to the applicable practice act or the rules
64 adopted under the applicable practice act. Notwithstanding this
65 subsection or any other provision of law, only the department
66 may determine the contents of any documents submitted for
67 approval of a continuing education provider or course.

68 Section 5. Paragraph (b) of subsection (6) of section
69 455.271, Florida Statutes, is amended to read:

70 455.271 Inactive and delinquent status.—



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71 (6)

72 (b) Notwithstanding the provisions of the professional
73 practice acts administered by the department, ~~the board, or the~~
74 department ~~if there is no board,~~ may, at its discretion,
75 reinstate the license of an individual whose license has become
76 void if the ~~board or~~ department, ~~as applicable,~~ determines that
77 the individual ~~has made a good faith effort to comply with this~~
78 ~~section but~~ has failed to comply because of illness or ~~unusual~~
79 economic hardship. The individual must apply to ~~the board, or~~
80 the department ~~if there is no board,~~ for reinstatement ~~in a~~
81 ~~manner prescribed by rules of the board or the department, as~~
82 ~~applicable,~~ and ~~shall~~ pay an applicable fee in an amount
83 determined by rule. The ~~board, or the~~ department ~~if there is no~~
84 ~~board,~~ shall require that such individual meet all continuing
85 education requirements prescribed by law, pay appropriate
86 licensing fees, and otherwise be eligible for renewal of
87 licensure under this chapter.

88
89 This subsection does not apply to individuals subject to
90 regulation under chapter 473.

91 Section 6. Section 455.273, Florida Statutes, is amended to
92 read:

93 455.273 Renewal and cancellation notices.—

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

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

99 (2) ~~(b)~~ Forward a notice of pending cancellation of



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100 licensure to a delinquent status licensee at the licensee's last
101 known address of record or e-mail address provided to ~~with~~ the
102 department.

103 ~~(2) Each licensure renewal notification and each notice of~~
104 ~~pending cancellation of licensure must state conspicuously that~~
105 ~~a licensee who remains on inactive status for more than two~~
106 ~~consecutive biennial licensure cycles and who wishes to~~
107 ~~reactivate the license may be required to demonstrate the~~
108 ~~competency to resume active practice by sitting for a special~~
109 ~~purpose examination or by completing other reactivation~~
110 ~~requirements, as defined by rule of the board or the department~~
111 ~~when there is no board.~~

112 Section 7. Subsections (1) and (2) of section 455.275,
113 Florida Statutes, are amended to read:

114 455.275 Address of record.—

115 (1) Each licensee of the department is solely responsible
116 for notifying the department in writing of the licensee's
117 current mailing address, e-mail address, and place of practice,
118 as defined by rule of the board or the department when there is
119 no board. A licensee's failure to notify the department of a
120 change of address constitutes a violation of this section, and
121 the licensee may be disciplined by the board or the department
122 when there is no board.

123 (2) Notwithstanding any other provision of law, service by
124 regular mail or e-mail to a licensee's last known mailing
125 address or e-mail address of record with the department
126 constitutes adequate and sufficient notice to the licensee for
127 any official communication to the licensee by the board or the
128 department except when other service is required pursuant to s.



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129 455.225.

130 Section 8. Paragraph (c) of subsection (2) of section
131 475.451, Florida Statutes, is amended, present subsections (4)
132 through (8) are renumbered as subsections (5) through (9),
133 respectively, and a new subsection (4) is added to that section,
134 to read:

135 475.451 Schools teaching real estate practice.—

136 (2) An applicant for a permit to operate a proprietary real
137 estate school, to be a chief administrator of a proprietary real
138 estate school or a state institution, or to be an instructor for
139 a proprietary real estate school or a state institution must
140 meet the qualifications for practice set forth in s. 475.17(1)
141 and the following minimal requirements:

142 (c) "School instructor" means an individual who instructs
143 persons in the classroom in noncredit college courses in a
144 college, university, or community college or courses in a career
145 center or proprietary real estate school.

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

149 a. Hold a bachelor's degree in a business-related subject,
150 such as real estate, finance, accounting, business
151 administration, or its equivalent and hold a valid broker's
152 license in this state.

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

156 c. Pass an instructor's examination approved by the
157 commission.



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158 2. Any requirement by the commission for a teaching
159 demonstration or practical examination must apply to all school
160 instructor applicants.

161 3. The department shall renew an instructor permit upon
162 receipt of a renewal application and fee. The renewal
163 application shall include proof that the permitholder has, since
164 the issuance or renewal of the current permit, successfully
165 completed a minimum of 7 classroom or distance learning hours of
166 instruction in real estate subjects or instructional techniques,
167 as prescribed by the commission. The commission shall adopt
168 rules providing for the renewal of instructor permits at least
169 every 2 years. Any permit that ~~which~~ is not renewed at the end
170 of the permit period established by the department ~~shall~~
171 automatically reverts ~~revert~~ to involuntarily inactive status.
172

173 The department may require an applicant to submit names of
174 persons having knowledge concerning the applicant and the
175 enterprise; may propound interrogatories to such persons and to
176 the applicant concerning the character of the applicant,
177 including the taking of fingerprints for processing through the
178 Federal Bureau of Investigation; and shall make such
179 investigation of the applicant or the school or institution as
180 it may deem necessary to the granting of the permit. If an
181 objection is filed, it shall be considered in the same manner as
182 objections or administrative complaints against other applicants
183 for licensure by the department.

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

186 Section 9. Paragraphs (c) and (d) of subsection (1) of



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187 section 475.611, Florida Statutes, are amended, and paragraph
188 (y) is added to that subsection, to read:

189 475.611 Definitions.—

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

191 (c) "Appraisal management company" means a person who
192 performs appraisal management services regardless of the use of
193 the term "appraisal management company," "appraiser
194 cooperative," "appraiser portal," "mortgage technology company,"
195 or other term.

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

198 1. Employing, contracting with, or otherwise retaining one
199 or more licensed or certified appraisers to perform appraisal
200 services for a client; or

201 2. Acting as a broker or intermediary between a client and
202 one or more licensed or certified appraisers to facilitate the
203 client's employing, contracting with, or otherwise retaining the
204 appraisers.

205 (y) "Subsidiary" means an organization that is owned and
206 controlled by a financial institution that is regulated by a
207 federal financial institution regulatory agency.

208 Section 10. Subsection (4) of section 475.6171, Florida
209 Statutes, is amended to read:

210 475.6171 Issuance of registration or certification.—The
211 registration or certification of an applicant may be issued upon
212 receipt by the board of the following:

213 (4) If required, proof of passing a written examination as
214 specified in s. 475.616. ~~No certification shall be issued based~~
215 ~~upon any examination results obtained more than 24 months after~~



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216 ~~the date of examination.~~

217 Section 11. Subsection (1) of section 475.6235, Florida
218 Statutes, is amended, and subsection (9) is added to that
219 section, to read:

220 475.6235 Registration of appraisal management companies
221 required; exemptions.—

222 (1) A person may not engage, or offer to engage, in
223 appraisal management services for compensation in this state,
224 advertise or represent herself or himself as an appraisal
225 management company, ~~or use the titles "appraisal management~~
226 ~~company," "appraiser cooperative," "appraiser portal," or~~
227 ~~"mortgage technology company," or any abbreviation or words to~~
228 ~~that effect,~~ unless the person is registered with the department
229 as an appraisal management company under this section. However,
230 an employee of an appraisal management company is not required
231 to obtain a separate registration.

232 (9) This section does not apply to:

233 (a) Any financial institution, as defined in s. 655.005,
234 that owns and operates an internal appraisal office, business
235 unit, or department; or

236 (b) An appraisal management company that is a subsidiary
237 owned and controlled by a financial institution, as defined in
238 s. 655.005, that is regulated by a federal financial institution
239 regulatory agency.

240 Section 12. Paragraph (v) is added to subsection (1) of
241 section 475.6245, Florida Statutes, to read:

242 475.6245 Discipline of appraisal management companies.—

243 (1) The board may deny an application for registration of
244 an appraisal management company; may investigate the actions of



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245 any appraisal management company registered under this part; may
246 reprimand or impose an administrative fine not to exceed \$5,000
247 for each count or separate offense against any such appraisal
248 management company; and may revoke or suspend, for a period not
249 to exceed 10 years, the registration of any such appraisal
250 management company, or place any such appraisal management
251 company on probation, if the board finds that the appraisal
252 management company or any person listed in s. 475.6235(2)(f):

253 (v) Has required or attempted to require an appraiser to
254 sign any indemnification agreement that would require the
255 appraiser to hold harmless the appraisal management company or
256 its owners, agents, employees, or independent contractors from
257 any liability, damage, loss, or claim arising from the services
258 performed by the appraisal management company or its owners,
259 agents, employees, or independent contractors and not the
260 services performed by the appraiser.

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

263 477.019 Cosmetologists; qualifications; licensure;
264 supervised practice; license renewal; endorsement; continuing
265 education.—

266 (6) The board shall certify as qualified ~~adopt rules~~
267 ~~specifying procedures for the licensure by endorsement as a~~
268 cosmetologist in this state an applicant of practitioners
269 ~~desiring to be licensed in this state who holds held~~ a current
270 active license to practice cosmetology in another state ~~and who~~
271 ~~have met qualifications substantially similar to, equivalent to,~~
272 ~~or greater than the qualifications required of applicants from~~
273 this state. The board may not require proof of educational hours



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274 if the license was issued in a state that requires 1,200 or more
275 hours of prelicensure education and passage of a written
276 examination. This subsection does not apply to applicants who
277 received their license in another state through an
278 apprenticeship program.

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

281 477.0263 Cosmetology services to be performed in licensed
282 salon; exceptions ~~exception~~.—

283 (4) Pursuant to rules adopted by the board, any cosmetology
284 or specialty service may be performed in a location other than a
285 licensed salon when the service is performed in connection with
286 a special event and is performed by a person who is employed by
287 a licensed salon and who holds the proper license or specialty
288 registration. An appointment for the performance of any such
289 service in a location other than a licensed salon must be made
290 through a licensed salon.

291 Section 15. Subsection (3) of section 489.105, Florida
292 Statutes, is amended to read:

293 489.105 Definitions.—As used in this part:

294 (3) "Contractor" means the person who is qualified for, and
295 is only responsible for, the project contracted for and means,
296 except as exempted in this part, the person who, for
297 compensation, undertakes to, submits a bid to, or does himself
298 or herself or by others construct, repair, alter, remodel, add
299 to, demolish, subtract from, or improve any building or
300 structure, including related improvements to real estate, for
301 others or for resale to others; and whose job scope is
302 substantially similar to the job scope described in one of the



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303 subsequent paragraphs of this subsection. For the purposes of
304 regulation under this part, "demolish" applies only to
305 demolition of steel tanks over 50 feet in height; towers over 50
306 feet in height; other structures over 50 feet in height, other
307 than buildings or residences over three stories tall; and
308 buildings or residences over three stories tall. Contractors are
309 subdivided into two divisions, Division I, consisting of those
310 contractors defined in paragraphs (a)-(c), and Division II,
311 consisting of those contractors defined in paragraphs (d)-(q)
312 ~~(d)-(r)~~:

313 (a) "General contractor" means a contractor whose services
314 are unlimited as to the type of work which he or she may do, who
315 may contract for any activity requiring licensure under this
316 part, and who may perform any work requiring licensure under
317 this part, except as otherwise expressly provided in s. 489.113.

318 (b) "Building contractor" means a contractor whose services
319 are limited to construction of commercial buildings and single-
320 dwelling or multiple-dwelling residential buildings, which do
321 not exceed three stories in height, and accessory use structures
322 in connection therewith or a contractor whose services are
323 limited to remodeling, repair, or improvement of any size
324 building if the services do not affect the structural members of
325 the building.

326 (c) "Residential contractor" means a contractor whose
327 services are limited to construction, remodeling, repair, or
328 improvement of one-family, two-family, or three-family
329 residences not exceeding two habitable stories above no more
330 than one uninhabitable story and accessory use structures in
331 connection therewith.



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332 (d) "Sheet metal contractor" means a contractor whose
333 services are unlimited in the sheet metal trade and who has the
334 experience, knowledge, and skill necessary for the manufacture,
335 fabrication, assembling, handling, erection, installation,
336 dismantling, conditioning, adjustment, insulation, alteration,
337 repair, servicing, or design, if not prohibited by law, of
338 ferrous or nonferrous metal work of U.S. No. 10 gauge or its
339 equivalent or lighter gauge and of other materials, including,
340 but not limited to, fiberglass, used in lieu thereof and of air-
341 handling systems, including the setting of air-handling
342 equipment and reinforcement of same, the balancing of air-
343 handling systems, and any duct cleaning and equipment sanitizing
344 that requires at least a partial disassembling of the system.

345 (e) "Roofing contractor" means a contractor whose services
346 are unlimited in the roofing trade and who has the experience,
347 knowledge, and skill to install, maintain, repair, alter,
348 extend, or design, if not prohibited by law, and use materials
349 and items used in the installation, maintenance, extension, and
350 alteration of all kinds of roofing, waterproofing, and coating,
351 except when coating is not represented to protect, repair,
352 waterproof, stop leaks, or extend the life of the roof. The
353 scope of work of a roofing contractor also includes required
354 roof-deck attachments and any repair or replacement of wood roof
355 sheathing or fascia as needed during roof repair or replacement.

356 (f) "Class A air-conditioning contractor" means a
357 contractor whose services are unlimited in the execution of
358 contracts requiring the experience, knowledge, and skill to
359 install, maintain, repair, fabricate, alter, extend, or design,
360 if not prohibited by law, central air-conditioning,



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361 refrigeration, heating, and ventilating systems, including duct
362 work in connection with a complete system if such duct work is
363 performed by the contractor as necessary to complete an air-
364 distribution system, boiler and unfired pressure vessel systems,
365 and all appurtenances, apparatus, or equipment used in
366 connection therewith, and any duct cleaning and equipment
367 sanitizing that requires at least a partial disassembling of the
368 system; to install, maintain, repair, fabricate, alter, extend,
369 or design, if not prohibited by law, piping, insulation of
370 pipes, vessels and ducts, pressure and process piping, and
371 pneumatic control piping; to replace, disconnect, or reconnect
372 power wiring on the load side of the dedicated existing
373 electrical disconnect switch; to install, disconnect, and
374 reconnect low voltage heating, ventilating, and air-conditioning
375 control wiring; and to install a condensate drain from an air-
376 conditioning unit to an existing safe waste or other approved
377 disposal other than a direct connection to a sanitary system.
378 The scope of work for such contractor also includes any
379 excavation work incidental thereto, but does not include any
380 work such as liquefied petroleum or natural gas fuel lines
381 within buildings, except for disconnecting or reconnecting
382 changeouts of liquefied petroleum or natural gas appliances
383 within buildings; potable water lines or connections thereto;
384 sanitary sewer lines; swimming pool piping and filters; or
385 electrical power wiring.

386 (g) "Class B air-conditioning contractor" means a
387 contractor whose services are limited to 25 tons of cooling and
388 500,000 Btu of heating in any one system in the execution of
389 contracts requiring the experience, knowledge, and skill to



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390 install, maintain, repair, fabricate, alter, extend, or design,
391 if not prohibited by law, central air-conditioning,
392 refrigeration, heating, and ventilating systems, including duct
393 work in connection with a complete system only to the extent
394 such duct work is performed by the contractor as necessary to
395 complete an air-distribution system being installed under this
396 classification, and any duct cleaning and equipment sanitizing
397 that requires at least a partial disassembling of the system; to
398 install, maintain, repair, fabricate, alter, extend, or design,
399 if not prohibited by law, piping and insulation of pipes,
400 vessels, and ducts; to replace, disconnect, or reconnect power
401 wiring on the load side of the dedicated existing electrical
402 disconnect switch; to install, disconnect, and reconnect low
403 voltage heating, ventilating, and air-conditioning control
404 wiring; and to install a condensate drain from an air-
405 conditioning unit to an existing safe waste or other approved
406 disposal other than a direct connection to a sanitary system.
407 The scope of work for such contractor also includes any
408 excavation work incidental thereto, but does not include any
409 work such as liquefied petroleum or natural gas fuel lines
410 within buildings, except for disconnecting or reconnecting
411 changeouts of liquefied petroleum or natural gas appliances
412 within buildings; potable water lines or connections thereto;
413 sanitary sewer lines; swimming pool piping and filters; or
414 electrical power wiring.

415 (h) "Class C air-conditioning contractor" means a
416 contractor whose business is limited to the servicing of air-
417 conditioning, heating, or refrigeration systems, including any
418 duct cleaning and equipment sanitizing that requires at least a



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419 partial disassembling of the system, and whose certification or
420 registration, issued pursuant to this part, was valid on October
421 1, 1988. Only a person who was registered or certified as a
422 Class C air-conditioning contractor as of October 1, 1988, shall
423 be so registered or certified after October 1, 1988. However,
424 the board shall continue to license and regulate those Class C
425 air-conditioning contractors who held Class C licenses before
426 October 1, 1988.

427 (i) "Mechanical contractor" means a contractor whose
428 services are unlimited in the execution of contracts requiring
429 the experience, knowledge, and skill to install, maintain,
430 repair, fabricate, alter, extend, or design, if not prohibited
431 by law, central air-conditioning, refrigeration, heating, and
432 ventilating systems, including duct work in connection with a
433 complete system if such duct work is performed by the contractor
434 as necessary to complete an air-distribution system, boiler and
435 unfired pressure vessel systems, lift station equipment and
436 piping, and all appurtenances, apparatus, or equipment used in
437 connection therewith, and any duct cleaning and equipment
438 sanitizing that requires at least a partial disassembling of the
439 system; to install, maintain, repair, fabricate, alter, extend,
440 or design, if not prohibited by law, piping, insulation of
441 pipes, vessels and ducts, pressure and process piping, pneumatic
442 control piping, gasoline tanks and pump installations and piping
443 for same, standpipes, air piping, vacuum line piping, oxygen
444 lines, nitrous oxide piping, ink and chemical lines, fuel
445 transmission lines, liquefied petroleum gas lines within
446 buildings, and natural gas fuel lines within buildings; to
447 replace, disconnect, or reconnect power wiring on the load side



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448 of the dedicated existing electrical disconnect switch; to
449 install, disconnect, and reconnect low voltage heating,
450 ventilating, and air-conditioning control wiring; and to install
451 a condensate drain from an air-conditioning unit to an existing
452 safe waste or other approved disposal other than a direct
453 connection to a sanitary system. The scope of work for such
454 contractor also includes any excavation work incidental thereto,
455 but does not include any work such as potable water lines or
456 connections thereto, sanitary sewer lines, swimming pool piping
457 and filters, or electrical power wiring.

458 (j) "Commercial pool/spa contractor" means a contractor
459 whose scope of work involves, but is not limited to, the
460 construction, repair, and servicing of any swimming pool, or hot
461 tub or spa, whether public, private, or otherwise, regardless of
462 use. The scope of work includes the installation, repair, or
463 replacement of existing equipment, any cleaning or equipment
464 sanitizing that requires at least a partial disassembling,
465 excluding filter changes, and the installation of new pool/spa
466 equipment, interior finishes, the installation of package pool
467 heaters, the installation of all perimeter piping and filter
468 piping, and the construction of equipment rooms or housing for
469 pool/spa equipment, and also includes the scope of work of a
470 swimming pool/spa servicing contractor. The scope of such work
471 does not include direct connections to a sanitary sewer system
472 or to potable water lines. The installation, construction,
473 modification, or replacement of equipment permanently attached
474 to and associated with the pool or spa for the purpose of water
475 treatment or cleaning of the pool or spa requires licensure;
476 however, the usage of such equipment for the purposes of water



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477 treatment or cleaning does not require licensure unless the
478 usage involves construction, modification, or replacement of
479 such equipment. Water treatment that does not require such
480 equipment does not require a license. In addition, a license is
481 not required for the cleaning of the pool or spa in a way that
482 does not affect the structural integrity of the pool or spa or
483 its associated equipment.

484 (k) "Residential pool/spa contractor" means a contractor
485 whose scope of work involves, but is not limited to, the
486 construction, repair, and servicing of a residential swimming
487 pool, or hot tub or spa, regardless of use. The scope of work
488 includes the installation, repair, or replacement of existing
489 equipment, any cleaning or equipment sanitizing that requires at
490 least a partial disassembling, excluding filter changes, and the
491 installation of new pool/spa equipment, interior finishes, the
492 installation of package pool heaters, the installation of all
493 perimeter piping and filter piping, and the construction of
494 equipment rooms or housing for pool/spa equipment, and also
495 includes the scope of work of a swimming pool/spa servicing
496 contractor. The scope of such work does not include direct
497 connections to a sanitary sewer system or to potable water
498 lines. The installation, construction, modification, or
499 replacement of equipment permanently attached to and associated
500 with the pool or spa for the purpose of water treatment or
501 cleaning of the pool or spa requires licensure; however, the
502 usage of such equipment for the purposes of water treatment or
503 cleaning does not require licensure unless the usage involves
504 construction, modification, or replacement of such equipment.
505 Water treatment that does not require such equipment does not



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506 require a license. In addition, a license is not required for
507 the cleaning of the pool or spa in a way that does not affect
508 the structural integrity of the pool or spa or its associated
509 equipment.

510 (1) "Swimming pool/spa servicing contractor" means a
511 contractor whose scope of work involves, but is not limited to,
512 the repair and servicing of a swimming pool, or hot tub or spa,
513 whether public or private, or otherwise, regardless of use. The
514 scope of work includes the repair or replacement of existing
515 equipment, any cleaning or equipment sanitizing that requires at
516 least a partial disassembling, excluding filter changes, and the
517 installation of new pool/spa equipment, interior refinishing,
518 the reinstallation or addition of pool heaters, the repair or
519 replacement of all perimeter piping and filter piping, the
520 repair of equipment rooms or housing for pool/spa equipment, and
521 the substantial or complete draining of a swimming pool, or hot
522 tub or spa, for the purpose of repair or renovation. The scope
523 of such work does not include direct connections to a sanitary
524 sewer system or to potable water lines. The installation,
525 construction, modification, substantial or complete disassembly,
526 or replacement of equipment permanently attached to and
527 associated with the pool or spa for the purpose of water
528 treatment or cleaning of the pool or spa requires licensure;
529 however, the usage of such equipment for the purposes of water
530 treatment or cleaning does not require licensure unless the
531 usage involves construction, modification, substantial or
532 complete disassembly, or replacement of such equipment. Water
533 treatment that does not require such equipment does not require
534 a license. In addition, a license is not required for the



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535 cleaning of the pool or spa in a way that does not affect the
536 structural integrity of the pool or spa or its associated
537 equipment.

538 (m) "Plumbing contractor" means a contractor whose
539 contracting business consists of the execution of contracts
540 requiring the experience, financial means, knowledge, and skill
541 to install, maintain, repair, alter, extend, or, if not
542 prohibited by law, design plumbing. A plumbing contractor may
543 install, maintain, repair, alter, extend, or, if not prohibited
544 by law, design the following without obtaining an additional
545 local regulatory license, certificate, or registration: sanitary
546 drainage or storm drainage facilities; venting systems; public
547 or private water supply systems; septic tanks; drainage and
548 supply wells; swimming pool piping; irrigation systems; or solar
549 heating water systems and all appurtenances, apparatus, or
550 equipment used in connection therewith, including boilers and
551 pressure process piping and including the installation of water,
552 natural gas, liquefied petroleum gas and related venting, and
553 storm and sanitary sewer lines; and water and sewer plants and
554 substations. The scope of work of the plumbing contractor also
555 includes the design, if not prohibited by law, and installation,
556 maintenance, repair, alteration, or extension of air-piping,
557 vacuum line piping, oxygen line piping, nitrous oxide piping,
558 and all related medical gas systems; fire line standpipes and
559 fire sprinklers if authorized by law; ink and chemical lines;
560 fuel oil and gasoline piping and tank and pump installation,
561 except bulk storage plants; and pneumatic control piping
562 systems, all in a manner that complies with all plans,
563 specifications, codes, laws, and regulations applicable. The



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564 scope of work of the plumbing contractor applies to private
565 property and public property, including any excavation work
566 incidental thereto, and includes the work of the specialty
567 plumbing contractor. Such contractor shall subcontract, with a
568 qualified contractor in the field concerned, all other work
569 incidental to the work but which is specified as being the work
570 of a trade other than that of a plumbing contractor. This
571 definition does not limit the scope of work of any specialty
572 contractor certified pursuant to s. 489.113(6), and does not
573 require certification or registration under this part of any
574 authorized employee of a public natural gas utility or of a
575 private natural gas utility regulated by the Public Service
576 Commission when disconnecting and reconnecting water lines in
577 the servicing or replacement of an existing water heater.

578 (n) "Underground utility and excavation contractor" means a
579 contractor whose services are limited to the construction,
580 installation, and repair, on public or private property, whether
581 accomplished through open excavations or through other means,
582 including, but not limited to, directional drilling, auger
583 boring, jacking and boring, trenchless technologies, wet and dry
584 taps, grouting, and slip lining, of main sanitary sewer
585 collection systems, main water distribution systems, storm sewer
586 collection systems, and the continuation of utility lines from
587 the main systems to a point of termination up to and including
588 the meter location for the individual occupancy, sewer
589 collection systems at property line on residential or single-
590 occupancy commercial properties, or on multioccupancy properties
591 at manhole or wye lateral extended to an invert elevation as
592 engineered to accommodate future building sewers, water



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593 distribution systems, or storm sewer collection systems at storm
594 sewer structures. However, an underground utility and excavation
595 contractor may install empty underground conduits in rights-of-
596 way, easements, platted rights-of-way in new site development,
597 and sleeves for parking lot crossings no smaller than 2 inches
598 in diameter if each conduit system installed is designed by a
599 licensed professional engineer or an authorized employee of a
600 municipality, county, or public utility and the installation of
601 such conduit does not include installation of any conductor
602 wiring or connection to an energized electrical system. An
603 underground utility and excavation contractor may not install
604 piping that is an integral part of a fire protection system as
605 defined in s. 633.021 beginning at the point where the piping is
606 used exclusively for such system.

607 (o) "Solar contractor" means a contractor whose services
608 consist of the installation, alteration, repair, maintenance,
609 relocation, or replacement of solar panels for potable solar
610 water heating systems, swimming pool solar heating systems, and
611 photovoltaic systems and any appurtenances, apparatus, or
612 equipment used in connection therewith, whether public, private,
613 or otherwise, regardless of use. A contractor, certified or
614 registered pursuant to this chapter, is not required to become a
615 certified or registered solar contractor or to contract with a
616 solar contractor in order to provide services enumerated in this
617 paragraph that are within the scope of the services such
618 contractors may render under this part.

619 (p) "Pollutant storage systems contractor" means a
620 contractor whose services are limited to, and who has the
621 experience, knowledge, and skill to install, maintain, repair,



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622 alter, extend, or design, if not prohibited by law, and use
623 materials and items used in the installation, maintenance,
624 extension, and alteration of, pollutant storage tanks. Any
625 person installing a pollutant storage tank shall perform such
626 installation in accordance with the standards adopted pursuant
627 to s. 376.303.

628 ~~(q) "Glass and glazing contractor" means a contractor whose~~
629 ~~services are unlimited in the execution of contracts requiring~~
630 ~~the experience, knowledge, and skill to install, attach,~~
631 ~~maintain, repair, fabricate, alter, extend, or design, in~~
632 ~~residential and commercial applications without any height~~
633 ~~restrictions, all types of windows, glass, and mirrors, whether~~
634 ~~fixed or movable; swinging or sliding glass doors attached to~~
635 ~~existing walls, floors, columns, or other structural members of~~
636 ~~the building; glass holding or supporting mullions or horizontal~~
637 ~~bars; structurally anchored impact resistant opening protection~~
638 ~~attached to existing building walls, floors, columns, or other~~
639 ~~structural members of the building; prefabricated glass, metal,~~
640 ~~or plastic curtain walls; storefront frames or panels; shower~~
641 ~~and tub enclosures; metal fascias; and caulking incidental to~~
642 ~~such work and assembly.~~

643 (q) ~~(r)~~ "Specialty contractor" means a contractor whose
644 scope of work and responsibility is limited to a particular
645 phase of construction established in a category adopted by board
646 rule and whose scope is limited to a subset of the activities
647 described in one of the paragraphs of this subsection.

648 Section 16. Paragraphs (b) and (c) of subsection (4) of
649 section 489.107, Florida Statutes, are amended to read:

650 489.107 Construction Industry Licensing Board.—



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651 (4) The board shall be divided into two divisions, Division
652 I and Division II.

653 (b) Division II is comprised of the roofing contractor,
654 sheet metal contractor, air-conditioning contractor, mechanical
655 contractor, pool contractor, plumbing contractor, and
656 underground utility and excavation contractor members of the
657 board; one of the members appointed pursuant to paragraph
658 (2) (j); and one of the members appointed pursuant to paragraph
659 (2) (k). Division II has jurisdiction over the regulation of
660 contractors defined in s. 489.105(3) (d) - (p) ~~489.105(3) (d) - (q)~~.

661 (c) Jurisdiction for the regulation of specialty
662 contractors defined in s. 489.105(3) (q) ~~489.105(3) (r)~~ shall lie
663 with the division having jurisdiction over the scope of work of
664 the specialty contractor as defined by board rule.

665 Section 17. Paragraph (g) of subsection (2) of section
666 489.141, Florida Statutes, is amended to read:

667 489.141 Conditions for recovery; eligibility.-

668 (2) A claimant is not qualified to make a claim for
669 recovery from the recovery fund, if:

670 (g) The claimant has contracted with a licensee to perform
671 a scope of work described in s. 489.105(3) (d) - (p) ~~489.105(3) (d) -~~
672 ~~(r)~~.

673 Section 18. Section 489.118, Florida Statutes, is reenacted
674 and amended to read:

675 489.118 Certification of registered contractors;
676 grandfathering provisions.-The board shall, upon receipt of a
677 completed application and appropriate fee, issue a certificate
678 in the appropriate category to any contractor registered under
679 this part who makes application to the board and can show that



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680 he or she meets each of the following requirements:

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

683 (2) Has, for that category, passed a written examination
684 that the board finds to be substantially similar to the
685 examination required to be licensed as a certified contractor
686 under this part. For purposes of this subsection, a written,
687 proctored examination such as that produced by the National
688 Assessment Institute, Block and Associates, NAI/Block, Experior
689 Assessments, Professional Testing, Inc., or Assessment Systems,
690 Inc., shall be considered to be substantially similar to the
691 examination required to be licensed as a certified contractor.
692 The board may not impose or make any requirements regarding the
693 nature or content of these cited examinations.

694 (3) Has at least 5 years of experience as a contractor in
695 that contracting category, or as an inspector or building
696 administrator with oversight over that category, at the time of
697 application. For contractors, only time periods in which the
698 contractor license is active and the contractor is not on
699 probation shall count toward the 5 years required by this
700 subsection.

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

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

707
708 Applicants wishing to obtain a certificate pursuant to this



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709 section must make application by November 1, 2014 ~~2005~~.

710 Section 19. Effective upon this act becoming a law, section
711 548.007, Florida Statutes, is amended to read:

712 548.007 Applicability of provisions to amateur matches and
713 certain other matches or events. ~~Sections With the exception of~~
714 ~~s. 548.008, ss. 548.001-548.079~~ do not apply to:

715 (1) A match conducted or sponsored by a bona fide nonprofit
716 school or education program whose primary purpose is instruction
717 in the martial arts, boxing, or kickboxing, if the match held in
718 conjunction with the instruction is limited to amateur
719 participants who are students of the school or instructional
720 program;

721 (2) A match conducted or sponsored by any company or
722 detachment of the Florida National Guard, if the match is
723 limited to participants who are members of the company or
724 detachment of the Florida National Guard; or

725 (3) A match conducted or sponsored by the Fraternal Order
726 of Police, if the match is limited to amateur participants and
727 is held in conjunction with a charitable event.

728 Section 20. Paragraphs (i) through (k) of subsection (1) of
729 section 561.29, Florida Statutes, are redesignated as paragraphs
730 (h) through (j), respectively, and present paragraphs (h)
731 through (k) of that subsection are amended to read:

732 561.29 Revocation and suspension of license; power to
733 subpoena.—

734 (1) The division is given full power and authority to
735 revoke or suspend the license of any person holding a license
736 under the Beverage Law, when it is determined or found by the
737 division upon sufficient cause appearing of:



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738 (h) Failure by the holder of any license under s. 561.20(1)
739 to maintain the licensed premises as provided in this paragraph
740 :

741 1. For licenses issued on or before September 30, 1988, in
742 an active manner in which the licensed premises must be are open
743 for the bona fide sale of authorized alcoholic beverages during
744 regular business hours of at least 6 hours a day for a period of
745 120 days or more during any 12-month period commencing 18 months
746 after the acquisition of the license by the licensee.7
747 ~~regardless of the date the license was originally issued. Every~~
748 ~~licensee must notify the division in writing of any period~~
749 ~~during which his or her license is inactive and place the~~
750 ~~physical license with the division to be held in an inactive~~
751 ~~status. The division may waive or extend the requirement of this~~
752 ~~section upon the finding of hardship, including the purchase of~~
753 ~~the license in order to transfer it to a newly constructed or~~
754 ~~remodeled location. However, during such closed period, the~~
755 ~~licensee shall make reasonable efforts toward restoring the~~
756 ~~license to active status. This paragraph shall apply to all~~
757 ~~annual license periods commencing on or after July 1, 1981, but~~
758 ~~shall not apply to licenses issued after September 30, 1988.~~

759 2.(i) For licenses issued Failure of any licensee issued a
760 new or transfer license after September 30, 1988, the licensed
761 premises must be under s. 561.20(1) to maintain the licensed
762 premises in an active manner in which the licensed premises are
763 open for business to the public for the bona fide retail sale of
764 authorized alcoholic beverages during regular and reasonable
765 business hours for at least 8 hours a day for a period of 210
766 days or more during any 12-month period commencing 6 months



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767 after the acquisition of the license by the licensee.

768 3. It is the intent of this act that for purposes of
769 compliance with this paragraph that 7 a licensee shall operate
770 the licensed premises in a manner so as to maximize sales and
771 tax revenues thereon; this includes maintaining a reasonable
772 inventory of merchandise, including authorized alcoholic
773 beverages, and the use of good business practices to achieve the
774 intent of this law. Any attempt by a licensee to circumvent the
775 intent of this law shall be grounds for revocation or suspension
776 of the alcoholic beverage license.

777 4. A licensee must notify the division in writing that the
778 license is inactive. To reactivate the license, the licensee
779 must apply to the division for reactivation within 12 months
780 after the license is placed in inactive status.

781 5. The division shall grant an extension to a licensee who
782 requests that his or her license remain inactive for longer than
783 12 months and can demonstrate to the division that:

784 a. The value of the license is less than the licensee's
785 original cost of the license;

786 b. The licensee is actively attempting to sell the license,
787 as evidenced by a formal written agreement with a broker or by
788 regular advertisement in a periodical of general circulation or
789 an industry publication;

790 c. Corporate approval, if applicable, is pending for
791 activation of the license at a new location;

792 d. Activation is pending a governmental approval of a new
793 site pursuant to special exception, zoning, variance,
794 enviromental approval, or comprehensive plan amendment;

795 e. Negotiation of a lease or purchase of a building or land



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796 ~~is pending; The division may, upon written request of the~~
797 ~~licensee, give a written waiver of this requirement for a period~~
798 ~~not to exceed 12 months in cases where the licensee demonstrates~~
799 ~~that~~

800 f. The ~~the~~ licensed premises has been physically destroyed
801 through no fault of the licensee; ~~when~~

802 g. The ~~the~~ licensee has suffered an incapacitating illness
803 or injury which is likely to be prolonged; ~~or when~~

804 h. The ~~the~~ licensed premises has been prohibited from
805 making sales as a result of any action of any court of competent
806 jurisdiction. An extension granted pursuant to this subparagraph
807 shall be continued upon subsequent written request showing that
808 the conditions for the extension continue through no fault of
809 the licensee, and, if applicable, substantial progress had been
810 made toward correcting the conditions. Any waiver given pursuant
811 ~~to this subsection may be continued upon subsequent written~~
812 ~~request showing that substantial progress has been made toward~~
813 ~~restoring the licensed premises to a condition suitable for the~~
814 ~~resumption of sales or toward allowing for a court having~~
815 ~~jurisdiction over the premises to release said jurisdiction, or~~
816 ~~that an incapacitating illness or injury continues to exist.~~
817 However, in no event may any waiver given pursuant to this
818 subsection exceed 32 months. ~~may the waivers necessitated by any~~
819 ~~one occurrence cumulatively total more than 24 months. Every~~
820 ~~licensee shall notify the division in writing of any period~~
821 ~~during which his or her license is inactive and place the~~
822 ~~physical license with the division to be held in an inactive~~
823 ~~status.~~

824 (i) ~~(j)~~ Failure of any licensee issued a license under s.



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825 561.20(1) to maintain records of all monthly sales and all
826 monthly purchases of alcoholic beverages and to produce such
827 records for inspection by any division employee within 10 days
828 of written request therefor.

829 (j) ~~(k)~~ Failure by the holder of any license issued under
830 the Beverage Law to comply with a stipulation, consent order, or
831 final order.

832 Section 22. Paragraph (a) of subsection (3) of section
833 561.32, Florida Statutes, is amended to read:

834 561.32 Transfer of licenses; change of officers or
835 directors; transfer of interest.-

836 (3) (a) Before the issuance of any transfer of license
837 herein provided, the transferee shall pay a transfer fee of 10
838 percent of the annual license tax to the division, except for
839 those licenses issued pursuant to s. 565.02(1) and subject to
840 the limitation imposed in s. 561.20(1), for which the transfer
841 fee shall be \$1,200.00. ~~assessed on the average annual value of~~
842 ~~gross sales of alcoholic beverages for the 3 years immediately~~
843 ~~preceding transfer and levied at the rate of 4 mills, except~~
844 ~~that such transfer fee shall not exceed \$5,000; in lieu of the~~
845 ~~4-mill assessment, the transferor may elect to pay \$5,000.~~
846 ~~Further, the maximum fee shall be applied with respect to any~~
847 ~~such license which has been inactive for the 3-year period.~~
848 ~~Records establishing the value of such gross sales shall~~
849 ~~accompany the application for transfer of the license, and~~
850 ~~falsification of such records shall be punishable as provided in~~
851 ~~s. 562.45.~~ All transfer fees collected by the division on the
852 transfer of licenses issued pursuant to s. 565.02(1) and subject
853 to the limitation imposed in s. 561.20(1) shall be returned by



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854 the division to the municipality in which such transferred
855 license is operated or, if operated in the unincorporated area
856 of the county, to the county in which such transferred license
857 is operated.

858 Section 23. The provisions contained in ss. 5 and 6, ch.
859 2010-225, Laws of Florida, shall be effected through a type two
860 transfer of the relevant administrative rules, pursuant to s.
861 20.06(2), Florida Statutes.

862 Section 24. Except as otherwise expressly provided in this
863 act and except for this section, which shall take effect upon
864 this act becoming a law, this act shall take effect October 1,
865 2012.

866
867
868 ===== T I T L E A M E N D M E N T =====

869 And the title is amended as follows:

870 Delete everything before the enacting clause
871 and insert:

872 A bill to be entitled
873 An act relating to business and professional
874 regulation; amending s. 210.16, F.S.; authorizing
875 credit for the sale of tobacco products to be extended
876 to a retail dealer under specified conditions;
877 providing for the suspension of the sale of tobacco
878 products to retail dealers delinquent in their credit
879 payments until certain conditions are met; amending s.
880 210.181, F.S.; conforming a cross-reference; amending
881 s. 455.213, F.S.; waiving initial licensing,
882 application, and unlicensed activity fees for certain



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883 military veterans; amending s. 455.2179, F.S.;

884 revising continuing education provider and course

885 approval procedures; amending s. 455.271, F.S.;

886 limiting to the Department of Business and

887 Professional Regulation the authority to reinstate a

888 license that has become void under certain

889 circumstances; amending s. 455.273, F.S.; revising the

890 method of license renewal notification or notice of

891 pending cancellation of licensure to include an e-mail

892 address; deleting a requirement that a licensure

893 renewal notification and a notice of cancellation of

894 licensure include certain information regarding the

895 applicant; amending s. 455.275, F.S.; revising a

896 provision relating to maintenance of current address-

897 of-record information to include e-mail address;

898 revising a provision relating to notice to a licensee

899 to allow service of process by e-mail; amending s.

900 475.451, F.S.; authorizing distance learning courses

901 as an acceptable alternative to classroom instruction

902 for renewal of a real estate instructor permit;

903 providing that distance learning courses are under the

904 discretion of the school offering the real estate

905 course; requiring distance learning courses to adhere

906 to certain requirements; amending s. 475.611, F.S.;

907 revising the definition of the terms "appraisal

908 management company" and "appraisal management

909 services"; defining the term "subsidiary"; amending s.

910 475.6171, F.S.; revising requirements for the issuance

911 of registration or certification upon receipt of



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912 proper documentation; amending s. 475.6235, F.S.;

913 revising provisions relating to titles an appraisal

914 management company must be registered to use;

915 providing exemptions from registration requirements;

916 amending s. 475.6245, F.S.; providing additional

917 grounds for discipline of appraisal management

918 companies, to which penalties apply; amending s.

919 477.019, F.S.; revising procedures for cosmetology

920 licensure by endorsement; amending s. 477.0263, F.S.;

921 authorizing the performance of cosmetology and

922 specialty services in a location other than a licensed

923 salon under certain circumstances; amending s.

924 489.105, F.S.; deleting the definition of the term

925 "glass and glazing contractor"; amending ss. 489.107

926 and 489.141, F.S.; conforming cross-references;

927 reenacting and amending s. 489.118, F.S.; reviving

928 grandfathering provisions and establishing a new

929 deadline for applications for certification of certain

930 registered contractors; amending s. 548.007, F.S.;

931 deleting exemptions from certain restrictions on

932 specified amateur matches and other events; in

933 duplicate; amending s. 561.29, F.S.; revising the

934 grounds for revocation or suspension of licenses

935 relating to failure to maintain the licensed premises

936 as required; revising requirements with respect to

937 inactive licenses; providing requirements for

938 extension of the time to reactivate an inactive

939 license; amending s. 561.32; providing amount of the

940 transfer fee; deleting method for calculating the



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941 amount of the transfer fee; deleting prohibition
942 against falsification of records used in the
943 calculation of the transfer fee; providing an
944 effective date.