

By Senator Jones

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1 A bill to be entitled
2 An act relating to business and professional
3 regulation; amending s. 20.165, F.S.; expanding
4 divisions of the Department of Business and
5 Professional Regulation to include the Florida State
6 Boxing Commission; assigning certain programs to the
7 department's Division of Regulation; amending s.
8 455.01, F.S.; revising the definition of the term
9 "profession" to include the regulatory purview of the
10 Florida State Boxing Commission; amending s. 455.213,
11 F.S.; waiving initial licensing, application, and
12 unlicensed activity fees for certain military
13 veterans; amending s. 455.2179, F.S.; revising
14 continuing education provider and course approval
15 procedures; amending s. 455.271, F.S.; limiting to the
16 department the authority to reinstate a license that
17 has become void under certain circumstances; amending
18 s. 455.273, F.S.; revising the method of license
19 renewal notification or notice of pending cancellation
20 of licensure to include an e-mail address; deleting a
21 requirement that a licensure renewal notification and
22 a notice of cancellation of licensure include certain
23 information regarding the applicant; amending s.
24 455.275, F.S.; revising a provision relating to
25 maintenance of current address-of-record information
26 to include e-mail address; revising a provision
27 relating to notice to a licensee to allow service of
28 process by e-mail; amending s. 475.451, F.S.;
29 authorizing distance learning courses as an acceptable

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30 alternative to classroom instruction for renewal of a
31 real estate instructor permit; providing that distance
32 learning courses are under the discretion of the
33 school offering the real estate course; requiring
34 distance learning courses to adhere to certain
35 requirements; amending s. 475.611, F.S.; revising the
36 definition of the terms "appraisal management company"
37 and "appraisal management services"; amending s.
38 475.6171, F.S.; revising requirements for the issuance
39 of registration or certification upon receipt of
40 proper documentation; amending s. 475.6235, F.S.;
41 revising provisions relating to titles an appraisal
42 management company must be registered to use;
43 providing exemptions from registration requirements;
44 amending s. 475.6245, F.S.; providing additional
45 grounds for discipline of appraisal management
46 companies, to which penalties apply; amending s.
47 476.188, F.S.; revising the list of locations for the
48 performance of barber services not in a registered
49 barbershop; amending s. 477.0135, F.S.; exempting from
50 cosmetology licensure individuals who perform makeup
51 services to the general public; amending s. 477.019,
52 F.S.; revising procedures for cosmetology licensure by
53 endorsement to authorize work experience as a
54 substitute for educational hours; amending s.
55 477.0263, F.S.; authorizing the performance of
56 cosmetology and specialty services in a location other
57 than a licensed salon under certain circumstances;
58 reenacting and amending s. 489.118, F.S.; reviving

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59 grandfathering provisions and establishing a new
60 deadline for applications for certification of certain
61 registered contractors; amending s. 548.006, F.S.;
62 expanding the power of the Florida State Boxing
63 Commission to control pugilistic contests and
64 exhibitions to include exclusive jurisdiction over the
65 approval of amateur sanctioning organizations for
66 mixed martial arts; amending s. 548.0065, F.S.;
67 requiring an amateur sanctioning organizations to file
68 with the commission advanced notice regarding
69 location, date, and time of certain matches; amending
70 s. 548.008, F.S.; revising the penalty for
71 participating in a prohibited match; providing an
72 effective date.

73

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

75

76 Section 1. Paragraph (1) is added to subsection (2) and
77 paragraph (d) is added to subsection (4) of section 20.165,
78 Florida Statutes, to read:

79 20.165 Department of Business and Professional Regulation.—
80 There is created a Department of Business and Professional
81 Regulation.

82 (2) The following divisions of the Department of Business
83 and Professional Regulation are established:

84 (1) Florida State Boxing Commission.

85 (4)

86 (d) The following programs are established within the
87 Division of Regulation:

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88 1. Child Labor Program, created under part I of chapter
89 450.

90 2. Farm Labor Program, created under part III of chapter
91 450.

92 Section 2. Subsection (6) of section 455.01, Florida
93 Statutes, is amended to read:

94 455.01 Definitions.—As used in this chapter, the term:

95 (6) "Profession" means any activity, occupation,
96 profession, or vocation regulated by the department in the
97 Divisions of Certified Public Accounting, Professions, Real
98 Estate, ~~and~~ Regulation, and the Florida State Boxing Commission.

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

101 455.213 General licensing provisions.—

102 (12) The department shall waive the initial licensing fee,
103 the initial application fee, and the initial unlicensed activity
104 fee for a military veteran who applies to the department for a
105 license, in a format prescribed by the department, within 24
106 months after discharge from any branch of the United States
107 Armed Forces. To qualify for this waiver, the veteran must have
108 been honorably discharged.

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

111 455.2179 Continuing education provider and course approval;
112 cease and desist orders.—

113 (1) If a board, or the department if there is no board,
114 requires completion of continuing education as a requirement for
115 renewal of a license, the board, or the department if there is
116 no board, shall approve the providers and courses for ~~of~~ the

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117 continuing education. Notwithstanding this subsection or any
118 other provision of law, the department may approve continuing
119 education providers or courses even if there is a board. If the
120 department determines that an application for a continuing
121 education provider or course requires expert review or should be
122 denied, the department shall forward the application to the
123 appropriate board for review and approval or denial. The
124 approval of continuing education providers and courses must be
125 for a specified period of time, not to exceed 4 years. An
126 approval that does not include such a time limitation may remain
127 in effect pursuant to the applicable practice act or the rules
128 adopted under the applicable practice act. Notwithstanding this
129 subsection or any other provision of law, only the department
130 may determine the contents of any documents submitted for
131 approval of a continuing education provider or course.

132 Section 5. Paragraph (b) of subsection (6) of section
133 455.271, Florida Statutes, is amended to read:

134 455.271 Inactive and delinquent status.—

135 (6)

136 (b) Notwithstanding the provisions of the professional
137 practice acts administered by the department, ~~the board, or the~~
138 ~~department if there is no board,~~ may, at its discretion,
139 reinstate the license of an individual whose license has become
140 void if the ~~board or department, as applicable,~~ determines that
141 the individual ~~has made a good faith effort to comply with this~~
142 ~~section but has failed to comply because of illness or unusual~~
143 economic hardship. The individual must apply to ~~the board, or~~
144 the department ~~if there is no board,~~ for reinstatement ~~in a~~
145 ~~manner prescribed by rules of the board or the department, as~~

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146 ~~applicable,~~ and shall pay an applicable fee in an amount
147 determined by rule. The ~~board, or the~~ department ~~if there is no~~
148 ~~board,~~ shall require that such individual meet all continuing
149 education requirements prescribed by law, pay appropriate
150 licensing fees, and otherwise be eligible for renewal of
151 licensure under this chapter.

152
153 This subsection does not apply to individuals subject to
154 regulation under chapter 473.

155 Section 6. Section 455.273, Florida Statutes, is amended to
156 read:

157 455.273 Renewal and cancellation notices.—

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

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

163 (2)(b) Forward a notice of pending cancellation of
164 licensure to a delinquent status licensee at the licensee's last
165 known address of record or e-mail address provided to ~~with~~ the
166 department.

167 ~~(2)~~ Each ~~licensure renewal notification and each notice of~~
168 ~~pending cancellation of licensure must state conspicuously that~~
169 ~~a licensee who remains on inactive status for more than two~~
170 ~~consecutive biennial licensure cycles and who wishes to~~
171 ~~reactivate the license may be required to demonstrate the~~
172 ~~competency to resume active practice by sitting for a special~~
173 ~~purpose examination or by completing other reactivation~~
174 ~~requirements, as defined by rule of the board or the department~~

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175 ~~when there is no board.~~

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

178 455.275 Address of record.—

179 (1) Each licensee of the department is solely responsible
180 for notifying the department in writing of the licensee's
181 current mailing address, e-mail-address, and place of practice,
182 as defined by rule of the board or the department when there is
183 no board. A licensee's failure to notify the department of a
184 change of address constitutes a violation of this section, and
185 the licensee may be disciplined by the board or the department
186 when there is no board.

187 (2) Notwithstanding any other provision of law, service by
188 regular mail or e-mail to a licensee's last known mailing
189 address or e-mail address of record with the department
190 constitutes adequate and sufficient notice to the licensee for
191 any official communication to the licensee by the board or the
192 department except when other service is required pursuant to s.
193 455.225.

194 Section 8. Paragraph (c) of subsection (2) of section
195 475.451, Florida Statutes, is amended, present subsections (4)
196 through (8) are renumbered as subsections (5) through (9),
197 respectively, and a new subsection (4) is added to that section,
198 to read:

199 475.451 Schools teaching real estate practice.—

200 (2) An applicant for a permit to operate a proprietary real
201 estate school, to be a chief administrator of a proprietary real
202 estate school or a state institution, or to be an instructor for
203 a proprietary real estate school or a state institution must

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204 meet the qualifications for practice set forth in s. 475.17(1)
205 and the following minimal requirements:

206 (c) "School instructor" means an individual who instructs
207 persons in the classroom in noncredit college courses in a
208 college, university, or community college or courses in a career
209 center or proprietary real estate school.

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

213 a. Hold a bachelor's degree in a business-related subject,
214 such as real estate, finance, accounting, business
215 administration, or its equivalent and hold a valid broker's
216 license in this state.

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

220 c. Pass an instructor's examination approved by the
221 commission.

222 2. Any requirement by the commission for a teaching
223 demonstration or practical examination must apply to all school
224 instructor applicants.

225 3. The department shall renew an instructor permit upon
226 receipt of a renewal application and fee. The renewal
227 application shall include proof that the permitholder has, since
228 the issuance or renewal of the current permit, successfully
229 completed a minimum of 7 classroom or distance learning hours of
230 instruction in real estate subjects or instructional techniques,
231 as prescribed by the commission. The commission shall adopt
232 rules providing for the renewal of instructor permits at least

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233 every 2 years. Any permit that ~~which~~ is not renewed at the end
234 of the permit period established by the department ~~shall~~
235 automatically reverts ~~revert~~ to involuntarily inactive status.

236
237 The department may require an applicant to submit names of
238 persons having knowledge concerning the applicant and the
239 enterprise; may propound interrogatories to such persons and to
240 the applicant concerning the character of the applicant,
241 including the taking of fingerprints for processing through the
242 Federal Bureau of Investigation; and shall make such
243 investigation of the applicant or the school or institution as
244 it may deem necessary to the granting of the permit. If an
245 objection is filed, it shall be considered in the same manner as
246 objections or administrative complaints against other applicants
247 for licensure by the department.

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

250 Section 9. Paragraphs (c) and (d) of subsection (1) of
251 section 475.611, Florida Statutes, are amended to read:

252 475.611 Definitions.—

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

254 (c) "Appraisal management company" means a person who
255 performs appraisal management services regardless of the use of
256 the term "appraisal management company," "appraiser
257 cooperative," "appraiser portal," "mortgage technology company,"
258 or other term.

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

261 1. Employing, contracting with, or otherwise retaining one

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262 or more licensed or certified appraisers to perform appraisal
263 services for a client; or

264 2. Acting as a broker or intermediary between a client and
265 one or more licensed or certified appraisers to facilitate the
266 client's employing, contracting with, or otherwise retaining the
267 appraisers.

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

270 475.6171 Issuance of registration or certification.—The
271 registration or certification of an applicant may be issued upon
272 receipt by the board of the following:

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

277 Section 11. Subsection (1) of section 475.6235, Florida
278 Statutes, is amended, and subsection (9) is added to that
279 section, to read:

280 475.6235 Registration of appraisal management companies
281 required; exemptions.—

282 (1) A person may not engage, or offer to engage, in
283 appraisal management services for compensation in this state or
284 advertise or represent herself or himself as an appraisal
285 management company, ~~or use the titles "appraisal management~~
286 ~~company," "appraiser cooperative," "appraiser portal," or~~
287 ~~"mortgage technology company," or any abbreviation or words to~~
288 ~~that effect~~, unless the person is registered with the department
289 as an appraisal management company under this section. However,
290 an employee of an appraisal management company is not required

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291 to obtain a separate registration.

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

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

297 475.6245 Discipline of appraisal management companies.—

298 (1) The board may deny an application for registration of
299 an appraisal management company; may investigate the actions of
300 any appraisal management company registered under this part; may
301 reprimand or impose an administrative fine not to exceed \$5,000
302 for each count or separate offense against any such appraisal
303 management company; and may revoke or suspend, for a period not
304 to exceed 10 years, the registration of any such appraisal
305 management company, or place any such appraisal management
306 company on probation, if the board finds that the appraisal
307 management company or any person listed in s. 475.6235(2)(f):

308 (v) Has required or attempted to require an appraiser to
309 sign any indemnification agreement that would require the
310 appraiser to hold harmless the appraisal management company or
311 its owners, agents, employees, or independent contractors from
312 any liability, damage, loss, or claim arising from the services
313 performed by the appraisal management company or its owners,
314 agents, employees, or independent contractors and not the
315 services performed by the appraiser.

316 Section 13. Subsection (2) of section 476.188, Florida
317 Statutes, is amended to read:

318 476.188 Barber services to be performed in registered
319 barbershop; exception.—

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320 (2) Pursuant to rules established by the board, barber
321 services may be performed by a licensed barber in a location
322 other than a registered barbershop, including, but not limited
323 to, a nursing home, hospital, place of employment, or residence,
324 ~~when a client for reasons of ill health is unable to go to a~~
325 ~~registered barbershop~~. Arrangements for the performance of
326 barber services in a location other than a registered barbershop
327 shall be made only through a registered barbershop.

328 Section 14. Subsection (7) is added to section 477.0135,
329 Florida Statutes, to read:

330 477.0135 Exemptions.—

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

333 Section 15. Subsection (6) of section 477.019, Florida
334 Statutes, is amended to read:

335 477.019 Cosmetologists; qualifications; licensure;
336 supervised practice; license renewal; endorsement; continuing
337 education.—

338 (6) The board shall adopt rules specifying procedures for
339 the licensure by endorsement of practitioners desiring to be
340 licensed in this state who hold a current active license in
341 another state and who have met qualifications substantially
342 similar to, equivalent to, or greater than the qualifications
343 required of applicants from this state. For purposes of
344 qualifying for licensure by endorsement under this subsection,
345 work experience may be substituted for required educational
346 hours in the amount and manner provided by board rule.

347 Section 16. Subsection (4) is added to section 477.0263,
348 Florida Statutes, to read:

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349 477.0263 Cosmetology services to be performed in licensed
350 salon; exceptions ~~exception~~.-

351 (4) Pursuant to rules adopted by the board, any cosmetology
352 or specialty service may be performed in a location other than a
353 licensed salon when the service is performed in connection with
354 a special event and is performed by a person who is employed by
355 a licensed salon and who holds the proper license or specialty
356 registration. An appointment for the performance of any such
357 service in a location other than a licensed salon must be made
358 through a licensed salon.

359 Section 17. Section 489.118, Florida Statutes, is reenacted
360 and amended to read:

361 489.118 Certification of registered contractors;
362 grandfathering provisions.-The board shall, upon receipt of a
363 completed application and appropriate fee, issue a certificate
364 in the appropriate category to any contractor registered under
365 this part who makes application to the board and can show that
366 he or she meets each of the following requirements:

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

369 (2) Has, for that category, passed a written examination
370 that the board finds to be substantially similar to the
371 examination required to be licensed as a certified contractor
372 under this part. For purposes of this subsection, a written,
373 proctored examination such as that produced by the National
374 Assessment Institute, Block and Associates, NAI/Block, Experior
375 Assessments, Professional Testing, Inc., or Assessment Systems,
376 Inc., shall be considered to be substantially similar to the
377 examination required to be licensed as a certified contractor.

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378 The board may not impose or make any requirements regarding the
379 nature or content of these cited examinations.

380 (3) Has at least 5 years of experience as a contractor in
381 that contracting category, or as an inspector or building
382 administrator with oversight over that category, at the time of
383 application. For contractors, only time periods in which the
384 contractor license is active and the contractor is not on
385 probation shall count toward the 5 years required by this
386 subsection.

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

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

393
394 Applicants wishing to obtain a certificate pursuant to this
395 section must make application by November 1, 2014 ~~2005~~.

396 Section 18. Subsection (3) of section 548.006, Florida
397 Statutes, is amended to read:

398 548.006 Power of commission to control professional and
399 amateur pugilistic contests and exhibitions; certification of
400 competitiveness of professional mixed martial arts and
401 kickboxing matches.—

402 (3) The commission has exclusive jurisdiction over
403 approval, disapproval, suspension of approval, and revocation of
404 approval of all amateur sanctioning organizations for amateur
405 boxing, ~~and~~ kickboxing, and mixed martial arts matches held in
406 this state.

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407 Section 19. Subsection (6) is added to section 548.0065,
408 Florida Statutes, to read:

409 548.0065 Amateur matches; sanctioning and supervision;
410 health and safety standards; compliance checks; continuation,
411 suspension, and revocation of sanctioning approval.-

412 (6) An amateur sanctioning organization must file with the
413 commission advance notice, in writing, of all amateur boxing,
414 kickboxing, and mixed martial arts matches, including the
415 location, date, and time of the matches, at least 10 days prior
416 to the date of the matches. For purposes of this subsection,
417 notification may be sent via electronic mail.

418 Section 20. Paragraph (a) of subsection (3) of section
419 548.008, Florida Statutes, is amended to read:

420 548.008 Prohibited competitions.-

421 (3) (a) Any person participating in a match prohibited under
422 this section, knowing the match to be prohibited, commits a
423 felony ~~misdemeanor~~ of the third ~~second~~ degree, punishable as
424 provided in s. 775.082, ~~or~~ s. 775.083, or s. 775.084.

425 Section 21. This act shall take effect October 1, 2012.