

By the Committee on Regulated Industries; and Senator Jones

580-02848-12

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1                   A bill to be entitled  
2           An act relating to business and professional  
3           regulation; amending s. 455.213, F.S.; requiring the  
4           Department of Business and Professional Regulation to  
5           waive certain licensing fees for a military veteran  
6           who applies within a specified period after honorable  
7           discharge from any branch of the United States Armed  
8           Forces; amending s. 455.2179, F.S.; authorizing the  
9           department rather than the board to approve continuing  
10          education providers or courses under certain  
11          circumstances; reserving to the department the  
12          authority to determine the contents of documents  
13          submitted for approval of a continuing education  
14          provider or course; amending s. 455.271, F.S.;  
15          limiting to the department the authority to reinstate  
16          a license that has become void under certain  
17          circumstances; amending s. 455.273, F.S.; revising the  
18          method of license renewal notification or notice of  
19          pending cancellation of licensure to include an e-mail  
20          address; deleting a requirement that a licensure  
21          renewal notification and a notice of cancellation of  
22          licensure include certain information regarding the  
23          applicant; amending s. 455.275, F.S.; revising a  
24          provision relating to maintenance of current address-  
25          of-record information to include e-mail address;  
26          revising a provision relating to notice to a licensee  
27          to allow service of process by e-mail; amending s.  
28          475.451, F.S.; authorizing distance learning courses  
29          as an acceptable alternative to classroom instruction

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30 for renewal of a real estate instructor permit;  
31 providing that distance learning courses are under the  
32 discretion of the school offering the real estate  
33 course; requiring distance learning courses to adhere  
34 to certain requirements; amending s. 475.611, F.S.;

35 revising the definition of the terms "appraisal  
36 management company" and "appraisal management  
37 services" and defining the term "subsidiary"; amending  
38 s. 475.6171, F.S.; revising requirements for the  
39 issuance of registration or certification upon receipt  
40 of 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 provide an exception to required proof  
54 of educational hours; amending s. 477.0263, F.S.;

55 authorizing the performance of cosmetology and  
56 specialty services in a location other than a licensed  
57 salon under certain circumstances; reenacting and  
58 amending s. 489.118, F.S.; reviving grandfathering

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59 provisions and establishing a new deadline for  
60 applications for certification of certain registered  
61 contractors; amending s. 548.061, F.S.; removing the  
62 requirement that each person or club that holds or  
63 shows matches on a closed circuit telecast viewed  
64 within the state, but originating within another  
65 state, must file certain reports; providing an  
66 effective date.

67  
68 Be It Enacted by the Legislature of the State of Florida:

69  
70 Section 1. Subsection (12) is added to section 455.213,  
71 Florida Statutes, to read:

72 455.213 General licensing provisions.—

73 (12) The department shall waive the initial licensing fee,  
74 the initial application fee, and the initial unlicensed activity  
75 fee for a military veteran who applies to the department for a  
76 license, in a format prescribed by the department, within 24  
77 months after discharge from any branch of the United States  
78 Armed Forces. To qualify for this waiver, the veteran must have  
79 been honorably discharged.

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

82 455.2179 Continuing education provider and course approval;  
83 cease and desist orders.—

84 (1) If a board, or the department if there is no board,  
85 requires completion of continuing education as a requirement for  
86 renewal of a license, the board, or the department if there is  
87 no board, shall approve the providers and courses for ~~of~~ the

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88 continuing education. Notwithstanding this subsection or any  
89 other provision of law, the department may approve continuing  
90 education providers or courses even if there is a board. If the  
91 department determines that an application for a continuing  
92 education provider or course requires expert review or should be  
93 denied, the department shall forward the application to the  
94 appropriate board for review and approval or denial. The  
95 approval of continuing education providers and courses must be  
96 for a specified period of time, not to exceed 4 years. An  
97 approval that does not include such a time limitation may remain  
98 in effect pursuant to the applicable practice act or the rules  
99 adopted under the applicable practice act. Notwithstanding this  
100 subsection or any other provision of law, only the department  
101 may determine the contents of any documents submitted for  
102 approval of a continuing education provider or course.

103 Section 3. Paragraph (b) of subsection (6) of section  
104 455.271, Florida Statutes, is amended to read:

105 455.271 Inactive and delinquent status.—

106 (6)

107 (b) Notwithstanding the provisions of the professional  
108 practice acts administered by the department, ~~the board, or the~~  
109 ~~department if there is no board,~~ may, at its discretion,  
110 reinstate the license of an individual whose license has become  
111 void if the ~~board or department, as applicable,~~ determines that  
112 the individual ~~has made a good faith effort to comply with this~~  
113 ~~section but has~~ failed to comply because of illness or ~~unusual~~  
114 economic hardship. The individual must apply to ~~the board, or~~  
115 the department ~~if there is no board,~~ for reinstatement ~~in a~~  
116 ~~manner prescribed by rules of the board or the department, as~~

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117 ~~applicable,~~ and shall pay an applicable fee in an amount  
118 determined by rule. The ~~board, or the~~ department ~~if there is no~~  
119 ~~board,~~ shall require that such individual meet all continuing  
120 education requirements prescribed by law, pay appropriate  
121 licensing fees, and otherwise be eligible for renewal of  
122 licensure under this chapter.

123  
124 This subsection does not apply to individuals subject to  
125 regulation under chapter 473.

126 Section 4. Section 455.273, Florida Statutes, is amended to  
127 read:

128 455.273 Renewal and cancellation notices.—

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

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

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

138 ~~(2)~~ Each ~~licensure renewal notification and each notice of~~  
139 ~~pending cancellation of licensure must state conspicuously that~~  
140 ~~a licensee who remains on inactive status for more than two~~  
141 ~~consecutive biennial licensure cycles and who wishes to~~  
142 ~~reactivate the license may be required to demonstrate the~~  
143 ~~competency to resume active practice by sitting for a special~~  
144 ~~purpose examination or by completing other reactivation~~  
145 ~~requirements, as defined by rule of the board or the department~~

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146 ~~when there is no board.~~

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

149 455.275 Address of record.—

150 (1) Each licensee of the department is solely responsible  
151 for notifying the department in writing of the licensee's  
152 current mailing address, e-mail address, and place of practice,  
153 as defined by rule of the board or the department when there is  
154 no board. A licensee's failure to notify the department of a  
155 change of address constitutes a violation of this section, and  
156 the licensee may be disciplined by the board or the department  
157 when there is no board.

158 (2) Notwithstanding any other provision of law, service by  
159 regular mail or e-mail to a licensee's last known mailing  
160 address or e-mail address of record with the department  
161 constitutes adequate and sufficient notice to the licensee for  
162 any official communication to the licensee by the board or the  
163 department except when other service is required pursuant to s.  
164 455.225.

165 Section 6. Paragraph (c) of subsection (2) of section  
166 475.451, Florida Statutes, is amended, present subsections (4)  
167 through (8) are renumbered as subsections (5) through (9),  
168 respectively, and a new subsection (4) is added to that section,  
169 to read:

170 475.451 Schools teaching real estate practice.—

171 (2) An applicant for a permit to operate a proprietary real  
172 estate school, to be a chief administrator of a proprietary real  
173 estate school or a state institution, or to be an instructor for  
174 a proprietary real estate school or a state institution must

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

177 (c) "School instructor" means an individual who instructs  
178 persons in the classroom in noncredit college courses in a  
179 college, university, or community college or courses in a career  
180 center or proprietary real estate school.

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

184 a. Hold a bachelor's degree in a business-related subject,  
185 such as real estate, finance, accounting, business  
186 administration, or its equivalent and hold a valid broker's  
187 license in this state.

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

191 c. Pass an instructor's examination approved by the  
192 commission.

193 2. Any requirement by the commission for a teaching  
194 demonstration or practical examination must apply to all school  
195 instructor applicants.

196 3. The department shall renew an instructor permit upon  
197 receipt of a renewal application and fee. The renewal  
198 application shall include proof that the permitholder has, since  
199 the issuance or renewal of the current permit, successfully  
200 completed a minimum of 7 classroom or distance learning hours of  
201 instruction in real estate subjects or instructional techniques,  
202 as prescribed by the commission. The commission shall adopt  
203 rules providing for the renewal of instructor permits at least

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

207  
208 The department may require an applicant to submit names of  
209 persons having knowledge concerning the applicant and the  
210 enterprise; may propound interrogatories to such persons and to  
211 the applicant concerning the character of the applicant,  
212 including the taking of fingerprints for processing through the  
213 Federal Bureau of Investigation; and shall make such  
214 investigation of the applicant or the school or institution as  
215 it may deem necessary to the granting of the permit. If an  
216 objection is filed, it shall be considered in the same manner as  
217 objections or administrative complaints against other applicants  
218 for licensure by the department.

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

221 Section 7. Paragraphs (c) and (d) of subsection (1) of  
222 section 475.611, Florida Statutes, are amended, and paragraph  
223 (y) is added to that subsection, to read:

224 475.611 Definitions.—

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

226 (c) "Appraisal management company" means a person who  
227 performs appraisal management services regardless of the use of  
228 the term "appraisal management company," "appraiser  
229 cooperative," "appraiser portal," "mortgage technology company,"  
230 or other term.

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



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233 1. Employing, contracting with, or otherwise retaining one  
234 or more licensed or certified appraisers to perform appraisal  
235 services for a client; or

236 2. Acting as a broker or intermediary between a client and  
237 one or more licensed or certified appraisers to facilitate the  
238 client's employing, contracting with, or otherwise retaining the  
239 appraisers.

240 (y) "Subsidiary" means an organization that is owned and  
241 controlled by a financial institution that is regulated by a  
242 federal financial institution regulatory agency.

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

245 475.6171 Issuance of registration or certification.—The  
246 registration or certification of an applicant may be issued upon  
247 receipt by the board of the following:

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

252 Section 9. Subsection (1) of section 475.6235, Florida  
253 Statutes, is amended, and subsection (9) is added to that  
254 section, to read:

255 475.6235 Registration of appraisal management companies  
256 required; exemptions.—

257 (1) A person may not engage, or offer to engage, in  
258 appraisal management services for compensation in this state or  
259 advertise or represent herself or himself as an appraisal  
260 management company, ~~or use the titles "appraisal management~~  
261 ~~company," "appraiser cooperative," "appraiser portal," or~~

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262 ~~"mortgage technology company," or any abbreviation or words to~~  
263 ~~that effect,~~ unless the person is registered with the department  
264 as an appraisal management company under this section. However,  
265 an employee of an appraisal management company is not required  
266 to obtain a separate registration.

267 (9) This section does not apply to:

268 (a) Any financial institution, as defined in s. 655.005,  
269 which owns and operates an internal appraisal office, business  
270 unit, or department; or

271 (b) An appraisal management company that is a subsidiary  
272 owned and controlled by a financial institution, as defined in  
273 s. 655.005, and regulated by a federal financial institution  
274 regulatory agency.

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

277 475.6245 Discipline of appraisal management companies.—

278 (1) The board may deny an application for registration of  
279 an appraisal management company; may investigate the actions of  
280 any appraisal management company registered under this part; may  
281 reprimand or impose an administrative fine not to exceed \$5,000  
282 for each count or separate offense against any such appraisal  
283 management company; and may revoke or suspend, for a period not  
284 to exceed 10 years, the registration of any such appraisal  
285 management company, or place any such appraisal management  
286 company on probation, if the board finds that the appraisal  
287 management company or any person listed in s. 475.6235(2)(f):

288 (v) Has required or attempted to require an appraiser to  
289 sign any indemnification agreement that would require the  
290 appraiser to hold harmless the appraisal management company or

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291 its owners, agents, employees, or independent contractors from  
292 any liability, damage, loss, or claim arising from the services  
293 performed by the appraisal management company or its owners,  
294 agents, employees, or independent contractors and not the  
295 services performed by the appraiser.

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

298 476.188 Barber services to be performed in registered  
299 barbershop; exception.—

300 (2) Pursuant to rules established by the board, barber  
301 services may be performed by a licensed barber in a location  
302 other than a registered barbershop, including, but not limited  
303 to, a nursing home, hospital, place of employment, or residence,  
304 ~~when a client for reasons of ill health is unable to go to a~~  
305 ~~registered barbershop.~~ Arrangements for the performance of  
306 barber services in a location other than a registered barbershop  
307 shall be made only through a registered barbershop.

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

310 477.0135 Exemptions.—

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

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

315 477.019 Cosmetologists; qualifications; licensure;  
316 supervised practice; license renewal; endorsement; continuing  
317 education.—

318 (6) The board shall adopt rules specifying procedures for  
319 the licensure by endorsement of practitioners desiring to be

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320 licensed in this state who hold a current active license in  
321 another state and who have met qualifications substantially  
322 similar to, equivalent to, or greater than the qualifications  
323 required of applicants from this state. The board shall not  
324 require proof of educational hours if the license was issued in  
325 a state that requires 1,200 or more hours of prelicensure  
326 education and passage of a written examination. This subsection  
327 does not apply to applicants who received their license in  
328 another state through an apprenticeship program.

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

331 477.0263 Cosmetology services to be performed in licensed  
332 salon; exceptions ~~exception~~.-

333 (4) Pursuant to rules adopted by the board, any cosmetology  
334 or specialty service may be performed in a location other than a  
335 licensed salon when the service is performed in connection with  
336 a special event and is performed by a person who is employed by  
337 a licensed salon and who holds the proper license or specialty  
338 registration. An appointment for the performance of any such  
339 service in a location other than a licensed salon must be made  
340 through a licensed salon.

341 Section 15. Section 489.118, Florida Statutes, is reenacted  
342 and amended to read:

343 489.118 Certification of registered contractors;  
344 grandfathering provisions.-The board shall, upon receipt of a  
345 completed application and appropriate fee, issue a certificate  
346 in the appropriate category to any contractor registered under  
347 this part who makes application to the board and can show that  
348 he or she meets each of the following requirements:

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

351 (2) Has, for that category, passed a written examination  
352 that the board finds to be substantially similar to the  
353 examination required to be licensed as a certified contractor  
354 under this part. For purposes of this subsection, a written,  
355 proctored examination such as that produced by the National  
356 Assessment Institute, Block and Associates, NAI/Block, Experior  
357 Assessments, Professional Testing, Inc., or Assessment Systems,  
358 Inc., shall be considered to be substantially similar to the  
359 examination required to be licensed as a certified contractor.  
360 The board may not impose or make any requirements regarding the  
361 nature or content of these cited examinations.

362 (3) Has at least 5 years of experience as a contractor in  
363 that contracting category, or as an inspector or building  
364 administrator with oversight over that category, at the time of  
365 application. For contractors, only time periods in which the  
366 contractor license is active and the contractor is not on  
367 probation shall count toward the 5 years required by this  
368 subsection.

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

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

375  
376 Applicants wishing to obtain a certificate pursuant to this  
377 section must make application by November 1, 2014 ~~2005~~.

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378 Section 16. Section 548.061, Florida Statutes, is amended  
379 to read:

380 548.061 Closed circuit television.—Each person or club that  
381 holds or shows any matches on a closed circuit telecast viewed  
382 within this state, ~~whether~~ originating within this state ~~or~~  
383 ~~another state~~, shall file a written report, under oath, which  
384 states the exact number of tickets sold for the showing, the  
385 amount of gross receipts, and any other information the  
386 commission requires and shall, within 72 hours after the  
387 telecast, pay a tax of 5 percent of its total gross receipts  
388 from the sale of tickets.

389 Section 17. This act shall take effect October 1, 2012.