

By the Committees on Budget Subcommittee on General Government Appropriations; and Regulated Industries; and Senators Jones and Gaetz

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1 A bill to be entitled
2 An act relating to business and professional
3 regulation; amending s. 210.16, F.S.; authorizing
4 credit for the sale of tobacco products to be extended
5 to a retail dealer under specified conditions;
6 providing for the suspension of the sale of tobacco
7 products to retail dealers delinquent in their credit
8 payments until certain conditions are met; amending s.
9 210.181, F.S.; conforming a cross-reference; amending
10 s. 455.213, F.S.; waiving initial licensing,
11 application, and unlicensed activity fees for certain
12 military veterans; amending s. 455.2179, F.S.;
13 revising continuing education provider and course
14 approval procedures; amending s. 455.271, F.S.;
15 limiting to the Department of Business and
16 Professional Regulation the authority to reinstate a
17 license that has become void under certain
18 circumstances; amending s. 455.273, F.S.; revising the
19 method of license renewal notification or notice of
20 pending cancellation of licensure to include an e-mail
21 address; deleting a requirement that a licensure
22 renewal notification and a notice of cancellation of
23 licensure include certain information regarding the
24 applicant; amending s. 455.275, F.S.; revising a
25 provision relating to maintenance of current address-
26 of-record information to include e-mail address;
27 revising a provision relating to notice to a licensee
28 to allow service of process by e-mail; amending s.
29 475.451, F.S.; authorizing distance learning courses

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30 as an acceptable alternative to classroom instruction
31 for renewal of a real estate instructor permit;
32 providing that distance learning courses are under the
33 discretion of the school offering the real estate
34 course; requiring distance learning courses to adhere
35 to certain requirements; amending s. 475.611, F.S.;
36 revising the definition of the terms "appraisal
37 management company" and "appraisal management
38 services"; defining the term "subsidiary"; amending s.
39 475.6171, F.S.; revising requirements for the issuance
40 of registration or certification upon receipt of
41 proper documentation; amending s. 475.6235, F.S.;
42 revising provisions relating to titles an appraisal
43 management company must be registered to use;
44 providing exemptions from registration requirements;
45 amending s. 475.6245, F.S.; providing additional
46 grounds for discipline of appraisal management
47 companies, to which penalties apply; amending s.
48 477.019, F.S.; revising procedures for cosmetology
49 licensure by endorsement; amending s. 477.0263, F.S.;
50 authorizing the performance of cosmetology and
51 specialty services in a location other than a licensed
52 salon under certain circumstances; amending s.
53 489.105, F.S.; deleting the definition of the term
54 "glass and glazing contractor"; amending ss. 489.107
55 and 489.141, F.S.; conforming cross-references;
56 reenacting and amending s. 489.118, F.S.; reviving
57 grandfathering provisions and establishing a new
58 deadline for applications for certification of certain

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

60 deleting exemptions from certain restrictions on

61 specified amateur matches and other events; in

62 duplicate; providing effective dates.

63

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

65

66 Section 1. Subsections (4) and (5) of section 210.16,

67 Florida Statutes, are renumbered as subsections (5) and (6),

68 respectively, and a new subsection (4) is added to that section

69 to read:

70 210.16 Revocation or suspension of permit.—

71 (4) At the discretion of the wholesale dealer making the

72 sale, credit for the sale of tobacco products may be extended to

73 a retail dealer that has been issued a permit pursuant to

74 chapter 569. Upon submission of proof to the division by a

75 wholesale dealer, the division shall suspend or deny the renewal

76 of a retail permit to any person or, if a corporation, to any

77 officer or stockholder of the corporation who has failed to

78 satisfy the terms of a civil judgment obtained against the

79 person, corporation, officer, or stockholder for failure to pay

80 for tobacco products purchased from a wholesale dealer. The

81 permit shall remain suspended until the retail dealer submits

82 proof to the division that it has entered into an agreed payment

83 plan with the wholesale dealer or satisfied the civil judgment

84 in full.

85 Section 2. Subsection (1) of section 210.181, Florida

86 Statutes, is amended to read:

87 210.181 Civil penalties.—

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88 (1) Except as provided in s. 210.16(6) ~~210.16(5)~~, whoever
89 knowingly omits, neglects, or refuses to comply with any duty
90 imposed upon him or her by this part, or to do or cause to be
91 done any of the things required by this part, or does anything
92 prohibited by this part shall, in addition to any other penalty
93 provided in this part, be liable for a fine of \$1,000 or five
94 times the retail value of the cigarettes involved, whichever is
95 greater.

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

98 455.213 General licensing provisions.—

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

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

108 455.2179 Continuing education provider and course approval;
109 cease and desist orders.—

110 (1) If a board, or the department if there is no board,
111 requires completion of continuing education as a requirement for
112 renewal of a license, the board, or the department if there is
113 no board, shall approve the providers and courses for ~~of~~ the
114 continuing education. Notwithstanding this subsection or any
115 other provision of law, the department may approve continuing
116 education providers or courses even if there is a board. If the

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

129 Section 5. Paragraph (b) of subsection (6) of section
130 455.271, Florida Statutes, is amended to read:

131 455.271 Inactive and delinquent status.—

132 (6)

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

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146 education requirements prescribed by law, pay appropriate
147 licensing fees, and otherwise be eligible for renewal of
148 licensure under this chapter.

149

150 This subsection does not apply to individuals subject to
151 regulation under chapter 473.

152 Section 6. Section 455.273, Florida Statutes, is amended to
153 read:

154 455.273 Renewal and cancellation notices.—

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

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

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

164 ~~(2)~~ Each licensure renewal notification and each notice of
165 pending cancellation of licensure must state conspicuously that
166 a licensee who remains on inactive status for more than two
167 consecutive biennial licensure cycles and who wishes to
168 reactivate the license may be required to demonstrate the
169 competency to resume active practice by sitting for a special
170 purpose examination or by completing other reactivation
171 requirements, as defined by rule of the board or the department
172 when there is no board.

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

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175 455.275 Address of record.—

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

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

191 Section 8. Paragraph (c) of subsection (2) of section
192 475.451, Florida Statutes, is amended, present subsections (4)
193 through (8) are renumbered as subsections (5) through (9),
194 respectively, and a new subsection (4) is added to that section,
195 to read:

196 475.451 Schools teaching real estate practice.—

197 (2) An applicant for a permit to operate a proprietary real
198 estate school, to be a chief administrator of a proprietary real
199 estate school or a state institution, or to be an instructor for
200 a proprietary real estate school or a state institution must
201 meet the qualifications for practice set forth in s. 475.17(1)
202 and the following minimal requirements:

203 (c) "School instructor" means an individual who instructs

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204 persons in the classroom in noncredit college courses in a
205 college, university, or community college or courses in a career
206 center or proprietary real estate school.

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

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

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

217 c. Pass an instructor's examination approved by the
218 commission.

219 2. Any requirement by the commission for a teaching
220 demonstration or practical examination must apply to all school
221 instructor applicants.

222 3. The department shall renew an instructor permit upon
223 receipt of a renewal application and fee. The renewal
224 application shall include proof that the permitholder has, since
225 the issuance or renewal of the current permit, successfully
226 completed a minimum of 7 classroom or distance learning hours of
227 instruction in real estate subjects or instructional techniques,
228 as prescribed by the commission. The commission shall adopt
229 rules providing for the renewal of instructor permits at least
230 every 2 years. Any permit that ~~which~~ is not renewed at the end
231 of the permit period established by the department ~~shall~~
232 automatically reverts ~~revert~~ to involuntarily inactive status.

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

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

247 Section 9. Paragraphs (c) and (d) of subsection (1) of
248 section 475.611, Florida Statutes, are amended, and paragraph
249 (y) is added to that subsection, to read:

250 475.611 Definitions.—

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

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

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

259 1. Employing, contracting with, or otherwise retaining one
260 or more licensed or certified appraisers to perform appraisal
261 services for a client; or

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

266 (y) "Subsidiary" means an organization that is owned and
267 controlled by a financial institution that is regulated by a
268 federal financial institution regulatory agency.

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

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

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

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

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

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

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291 an employee of an appraisal management company is not required
292 to obtain a separate registration.

293 (9) This section does not apply to:

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

297 (b) An appraisal management company that is a subsidiary
298 owned and controlled by a financial institution, as defined in
299 s. 655.005, that is regulated by a federal financial institution
300 regulatory agency.

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

303 475.6245 Discipline of appraisal management companies.—

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

314 (v) Has required or attempted to require an appraiser to
315 sign any indemnification agreement that would require the
316 appraiser to hold harmless the appraisal management company or
317 its owners, agents, employees, or independent contractors from
318 any liability, damage, loss, or claim arising from the services
319 performed by the appraisal management company or its owners,

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320 agents, employees, or independent contractors and not the
321 services performed by the appraiser.

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

324 477.019 Cosmetologists; qualifications; licensure;
325 supervised practice; license renewal; endorsement; continuing
326 education.—

327 (6) The board shall certify as qualified ~~adopt rules~~
328 ~~specifying procedures~~ for the licensure by endorsement as a
329 cosmetologist in this state an applicant of practitioners
330 ~~desiring to be licensed in this state who holds~~ held a current
331 active license to practice cosmetology in another state ~~and who~~
332 ~~have met qualifications substantially similar to, equivalent to,~~
333 ~~or greater than the qualifications required of applicants from~~
334 this state. The board may not require proof of educational hours
335 if the license was issued in a state that requires 1,200 or more
336 hours of prelicensure education and passage of a written
337 examination. This subsection does not apply to applicants who
338 received their license in another state through an
339 apprenticeship program.

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

342 477.0263 Cosmetology services to be performed in licensed
343 salon; exceptions ~~exception~~.—

344 (4) Pursuant to rules adopted by the board, any cosmetology
345 or specialty service may be performed in a location other than a
346 licensed salon when the service is performed in connection with
347 a special event and is performed by a person who is employed by
348 a licensed salon and who holds the proper license or specialty

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349 registration. An appointment for the performance of any such
350 service in a location other than a licensed salon must be made
351 through a licensed salon.

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

354 489.105 Definitions.—As used in this part:

355 (3) "Contractor" means the person who is qualified for, and
356 is only responsible for, the project contracted for and means,
357 except as exempted in this part, the person who, for
358 compensation, undertakes to, submits a bid to, or does himself
359 or herself or by others construct, repair, alter, remodel, add
360 to, demolish, subtract from, or improve any building or
361 structure, including related improvements to real estate, for
362 others or for resale to others; and whose job scope is
363 substantially similar to the job scope described in one of the
364 subsequent paragraphs of this subsection. For the purposes of
365 regulation under this part, "demolish" applies only to
366 demolition of steel tanks over 50 feet in height; towers over 50
367 feet in height; other structures over 50 feet in height, other
368 than buildings or residences over three stories tall; and
369 buildings or residences over three stories tall. Contractors are
370 subdivided into two divisions, Division I, consisting of those
371 contractors defined in paragraphs (a)-(c), and Division II,
372 consisting of those contractors defined in paragraphs (d)-(q)
373 ~~(d)-(r)~~:

374 (a) "General contractor" means a contractor whose services
375 are unlimited as to the type of work which he or she may do, who
376 may contract for any activity requiring licensure under this
377 part, and who may perform any work requiring licensure under

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378 this part, except as otherwise expressly provided in s. 489.113.

379 (b) "Building contractor" means a contractor whose services
380 are limited to construction of commercial buildings and single-
381 dwelling or multiple-dwelling residential buildings, which do
382 not exceed three stories in height, and accessory use structures
383 in connection therewith or a contractor whose services are
384 limited to remodeling, repair, or improvement of any size
385 building if the services do not affect the structural members of
386 the building.

387 (c) "Residential contractor" means a contractor whose
388 services are limited to construction, remodeling, repair, or
389 improvement of one-family, two-family, or three-family
390 residences not exceeding two habitable stories above no more
391 than one uninhabitable story and accessory use structures in
392 connection therewith.

393 (d) "Sheet metal contractor" means a contractor whose
394 services are unlimited in the sheet metal trade and who has the
395 experience, knowledge, and skill necessary for the manufacture,
396 fabrication, assembling, handling, erection, installation,
397 dismantling, conditioning, adjustment, insulation, alteration,
398 repair, servicing, or design, if not prohibited by law, of
399 ferrous or nonferrous metal work of U.S. No. 10 gauge or its
400 equivalent or lighter gauge and of other materials, including,
401 but not limited to, fiberglass, used in lieu thereof and of air-
402 handling systems, including the setting of air-handling
403 equipment and reinforcement of same, the balancing of air-
404 handling systems, and any duct cleaning and equipment sanitizing
405 that requires at least a partial disassembling of the system.

406 (e) "Roofing contractor" means a contractor whose services

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407 are unlimited in the roofing trade and who has the experience,
408 knowledge, and skill to install, maintain, repair, alter,
409 extend, or design, if not prohibited by law, and use materials
410 and items used in the installation, maintenance, extension, and
411 alteration of all kinds of roofing, waterproofing, and coating,
412 except when coating is not represented to protect, repair,
413 waterproof, stop leaks, or extend the life of the roof. The
414 scope of work of a roofing contractor also includes required
415 roof-deck attachments and any repair or replacement of wood roof
416 sheathing or fascia as needed during roof repair or replacement.

417 (f) "Class A air-conditioning contractor" means a
418 contractor whose services are unlimited in the execution of
419 contracts requiring the experience, knowledge, and skill to
420 install, maintain, repair, fabricate, alter, extend, or design,
421 if not prohibited by law, central air-conditioning,
422 refrigeration, heating, and ventilating systems, including duct
423 work in connection with a complete system if such duct work is
424 performed by the contractor as necessary to complete an air-
425 distribution system, boiler and unfired pressure vessel systems,
426 and all appurtenances, apparatus, or equipment used in
427 connection therewith, and any duct cleaning and equipment
428 sanitizing that requires at least a partial disassembling of the
429 system; to install, maintain, repair, fabricate, alter, extend,
430 or design, if not prohibited by law, piping, insulation of
431 pipes, vessels and ducts, pressure and process piping, and
432 pneumatic control piping; to replace, disconnect, or reconnect
433 power wiring on the load side of the dedicated existing
434 electrical disconnect switch; to install, disconnect, and
435 reconnect low voltage heating, ventilating, and air-conditioning

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436 control wiring; and to install a condensate drain from an air-
437 conditioning unit to an existing safe waste or other approved
438 disposal other than a direct connection to a sanitary system.
439 The scope of work for such contractor also includes any
440 excavation work incidental thereto, but does not include any
441 work such as liquefied petroleum or natural gas fuel lines
442 within buildings, except for disconnecting or reconnecting
443 changeouts of liquefied petroleum or natural gas appliances
444 within buildings; potable water lines or connections thereto;
445 sanitary sewer lines; swimming pool piping and filters; or
446 electrical power wiring.

447 (g) "Class B air-conditioning contractor" means a
448 contractor whose services are limited to 25 tons of cooling and
449 500,000 Btu of heating in any one system in the execution of
450 contracts requiring the experience, knowledge, and skill to
451 install, maintain, repair, fabricate, alter, extend, or design,
452 if not prohibited by law, central air-conditioning,
453 refrigeration, heating, and ventilating systems, including duct
454 work in connection with a complete system only to the extent
455 such duct work is performed by the contractor as necessary to
456 complete an air-distribution system being installed under this
457 classification, and any duct cleaning and equipment sanitizing
458 that requires at least a partial disassembling of the system; to
459 install, maintain, repair, fabricate, alter, extend, or design,
460 if not prohibited by law, piping and insulation of pipes,
461 vessels, and ducts; to replace, disconnect, or reconnect power
462 wiring on the load side of the dedicated existing electrical
463 disconnect switch; to install, disconnect, and reconnect low
464 voltage heating, ventilating, and air-conditioning control

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465 wiring; and to install a condensate drain from an air-
466 conditioning unit to an existing safe waste or other approved
467 disposal other than a direct connection to a sanitary system.
468 The scope of work for such contractor also includes any
469 excavation work incidental thereto, but does not include any
470 work such as liquefied petroleum or natural gas fuel lines
471 within buildings, except for disconnecting or reconnecting
472 changeouts of liquefied petroleum or natural gas appliances
473 within buildings; potable water lines or connections thereto;
474 sanitary sewer lines; swimming pool piping and filters; or
475 electrical power wiring.

476 (h) "Class C air-conditioning contractor" means a
477 contractor whose business is limited to the servicing of air-
478 conditioning, heating, or refrigeration systems, including any
479 duct cleaning and equipment sanitizing that requires at least a
480 partial disassembling of the system, and whose certification or
481 registration, issued pursuant to this part, was valid on October
482 1, 1988. Only a person who was registered or certified as a
483 Class C air-conditioning contractor as of October 1, 1988, shall
484 be so registered or certified after October 1, 1988. However,
485 the board shall continue to license and regulate those Class C
486 air-conditioning contractors who held Class C licenses before
487 October 1, 1988.

488 (i) "Mechanical contractor" means a contractor whose
489 services are unlimited in the execution of contracts requiring
490 the experience, knowledge, and skill to install, maintain,
491 repair, fabricate, alter, extend, or design, if not prohibited
492 by law, central air-conditioning, refrigeration, heating, and
493 ventilating systems, including duct work in connection with a

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494 complete system if such duct work is performed by the contractor
495 as necessary to complete an air-distribution system, boiler and
496 unfired pressure vessel systems, lift station equipment and
497 piping, and all appurtenances, apparatus, or equipment used in
498 connection therewith, and any duct cleaning and equipment
499 sanitizing that requires at least a partial disassembling of the
500 system; to install, maintain, repair, fabricate, alter, extend,
501 or design, if not prohibited by law, piping, insulation of
502 pipes, vessels and ducts, pressure and process piping, pneumatic
503 control piping, gasoline tanks and pump installations and piping
504 for same, standpipes, air piping, vacuum line piping, oxygen
505 lines, nitrous oxide piping, ink and chemical lines, fuel
506 transmission lines, liquefied petroleum gas lines within
507 buildings, and natural gas fuel lines within buildings; to
508 replace, disconnect, or reconnect power wiring on the load side
509 of the dedicated existing electrical disconnect switch; to
510 install, disconnect, and reconnect low voltage heating,
511 ventilating, and air-conditioning control wiring; and to install
512 a condensate drain from an air-conditioning unit to an existing
513 safe waste or other approved disposal other than a direct
514 connection to a sanitary system. The scope of work for such
515 contractor also includes any excavation work incidental thereto,
516 but does not include any work such as potable water lines or
517 connections thereto, sanitary sewer lines, swimming pool piping
518 and filters, or electrical power wiring.

519 (j) "Commercial pool/spa contractor" means a contractor
520 whose scope of work involves, but is not limited to, the
521 construction, repair, and servicing of any swimming pool, or hot
522 tub or spa, whether public, private, or otherwise, regardless of

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523 use. The scope of work includes the installation, repair, or
524 replacement of existing equipment, any cleaning or equipment
525 sanitizing that requires at least a partial disassembling,
526 excluding filter changes, and the installation of new pool/spa
527 equipment, interior finishes, the installation of package pool
528 heaters, the installation of all perimeter piping and filter
529 piping, and the construction of equipment rooms or housing for
530 pool/spa equipment, and also includes the scope of work of a
531 swimming pool/spa servicing contractor. The scope of such work
532 does not include direct connections to a sanitary sewer system
533 or to potable water lines. The installation, construction,
534 modification, or replacement of equipment permanently attached
535 to and associated with the pool or spa for the purpose of water
536 treatment or cleaning of the pool or spa requires licensure;
537 however, the usage of such equipment for the purposes of water
538 treatment or cleaning does not require licensure unless the
539 usage involves construction, modification, or replacement of
540 such equipment. Water treatment that does not require such
541 equipment does not require a license. In addition, a license is
542 not required for the cleaning of the pool or spa in a way that
543 does not affect the structural integrity of the pool or spa or
544 its associated equipment.

545 (k) "Residential pool/spa contractor" means a contractor
546 whose scope of work involves, but is not limited to, the
547 construction, repair, and servicing of a residential swimming
548 pool, or hot tub or spa, regardless of use. The scope of work
549 includes the installation, repair, or replacement of existing
550 equipment, any cleaning or equipment sanitizing that requires at
551 least a partial disassembling, excluding filter changes, and the

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552 installation of new pool/spa equipment, interior finishes, the
553 installation of package pool heaters, the installation of all
554 perimeter piping and filter piping, and the construction of
555 equipment rooms or housing for pool/spa equipment, and also
556 includes the scope of work of a swimming pool/spa servicing
557 contractor. The scope of such work does not include direct
558 connections to a sanitary sewer system or to potable water
559 lines. The installation, construction, modification, or
560 replacement of equipment permanently attached to and associated
561 with the pool or spa for the purpose of water treatment or
562 cleaning of the pool or spa requires licensure; however, the
563 usage of such equipment for the purposes of water treatment or
564 cleaning does not require licensure unless the usage involves
565 construction, modification, or replacement of such equipment.
566 Water treatment that does not require such equipment does not
567 require a license. In addition, a license is not required for
568 the cleaning of the pool or spa in a way that does not affect
569 the structural integrity of the pool or spa or its associated
570 equipment.

571 (1) "Swimming pool/spa servicing contractor" means a
572 contractor whose scope of work involves, but is not limited to,
573 the repair and servicing of a swimming pool, or hot tub or spa,
574 whether public or private, or otherwise, regardless of use. The
575 scope of work includes the repair or replacement of existing
576 equipment, any cleaning or equipment sanitizing that requires at
577 least a partial disassembling, excluding filter changes, and the
578 installation of new pool/spa equipment, interior refinishing,
579 the reinstallation or addition of pool heaters, the repair or
580 replacement of all perimeter piping and filter piping, the

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581 repair of equipment rooms or housing for pool/spa equipment, and
582 the substantial or complete draining of a swimming pool, or hot
583 tub or spa, for the purpose of repair or renovation. The scope
584 of such work does not include direct connections to a sanitary
585 sewer system or to potable water lines. The installation,
586 construction, modification, substantial or complete disassembly,
587 or replacement of equipment permanently attached to and
588 associated with the pool or spa for the purpose of water
589 treatment or cleaning of the pool or spa requires licensure;
590 however, the usage of such equipment for the purposes of water
591 treatment or cleaning does not require licensure unless the
592 usage involves construction, modification, substantial or
593 complete disassembly, or replacement of such equipment. Water
594 treatment that does not require such equipment does not require
595 a license. In addition, a license is not required for the
596 cleaning of the pool or spa in a way that does not affect the
597 structural integrity of the pool or spa or its associated
598 equipment.

599 (m) "Plumbing contractor" means a contractor whose
600 contracting business consists of the execution of contracts
601 requiring the experience, financial means, knowledge, and skill
602 to install, maintain, repair, alter, extend, or, if not
603 prohibited by law, design plumbing. A plumbing contractor may
604 install, maintain, repair, alter, extend, or, if not prohibited
605 by law, design the following without obtaining an additional
606 local regulatory license, certificate, or registration: sanitary
607 drainage or storm drainage facilities; venting systems; public
608 or private water supply systems; septic tanks; drainage and
609 supply wells; swimming pool piping; irrigation systems; or solar

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610 heating water systems and all appurtenances, apparatus, or
611 equipment used in connection therewith, including boilers and
612 pressure process piping and including the installation of water,
613 natural gas, liquefied petroleum gas and related venting, and
614 storm and sanitary sewer lines; and water and sewer plants and
615 substations. The scope of work of the plumbing contractor also
616 includes the design, if not prohibited by law, and installation,
617 maintenance, repair, alteration, or extension of air-piping,
618 vacuum line piping, oxygen line piping, nitrous oxide piping,
619 and all related medical gas systems; fire line standpipes and
620 fire sprinklers if authorized by law; ink and chemical lines;
621 fuel oil and gasoline piping and tank and pump installation,
622 except bulk storage plants; and pneumatic control piping
623 systems, all in a manner that complies with all plans,
624 specifications, codes, laws, and regulations applicable. The
625 scope of work of the plumbing contractor applies to private
626 property and public property, including any excavation work
627 incidental thereto, and includes the work of the specialty
628 plumbing contractor. Such contractor shall subcontract, with a
629 qualified contractor in the field concerned, all other work
630 incidental to the work but which is specified as being the work
631 of a trade other than that of a plumbing contractor. This
632 definition does not limit the scope of work of any specialty
633 contractor certified pursuant to s. 489.113(6), and does not
634 require certification or registration under this part of any
635 authorized employee of a public natural gas utility or of a
636 private natural gas utility regulated by the Public Service
637 Commission when disconnecting and reconnecting water lines in
638 the servicing or replacement of an existing water heater.

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639 (n) "Underground utility and excavation contractor" means a
640 contractor whose services are limited to the construction,
641 installation, and repair, on public or private property, whether
642 accomplished through open excavations or through other means,
643 including, but not limited to, directional drilling, auger
644 boring, jacking and boring, trenchless technologies, wet and dry
645 taps, grouting, and slip lining, of main sanitary sewer
646 collection systems, main water distribution systems, storm sewer
647 collection systems, and the continuation of utility lines from
648 the main systems to a point of termination up to and including
649 the meter location for the individual occupancy, sewer
650 collection systems at property line on residential or single-
651 occupancy commercial properties, or on multioccupancy properties
652 at manhole or wye lateral extended to an invert elevation as
653 engineered to accommodate future building sewers, water
654 distribution systems, or storm sewer collection systems at storm
655 sewer structures. However, an underground utility and excavation
656 contractor may install empty underground conduits in rights-of-
657 way, easements, platted rights-of-way in new site development,
658 and sleeves for parking lot crossings no smaller than 2 inches
659 in diameter if each conduit system installed is designed by a
660 licensed professional engineer or an authorized employee of a
661 municipality, county, or public utility and the installation of
662 such conduit does not include installation of any conductor
663 wiring or connection to an energized electrical system. An
664 underground utility and excavation contractor may not install
665 piping that is an integral part of a fire protection system as
666 defined in s. 633.021 beginning at the point where the piping is
667 used exclusively for such system.

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668 (o) "Solar contractor" means a contractor whose services
669 consist of the installation, alteration, repair, maintenance,
670 relocation, or replacement of solar panels for potable solar
671 water heating systems, swimming pool solar heating systems, and
672 photovoltaic systems and any appurtenances, apparatus, or
673 equipment used in connection therewith, whether public, private,
674 or otherwise, regardless of use. A contractor, certified or
675 registered pursuant to this chapter, is not required to become a
676 certified or registered solar contractor or to contract with a
677 solar contractor in order to provide services enumerated in this
678 paragraph that are within the scope of the services such
679 contractors may render under this part.

680 (p) "Pollutant storage systems contractor" means a
681 contractor whose services are limited to, and who has the
682 experience, knowledge, and skill to install, maintain, repair,
683 alter, extend, or design, if not prohibited by law, and use
684 materials and items used in the installation, maintenance,
685 extension, and alteration of, pollutant storage tanks. Any
686 person installing a pollutant storage tank shall perform such
687 installation in accordance with the standards adopted pursuant
688 to s. 376.303.

689 ~~(q) "Glass and glazing contractor" means a contractor whose~~
690 ~~services are unlimited in the execution of contracts requiring~~
691 ~~the experience, knowledge, and skill to install, attach,~~
692 ~~maintain, repair, fabricate, alter, extend, or design, in~~
693 ~~residential and commercial applications without any height~~
694 ~~restrictions, all types of windows, glass, and mirrors, whether~~
695 ~~fixed or movable; swinging or sliding glass doors attached to~~
696 ~~existing walls, floors, columns, or other structural members of~~

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697 ~~the building; glass holding or supporting mullions or horizontal~~
698 ~~bars; structurally anchored impact-resistant opening protection~~
699 ~~attached to existing building walls, floors, columns, or other~~
700 ~~structural members of the building; prefabricated glass, metal,~~
701 ~~or plastic curtain walls; storefront frames or panels; shower~~
702 ~~and tub enclosures; metal fascias; and caulking incidental to~~
703 ~~such work and assembly.~~

704 (q)~~(r)~~ "Specialty contractor" means a contractor whose
705 scope of work and responsibility is limited to a particular
706 phase of construction established in a category adopted by board
707 rule and whose scope is limited to a subset of the activities
708 described in one of the paragraphs of this subsection.

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

711 489.107 Construction Industry Licensing Board.—

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

714 (b) Division II is comprised of the roofing contractor,
715 sheet metal contractor, air-conditioning contractor, mechanical
716 contractor, pool contractor, plumbing contractor, and
717 underground utility and excavation contractor members of the
718 board; one of the members appointed pursuant to paragraph
719 (2) (j); and one of the members appointed pursuant to paragraph
720 (2) (k). Division II has jurisdiction over the regulation of
721 contractors defined in s. 489.105(3) (d)-(p) ~~489.105(3) (d)-(q)~~.

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

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726 Section 17. Paragraph (g) of subsection (2) of section
727 489.141, Florida Statutes, is amended to read:

728 489.141 Conditions for recovery; eligibility.—

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

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

734 Section 18. Section 489.118, Florida Statutes, is reenacted
735 and amended to read:

736 489.118 Certification of registered contractors;
737 grandfathering provisions.—The board shall, upon receipt of a
738 completed application and appropriate fee, issue a certificate
739 in the appropriate category to any contractor registered under
740 this part who makes application to the board and can show that
741 he or she meets each of the following requirements:

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

744 (2) Has, for that category, passed a written examination
745 that the board finds to be substantially similar to the
746 examination required to be licensed as a certified contractor
747 under this part. For purposes of this subsection, a written,
748 proctored examination such as that produced by the National
749 Assessment Institute, Block and Associates, NAI/Block, Experior
750 Assessments, Professional Testing, Inc., or Assessment Systems,
751 Inc., shall be considered to be substantially similar to the
752 examination required to be licensed as a certified contractor.
753 The board may not impose or make any requirements regarding the
754 nature or content of these cited examinations.

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755 (3) Has at least 5 years of experience as a contractor in
756 that contracting category, or as an inspector or building
757 administrator with oversight over that category, at the time of
758 application. For contractors, only time periods in which the
759 contractor license is active and the contractor is not on
760 probation shall count toward the 5 years required by this
761 subsection.

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

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

768
769 Applicants wishing to obtain a certificate pursuant to this
770 section must make application by November 1, 2014 ~~2005~~.

771 Section 19. Effective upon this act becoming a law, section
772 548.007, Florida Statutes, is amended to read:

773 548.007 Applicability of provisions to amateur matches and
774 certain other matches or events. ~~Sections With the exception of~~
775 ~~s. 548.008, ss. 548.001-548.079~~ do not apply to:

776 (1) A match conducted or sponsored by a bona fide nonprofit
777 school or education program whose primary purpose is instruction
778 in the martial arts, boxing, or kickboxing, if the match held in
779 conjunction with the instruction is limited to amateur
780 participants who are students of the school or instructional
781 program;

782 (2) A match conducted or sponsored by any company or
783 detachment of the Florida National Guard, if the match is

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784 limited to participants who are members of the company or
785 detachment of the Florida National Guard; or

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

789 Section 20. The provisions contained in ss. 5 and 6 of
790 chapter 2010-225, Laws of Florida, shall be effected through a
791 type two transfer of the relevant administrative rules, pursuant
792 to s. 20.06(2), Florida Statutes.

793 Section 21. Except as otherwise expressly provided in this
794 act and except for this section, which shall take effect upon
795 this act becoming a law, this act shall take effect October 1,
796 2012.