

1                   A bill to be entitled  
2           An act relating to business and professional  
3           regulation; amending s. 455.213, F.S.; waiving initial  
4           licensing, application, and unlicensed activity fees  
5           for certain military veterans; amending s. 455.2179,  
6           F.S.; revising continuing education provider and  
7           course approval procedures; amending s. 455.271, F.S.;  
8           limiting to the Department of Business and  
9           Professional Regulation the authority to reinstate a  
10          license that has become void under certain  
11          circumstances; amending s. 455.273, F.S.; revising the  
12          method of license renewal notification or notice of  
13          pending cancellation of licensure to include an e-mail  
14          address; deleting a requirement that a licensure  
15          renewal notification and a notice of cancellation of  
16          licensure include certain information regarding the  
17          applicant; amending s. 455.275, F.S.; revising a  
18          provision relating to maintenance of current address-  
19          of-record information to include e-mail address;  
20          revising a provision relating to notice to a licensee  
21          to allow service of process by e-mail; amending s.  
22          475.451, F.S.; authorizing distance learning courses  
23          as an acceptable alternative to classroom instruction  
24          for renewal of a real estate instructor permit;  
25          providing that distance learning courses are under the  
26          discretion of the school offering the real estate  
27          course; requiring distance learning courses to adhere  
28          to certain requirements; amending s. 475.611, F.S.;

29 | revising the definition of the terms "appraisal  
30 | management company" and "appraisal management  
31 | services"; defining the term "subsidiary"; amending s.  
32 | 475.6171, F.S.; revising requirements for the issuance  
33 | of registration or certification upon receipt of  
34 | proper documentation; amending s. 475.6235, F.S.;  
35 | revising provisions relating to titles an appraisal  
36 | management company must be registered to use;  
37 | providing exemptions from registration requirements;  
38 | amending s. 475.6245, F.S.; providing additional  
39 | grounds for discipline of appraisal management  
40 | companies, to which penalties apply; amending s.  
41 | 477.019, F.S.; revising procedures for cosmetology  
42 | licensure by endorsement; amending s. 477.0263, F.S.;  
43 | authorizing the performance of cosmetology and  
44 | specialty services in a location other than a licensed  
45 | salon under certain circumstances; amending s.  
46 | 489.105, F.S.; deleting the definition of the term  
47 | "glass and glazing contractor"; amending ss. 489.107  
48 | and 489.141, F.S.; conforming cross-references;  
49 | reenacting and amending s. 489.118, F.S.; reviving  
50 | grandfathering provisions and establishing a new  
51 | deadline for applications for certification of certain  
52 | registered contractors; amending s. 548.061, F.S.;  
53 | removing the requirement that each person or club that  
54 | holds or shows pugilistic matches on a closed circuit  
55 | telecast viewed within the state, but originating

56 |           within another state, must file certain reports;  
 57 |           providing an effective date.

59 | Be It Enacted by the Legislature of the State of Florida:

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

63 |           455.213 General licensing provisions.—

64 |           (12) The department shall waive the initial licensing fee,  
 65 | the initial application fee, and the initial unlicensed activity  
 66 | fee for a military veteran who applies to the department for a  
 67 | license, in a format prescribed by the department, within 24  
 68 | months after discharge from any branch of the United States  
 69 | Armed Forces. To qualify for this waiver, the veteran must have  
 70 | been honorably discharged.

71 |           Section 2. Subsection (1) of section 455.2179, Florida  
 72 | Statutes, is amended to read:

73 |           455.2179 Continuing education provider and course  
 74 | approval; cease and desist orders.—

75 |           (1) If a board, or the department if there is no board,  
 76 | requires completion of continuing education as a requirement for  
 77 | renewal of a license, the board, or the department if there is  
 78 | no board, shall approve the providers and courses for ~~of~~ the  
 79 | continuing education. Notwithstanding this subsection or any  
 80 | other provision of law, the department may approve continuing  
 81 | education providers or courses even if there is a board. If the  
 82 | department determines that an application for a continuing  
 83 | education provider or course requires expert review or should be

84 denied, the department shall forward the application to the  
 85 appropriate board for review and approval or denial. The  
 86 approval of continuing education providers and courses must be  
 87 for a specified period of time, not to exceed 4 years. An  
 88 approval that does not include such a time limitation may remain  
 89 in effect pursuant to the applicable practice act or the rules  
 90 adopted under the applicable practice act. Notwithstanding this  
 91 subsection or any other provision of law, only the department  
 92 may determine the contents of any documents submitted for  
 93 approval of a continuing education provider or course.

94 Section 3. Paragraph (b) of subsection (6) of section  
 95 455.271, Florida Statutes, is amended to read:

96 455.271 Inactive and delinquent status.—

97 (6)

98 (b) Notwithstanding the provisions of the professional  
 99 practice acts administered by the department, ~~the board, or the~~  
 100 ~~department if there is no board,~~ may, at its discretion,  
 101 reinstate the license of an individual whose license has become  
 102 void if the ~~board or department, as applicable,~~ determines that  
 103 the individual ~~has made a good faith effort to comply with this~~  
 104 ~~section but has~~ failed to comply because of illness or ~~unusual~~  
 105 economic hardship. The individual must apply to ~~the board, or~~  
 106 the department ~~if there is no board,~~ for reinstatement ~~in a~~  
 107 ~~manner prescribed by rules of the board or the department, as~~  
 108 ~~applicable,~~ and shall pay an applicable fee in an amount  
 109 determined by rule. The ~~board, or the department if there is no~~  
 110 ~~board,~~ shall require that such individual meet all continuing  
 111 education requirements prescribed by law, pay appropriate

112 | licensing fees, and otherwise be eligible for renewal of  
 113 | licensure under this chapter.

114 |  
 115 | This subsection does not apply to individuals subject to  
 116 | regulation under chapter 473.

117 | Section 4. Section 455.273, Florida Statutes, is amended  
 118 | to read:

119 | 455.273 Renewal and cancellation notices.—

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

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

125 | (2) ~~(b)~~ Forward a notice of pending cancellation of  
 126 | licensure to a delinquent status licensee at the licensee's last  
 127 | known address of record or e-mail address provided to ~~with~~ the  
 128 | department.

129 | ~~(2)~~ ~~Each licensure renewal notification and each notice of~~  
 130 | ~~pending cancellation of licensure must state conspicuously that~~  
 131 | ~~a licensee who remains on inactive status for more than two~~  
 132 | ~~consecutive biennial licensure cycles and who wishes to~~  
 133 | ~~reactivate the license may be required to demonstrate the~~  
 134 | ~~competency to resume active practice by sitting for a special~~  
 135 | ~~purpose examination or by completing other reactivation~~  
 136 | ~~requirements, as defined by rule of the board or the department~~  
 137 | ~~when there is no board.~~

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

140 455.275 Address of record.—

141 (1) Each licensee of the department is solely responsible  
 142 for notifying the department in writing of the licensee's  
 143 current mailing address, e-mail address, and place of practice,  
 144 as defined by rule of the board or the department when there is  
 145 no board. A licensee's failure to notify the department of a  
 146 change of address constitutes a violation of this section, and  
 147 the licensee may be disciplined by the board or the department  
 148 when there is no board.

149 (2) Notwithstanding any other provision of law, service by  
 150 regular mail or e-mail to a licensee's last known mailing  
 151 address or e-mail address of record with the department  
 152 constitutes adequate and sufficient notice to the licensee for  
 153 any official communication to the licensee by the board or the  
 154 department except when other service is required pursuant to s.  
 155 455.225.

156 Section 6. Paragraph (c) of subsection (2) of section  
 157 475.451, Florida Statutes, is amended, present subsections (4)  
 158 through (8) are renumbered as subsections (5) through (9),  
 159 respectively, and a new subsection (4) is added to that section,  
 160 to read:

161 475.451 Schools teaching real estate practice.—

162 (2) An applicant for a permit to operate a proprietary  
 163 real estate school, to be a chief administrator of a proprietary  
 164 real estate school or a state institution, or to be an  
 165 instructor for a proprietary real estate school or a state  
 166 institution must meet the qualifications for practice set forth  
 167 in s. 475.17(1) and the following minimal requirements:

168 (c) "School instructor" means an individual who instructs  
169 persons in the classroom in noncredit college courses in a  
170 college, university, or community college or courses in a career  
171 center or proprietary real estate school.

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

175 a. Hold a bachelor's degree in a business-related subject,  
176 such as real estate, finance, accounting, business  
177 administration, or its equivalent and hold a valid broker's  
178 license in this state.

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

182 c. Pass an instructor's examination approved by the  
183 commission.

184 2. Any requirement by the commission for a teaching  
185 demonstration or practical examination must apply to all school  
186 instructor applicants.

187 3. The department shall renew an instructor permit upon  
188 receipt of a renewal application and fee. The renewal  
189 application shall include proof that the permitholder has, since  
190 the issuance or renewal of the current permit, successfully  
191 completed a minimum of 7 classroom or distance learning hours of  
192 instruction in real estate subjects or instructional techniques,  
193 as prescribed by the commission. The commission shall adopt  
194 rules providing for the renewal of instructor permits at least  
195 every 2 years. Any permit that ~~which~~ is not renewed at the end

196 of the permit period established by the department ~~shall~~  
 197 automatically reverts ~~revert~~ to involuntarily inactive status.

198  
 199 The department may require an applicant to submit names of  
 200 persons having knowledge concerning the applicant and the  
 201 enterprise; may propound interrogatories to such persons and to  
 202 the applicant concerning the character of the applicant,  
 203 including the taking of fingerprints for processing through the  
 204 Federal Bureau of Investigation; and shall make such  
 205 investigation of the applicant or the school or institution as  
 206 it may deem necessary to the granting of the permit. If an  
 207 objection is filed, it shall be considered in the same manner as  
 208 objections or administrative complaints against other applicants  
 209 for licensure by the department.

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

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

215 475.611 Definitions.—

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

217 (c) "Appraisal management company" means a person who  
 218 performs appraisal management services regardless of the use of  
 219 the term "appraisal management company," "appraiser  
 220 cooperative," "appraiser portal," "mortgage technology company,"  
 221 or other term.

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



224 1. Employing, contracting with, or otherwise retaining one  
 225 or more licensed or certified appraisers to perform appraisal  
 226 services for a client; or

227 2. Acting as a broker or intermediary between a client and  
 228 one or more licensed or certified appraisers to facilitate the  
 229 client's employing, contracting with, or otherwise retaining the  
 230 appraisers.

231 (y) "Subsidiary" means an organization that is owned and  
 232 controlled by a financial institution that is regulated by a  
 233 federal financial institution regulatory agency.

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

236 475.6171 Issuance of registration or certification.—The  
 237 registration or certification of an applicant may be issued upon  
 238 receipt by the board of the following:

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

243 Section 9. Subsection (1) of section 475.6235, Florida  
 244 Statutes, is amended, and subsection (9) is added to that  
 245 section, to read:

246 475.6235 Registration of appraisal management companies  
 247 required; exemptions.—

248 (1) A person may not engage, or offer to engage, in  
 249 appraisal management services for compensation in this state,  
 250 advertise or represent herself or himself as an appraisal  
 251 management company, ~~or use the titles "appraisal management~~

252 ~~company," "appraiser cooperative," "appraiser portal," or~~  
 253 ~~"mortgage technology company," or any abbreviation or words to~~  
 254 ~~that effect,~~ unless the person is registered with the department  
 255 as an appraisal management company under this section. However,  
 256 an employee of an appraisal management company is not required  
 257 to obtain a separate registration.

258 (9) This section does not apply to:

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

262 (b) An appraisal management company that is a subsidiary  
 263 owned and controlled by a financial institution, as defined in  
 264 s. 655.005, that is regulated by a federal financial institution  
 265 regulatory agency.

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

268 475.6245 Discipline of appraisal management companies.—

269 (1) The board may deny an application for registration of  
 270 an appraisal management company; may investigate the actions of  
 271 any appraisal management company registered under this part; may  
 272 reprimand or impose an administrative fine not to exceed \$5,000  
 273 for each count or separate offense against any such appraisal  
 274 management company; and may revoke or suspend, for a period not  
 275 to exceed 10 years, the registration of any such appraisal  
 276 management company, or place any such appraisal management  
 277 company on probation, if the board finds that the appraisal  
 278 management company or any person listed in s. 475.6235(2)(f):

279        (v) Has required or attempted to require an appraiser to  
 280 sign any indemnification agreement that would require the  
 281 appraiser to hold harmless the appraisal management company or  
 282 its owners, agents, employees, or independent contractors from  
 283 any liability, damage, loss, or claim arising from the services  
 284 performed by the appraisal management company or its owners,  
 285 agents, employees, or independent contractors and not the  
 286 services performed by the appraiser.

287        Section 11. Subsection (6) of section 477.019, Florida  
 288 Statutes, is amended to read:

289        477.019 Cosmetologists; qualifications; licensure;  
 290 supervised practice; license renewal; endorsement; continuing  
 291 education.—

292        (6) The board shall certify as qualified ~~adopt rules~~  
 293 ~~specifying procedures for the licensure by endorsement as a~~  
 294 cosmetologist in this state an applicant of practitioners  
 295 ~~desiring to be licensed in this state who~~ holds ~~hold~~ a current  
 296 active license to practice cosmetology in another state ~~and who~~  
 297 ~~have met qualifications substantially similar to, equivalent to,~~  
 298 ~~or greater than the qualifications required of applicants from~~  
 299 ~~this state.~~ The board may not require proof of educational hours  
 300 if the license was issued in a state that requires 1,200 or more  
 301 hours of prelicensure education and passage of a written  
 302 examination. This subsection does not apply to applicants who  
 303 received their license in another state through an  
 304 apprenticeship program.

305        Section 12. Subsection (4) is added to section 477.0263,  
 306 Florida Statutes, to read:

307 477.0263 Cosmetology services to be performed in licensed  
 308 salon; exceptions ~~exception~~.-

309 (4) Pursuant to rules adopted by the board, any  
 310 cosmetology or specialty service may be performed in a location  
 311 other than a licensed salon when the service is performed in  
 312 connection with a special event and is performed by a person who  
 313 is employed by a licensed salon and who holds the proper license  
 314 or specialty registration. An appointment for the performance of  
 315 any such service in a location other than a licensed salon must  
 316 be made through a licensed salon.

317 Section 13. Subsection (3) of section 489.105, Florida  
 318 Statutes, is amended to read:

319 489.105 Definitions.—As used in this part:

320 (3) "Contractor" means the person who is qualified for,  
 321 and is only responsible for, the project contracted for and  
 322 means, except as exempted in this part, the person who, for  
 323 compensation, undertakes to, submits a bid to, or does himself  
 324 or herself or by others construct, repair, alter, remodel, add  
 325 to, demolish, subtract from, or improve any building or  
 326 structure, including related improvements to real estate, for  
 327 others or for resale to others; and whose job scope is  
 328 substantially similar to the job scope described in one of the  
 329 subsequent paragraphs of this subsection. For the purposes of  
 330 regulation under this part, "demolish" applies only to  
 331 demolition of steel tanks over 50 feet in height; towers over 50  
 332 feet in height; other structures over 50 feet in height, other  
 333 than buildings or residences over three stories tall; and  
 334 buildings or residences over three stories tall. Contractors are

335 subdivided into two divisions, Division I, consisting of those  
 336 contractors defined in paragraphs (a)-(c), and Division II,  
 337 consisting of those contractors defined in paragraphs (d)-(g)  
 338 ~~(d)-(r)~~:

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

344 (b) "Building contractor" means a contractor whose  
 345 services are limited to construction of commercial buildings and  
 346 single-dwelling or multiple-dwelling residential buildings,  
 347 which do not exceed three stories in height, and accessory use  
 348 structures in connection therewith or a contractor whose  
 349 services are limited to remodeling, repair, or improvement of  
 350 any size building if the services do not affect the structural  
 351 members of the building.

352 (c) "Residential contractor" means a contractor whose  
 353 services are limited to construction, remodeling, repair, or  
 354 improvement of one-family, two-family, or three-family  
 355 residences not exceeding two habitable stories above no more  
 356 than one uninhabitable story and accessory use structures in  
 357 connection therewith.

358 (d) "Sheet metal contractor" means a contractor whose  
 359 services are unlimited in the sheet metal trade and who has the  
 360 experience, knowledge, and skill necessary for the manufacture,  
 361 fabrication, assembling, handling, erection, installation,  
 362 dismantling, conditioning, adjustment, insulation, alteration,

363 repair, servicing, or design, if not prohibited by law, of  
364 ferrous or nonferrous metal work of U.S. No. 10 gauge or its  
365 equivalent or lighter gauge and of other materials, including,  
366 but not limited to, fiberglass, used in lieu thereof and of air-  
367 handling systems, including the setting of air-handling  
368 equipment and reinforcement of same, the balancing of air-  
369 handling systems, and any duct cleaning and equipment sanitizing  
370 that requires at least a partial disassembling of the system.

371 (e) "Roofing contractor" means a contractor whose services  
372 are unlimited in the roofing trade and who has the experience,  
373 knowledge, and skill to install, maintain, repair, alter,  
374 extend, or design, if not prohibited by law, and use materials  
375 and items used in the installation, maintenance, extension, and  
376 alteration of all kinds of roofing, waterproofing, and coating,  
377 except when coating is not represented to protect, repair,  
378 waterproof, stop leaks, or extend the life of the roof. The  
379 scope of work of a roofing contractor also includes required  
380 roof-deck attachments and any repair or replacement of wood roof  
381 sheathing or fascia as needed during roof repair or replacement.

382 (f) "Class A air-conditioning contractor" means a  
383 contractor whose services are unlimited in the execution of  
384 contracts requiring the experience, knowledge, and skill to  
385 install, maintain, repair, fabricate, alter, extend, or design,  
386 if not prohibited by law, central air-conditioning,  
387 refrigeration, heating, and ventilating systems, including duct  
388 work in connection with a complete system if such duct work is  
389 performed by the contractor as necessary to complete an air-  
390 distribution system, boiler and unfired pressure vessel systems,

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

412 (g) "Class B air-conditioning contractor" means a  
413 contractor whose services are limited to 25 tons of cooling and  
414 500,000 Btu of heating in any one system in the execution of  
415 contracts requiring the experience, knowledge, and skill to  
416 install, maintain, repair, fabricate, alter, extend, or design,  
417 if not prohibited by law, central air-conditioning,  
418 refrigeration, heating, and ventilating systems, including duct

419 work in connection with a complete system only to the extent  
420 such duct work is performed by the contractor as necessary to  
421 complete an air-distribution system being installed under this  
422 classification, and any duct cleaning and equipment sanitizing  
423 that requires at least a partial disassembling of the system; to  
424 install, maintain, repair, fabricate, alter, extend, or design,  
425 if not prohibited by law, piping and insulation of pipes,  
426 vessels, and ducts; to replace, disconnect, or reconnect power  
427 wiring on the load side of the dedicated existing electrical  
428 disconnect switch; to install, disconnect, and reconnect low  
429 voltage heating, ventilating, and air-conditioning control  
430 wiring; and to install a condensate drain from an air-  
431 conditioning unit to an existing safe waste or other approved  
432 disposal other than a direct connection to a sanitary system.  
433 The scope of work for such contractor also includes any  
434 excavation work incidental thereto, but does not include any  
435 work such as liquefied petroleum or natural gas fuel lines  
436 within buildings, except for disconnecting or reconnecting  
437 changeouts of liquefied petroleum or natural gas appliances  
438 within buildings; potable water lines or connections thereto;  
439 sanitary sewer lines; swimming pool piping and filters; or  
440 electrical power wiring.

441 (h) "Class C air-conditioning contractor" means a  
442 contractor whose business is limited to the servicing of air-  
443 conditioning, heating, or refrigeration systems, including any  
444 duct cleaning and equipment sanitizing that requires at least a  
445 partial disassembling of the system, and whose certification or  
446 registration, issued pursuant to this part, was valid on October



447 1, 1988. Only a person who was registered or certified as a  
448 Class C air-conditioning contractor as of October 1, 1988, shall  
449 be so registered or certified after October 1, 1988. However,  
450 the board shall continue to license and regulate those Class C  
451 air-conditioning contractors who held Class C licenses before  
452 October 1, 1988.

453 (i) "Mechanical contractor" means a contractor whose  
454 services are unlimited in the execution of contracts requiring  
455 the experience, knowledge, and skill to install, maintain,  
456 repair, fabricate, alter, extend, or design, if not prohibited  
457 by law, central air-conditioning, refrigeration, heating, and  
458 ventilating systems, including duct work in connection with a  
459 complete system if such duct work is performed by the contractor  
460 as necessary to complete an air-distribution system, boiler and  
461 unfired pressure vessel systems, lift station equipment and  
462 piping, and all appurtenances, apparatus, or equipment used in  
463 connection therewith, and any duct cleaning and equipment  
464 sanitizing that requires at least a partial disassembling of the  
465 system; to install, maintain, repair, fabricate, alter, extend,  
466 or design, if not prohibited by law, piping, insulation of  
467 pipes, vessels and ducts, pressure and process piping, pneumatic  
468 control piping, gasoline tanks and pump installations and piping  
469 for same, standpipes, air piping, vacuum line piping, oxygen  
470 lines, nitrous oxide piping, ink and chemical lines, fuel  
471 transmission lines, liquefied petroleum gas lines within  
472 buildings, and natural gas fuel lines within buildings; to  
473 replace, disconnect, or reconnect power wiring on the load side  
474 of the dedicated existing electrical disconnect switch; to

475 install, disconnect, and reconnect low voltage heating,  
476 ventilating, and air-conditioning control wiring; and to install  
477 a condensate drain from an air-conditioning unit to an existing  
478 safe waste or other approved disposal other than a direct  
479 connection to a sanitary system. The scope of work for such  
480 contractor also includes any excavation work incidental thereto,  
481 but does not include any work such as potable water lines or  
482 connections thereto, sanitary sewer lines, swimming pool piping  
483 and filters, or electrical power wiring.

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

503 treatment or cleaning does not require licensure unless the  
504 usage involves construction, modification, or replacement of  
505 such equipment. Water treatment that does not require such  
506 equipment does not require a license. In addition, a license is  
507 not required for the cleaning of the pool or spa in a way that  
508 does not affect the structural integrity of the pool or spa or  
509 its associated equipment.

510 (k) "Residential pool/spa contractor" means a contractor  
511 whose scope of work involves, but is not limited to, the  
512 construction, repair, and servicing of a residential swimming  
513 pool, or hot tub or spa, regardless of use. The scope of work  
514 includes the installation, repair, or replacement of existing  
515 equipment, any cleaning or equipment sanitizing that requires at  
516 least a partial disassembling, excluding filter changes, and the  
517 installation of new pool/spa equipment, interior finishes, the  
518 installation of package pool heaters, the installation of all  
519 perimeter piping and filter piping, and the construction of  
520 equipment rooms or housing for pool/spa equipment, and also  
521 includes the scope of work of a swimming pool/spa servicing  
522 contractor. The scope of such work does not include direct  
523 connections to a sanitary sewer system or to potable water  
524 lines. The installation, construction, modification, or  
525 replacement of equipment permanently attached to and associated  
526 with the pool or spa for the purpose of water treatment or  
527 cleaning of the pool or spa requires licensure; however, the  
528 usage of such equipment for the purposes of water treatment or  
529 cleaning does not require licensure unless the usage involves  
530 construction, modification, or replacement of such equipment.

531 Water treatment that does not require such equipment does not  
532 require a license. In addition, a license is not required for  
533 the cleaning of the pool or spa in a way that does not affect  
534 the structural integrity of the pool or spa or its associated  
535 equipment.

536 (1) "Swimming pool/spa servicing contractor" means a  
537 contractor whose scope of work involves, but is not limited to,  
538 the repair and servicing of a swimming pool, or hot tub or spa,  
539 whether public or private, or otherwise, regardless of use. The  
540 scope of work includes the repair or replacement of existing  
541 equipment, any cleaning or equipment sanitizing that requires at  
542 least a partial disassembling, excluding filter changes, and the  
543 installation of new pool/spa equipment, interior refinishing,  
544 the reinstallation or addition of pool heaters, the repair or  
545 replacement of all perimeter piping and filter piping, the  
546 repair of equipment rooms or housing for pool/spa equipment, and  
547 the substantial or complete draining of a swimming pool, or hot  
548 tub or spa, for the purpose of repair or renovation. The scope  
549 of such work does not include direct connections to a sanitary  
550 sewer system or to potable water lines. The installation,  
551 construction, modification, substantial or complete disassembly,  
552 or replacement of equipment permanently attached to and  
553 associated with the pool or spa for the purpose of water  
554 treatment or cleaning of the pool or spa requires licensure;  
555 however, the usage of such equipment for the purposes of water  
556 treatment or cleaning does not require licensure unless the  
557 usage involves construction, modification, substantial or  
558 complete disassembly, or replacement of such equipment. Water

559 treatment that does not require such equipment does not require  
560 a license. In addition, a license is not required for the  
561 cleaning of the pool or spa in a way that does not affect the  
562 structural integrity of the pool or spa or its associated  
563 equipment.

564 (m) "Plumbing contractor" means a contractor whose  
565 contracting business consists of the execution of contracts  
566 requiring the experience, financial means, knowledge, and skill  
567 to install, maintain, repair, alter, extend, or, if not  
568 prohibited by law, design plumbing. A plumbing contractor may  
569 install, maintain, repair, alter, extend, or, if not prohibited  
570 by law, design the following without obtaining an additional  
571 local regulatory license, certificate, or registration: sanitary  
572 drainage or storm drainage facilities; venting systems; public  
573 or private water supply systems; septic tanks; drainage and  
574 supply wells; swimming pool piping; irrigation systems; or solar  
575 heating water systems and all appurtenances, apparatus, or  
576 equipment used in connection therewith, including boilers and  
577 pressure process piping and including the installation of water,  
578 natural gas, liquefied petroleum gas and related venting, and  
579 storm and sanitary sewer lines; and water and sewer plants and  
580 substations. The scope of work of the plumbing contractor also  
581 includes the design, if not prohibited by law, and installation,  
582 maintenance, repair, alteration, or extension of air-piping,  
583 vacuum line piping, oxygen line piping, nitrous oxide piping,  
584 and all related medical gas systems; fire line standpipes and  
585 fire sprinklers if authorized by law; ink and chemical lines;  
586 fuel oil and gasoline piping and tank and pump installation,

587 | except bulk storage plants; and pneumatic control piping  
588 | systems, all in a manner that complies with all plans,  
589 | specifications, codes, laws, and regulations applicable. The  
590 | scope of work of the plumbing contractor applies to private  
591 | property and public property, including any excavation work  
592 | incidental thereto, and includes the work of the specialty  
593 | plumbing contractor. Such contractor shall subcontract, with a  
594 | qualified contractor in the field concerned, all other work  
595 | incidental to the work but which is specified as being the work  
596 | of a trade other than that of a plumbing contractor. This  
597 | definition does not limit the scope of work of any specialty  
598 | contractor certified pursuant to s. 489.113(6), and does not  
599 | require certification or registration under this part of any  
600 | authorized employee of a public natural gas utility or of a  
601 | private natural gas utility regulated by the Public Service  
602 | Commission when disconnecting and reconnecting water lines in  
603 | the servicing or replacement of an existing water heater.

604 |       (n) "Underground utility and excavation contractor" means  
605 | a contractor whose services are limited to the construction,  
606 | installation, and repair, on public or private property, whether  
607 | accomplished through open excavations or through other means,  
608 | including, but not limited to, directional drilling, auger  
609 | boring, jacking and boring, trenchless technologies, wet and dry  
610 | taps, grouting, and slip lining, of main sanitary sewer  
611 | collection systems, main water distribution systems, storm sewer  
612 | collection systems, and the continuation of utility lines from  
613 | the main systems to a point of termination up to and including  
614 | the meter location for the individual occupancy, sewer

615 collection systems at property line on residential or single-  
616 occupancy commercial properties, or on multioccupancy properties  
617 at manhole or wye lateral extended to an invert elevation as  
618 engineered to accommodate future building sewers, water  
619 distribution systems, or storm sewer collection systems at storm  
620 sewer structures. However, an underground utility and excavation  
621 contractor may install empty underground conduits in rights-of-  
622 way, easements, platted rights-of-way in new site development,  
623 and sleeves for parking lot crossings no smaller than 2 inches  
624 in diameter if each conduit system installed is designed by a  
625 licensed professional engineer or an authorized employee of a  
626 municipality, county, or public utility and the installation of  
627 such conduit does not include installation of any conductor  
628 wiring or connection to an energized electrical system. An  
629 underground utility and excavation contractor may not install  
630 piping that is an integral part of a fire protection system as  
631 defined in s. 633.021 beginning at the point where the piping is  
632 used exclusively for such system.

633 (o) "Solar contractor" means a contractor whose services  
634 consist of the installation, alteration, repair, maintenance,  
635 relocation, or replacement of solar panels for potable solar  
636 water heating systems, swimming pool solar heating systems, and  
637 photovoltaic systems and any appurtenances, apparatus, or  
638 equipment used in connection therewith, whether public, private,  
639 or otherwise, regardless of use. A contractor, certified or  
640 registered pursuant to this chapter, is not required to become a  
641 certified or registered solar contractor or to contract with a  
642 solar contractor in order to provide services enumerated in this

643 paragraph that are within the scope of the services such  
644 contractors may render under this part.

645 (p) "Pollutant storage systems contractor" means a  
646 contractor whose services are limited to, and who has the  
647 experience, knowledge, and skill to install, maintain, repair,  
648 alter, extend, or design, if not prohibited by law, and use  
649 materials and items used in the installation, maintenance,  
650 extension, and alteration of, pollutant storage tanks. Any  
651 person installing a pollutant storage tank shall perform such  
652 installation in accordance with the standards adopted pursuant  
653 to s. 376.303.

654 ~~(q) "Glass and glazing contractor" means a contractor~~  
655 ~~whose services are unlimited in the execution of contracts~~  
656 ~~requiring the experience, knowledge, and skill to install,~~  
657 ~~attach, maintain, repair, fabricate, alter, extend, or design,~~  
658 ~~in residential and commercial applications without any height~~  
659 ~~restrictions, all types of windows, glass, and mirrors, whether~~  
660 ~~fixed or movable; swinging or sliding glass doors attached to~~  
661 ~~existing walls, floors, columns, or other structural members of~~  
662 ~~the building; glass holding or supporting mullions or horizontal~~  
663 ~~bars; structurally anchored impact-resistant opening protection~~  
664 ~~attached to existing building walls, floors, columns, or other~~  
665 ~~structural members of the building; prefabricated glass, metal,~~  
666 ~~or plastic curtain walls; storefront frames or panels; shower~~  
667 ~~and tub enclosures; metal fascias; and caulking incidental to~~  
668 ~~such work and assembly.~~

669 (q) ~~(r)~~ "Specialty contractor" means a contractor whose  
670 scope of work and responsibility is limited to a particular



671 phase of construction established in a category adopted by board  
 672 rule and whose scope is limited to a subset of the activities  
 673 described in one of the paragraphs of this subsection.

674 Section 14. Paragraphs (b) and (c) of subsection (4) of  
 675 section 489.107, Florida Statutes, are amended to read:

676 489.107 Construction Industry Licensing Board.—

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

679 (b) Division II is comprised of the roofing contractor,  
 680 sheet metal contractor, air-conditioning contractor, mechanical  
 681 contractor, pool contractor, plumbing contractor, and  
 682 underground utility and excavation contractor members of the  
 683 board; one of the members appointed pursuant to paragraph  
 684 (2) (j); and one of the members appointed pursuant to paragraph  
 685 (2) (k). Division II has jurisdiction over the regulation of  
 686 contractors defined in s. 489.105(3) (d) - (p) ~~489.105(3) (d) - (q)~~.

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

691 Section 15. Paragraph (g) of subsection (2) of section  
 692 489.141, Florida Statutes, is amended to read:

693 489.141 Conditions for recovery; eligibility.—

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

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

699 Section 16. Section 489.118, Florida Statutes, is  
700 reenacted and amended to read:

701 489.118 Certification of registered contractors;  
702 grandfathering provisions.—The board shall, upon receipt of a  
703 completed application and appropriate fee, issue a certificate  
704 in the appropriate category to any contractor registered under  
705 this part who makes application to the board and can show that  
706 he or she meets each of the following requirements:

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

710 (2) Has, for that category, passed a written examination  
711 that the board finds to be substantially similar to the  
712 examination required to be licensed as a certified contractor  
713 under this part. For purposes of this subsection, a written,  
714 proctored examination such as that produced by the National  
715 Assessment Institute, Block and Associates, NAI/Block, Experior  
716 Assessments, Professional Testing, Inc., or Assessment Systems,  
717 Inc., shall be considered to be substantially similar to the  
718 examination required to be licensed as a certified contractor.  
719 The board may not impose or make any requirements regarding the  
720 nature or content of these cited examinations.

721 (3) Has at least 5 years of experience as a contractor in  
722 that contracting category, or as an inspector or building  
723 administrator with oversight over that category, at the time of  
724 application. For contractors, only time periods in which the  
725 contractor license is active and the contractor is not on  
726 probation shall count toward the 5 years required by this

727 subsection.

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

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

734

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

737 Section 17. Section 548.061, Florida Statutes, is amended  
 738 to read:

739 548.061 Closed circuit television.—Each person or club  
 740 that holds or shows any matches on a closed circuit telecast  
 741 viewed within this state and, ~~whether~~ originating within this  
 742 state ~~or another state~~, shall file a written report, under oath,  
 743 which states the exact number of tickets sold for the showing,  
 744 the amount of gross receipts, and any other information the  
 745 commission requires and shall, within 72 hours after the  
 746 telecast, pay a tax of 5 percent of its total gross receipts  
 747 from the sale of tickets.

748 Section 18. This act shall take effect October 1, 2012.