

ENROLLED

CS/CS/HB 887, Engrossed 1

2012 Legislature

1
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.

ENROLLED

CS/CS/HB 887, Engrossed 1

2012 Legislature

29 475.451, F.S.; authorizing distance learning courses
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

ENROLLED

CS/CS/HB 887, Engrossed 1

2012 Legislature

57 grandfathering provisions and establishing a new
 58 deadline for applications for certification of certain
 59 registered contractors; amending s. 548.007, F.S.;
 60 deleting exemptions from certain restrictions on
 61 specified amateur matches and other events; repealing
 62 s. 548.061, F.S., relating to the requirement that
 63 each person or club that holds or shows pugilistic
 64 matches on a closed circuit telecast viewed within the
 65 state must file certain reports; providing for a type
 66 two transfer of relevant administrative rules relating
 67 to the redesignation of the Pilotage Rate Review Board
 68 as the Pilotage Rate Review Committee within the Board
 69 of Pilot Commissioners and the transfer of matters
 70 pending before the board at the time of the
 71 redesignation and the Governor's appointment of the
 72 board pursuant to ss. 5 and 6, ch. 2010-225, Laws of
 73 Florida; providing effective dates.

74

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

76

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

81 210.16 Revocation or suspension of permit.—

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

ENROLLED

CS/CS/HB 887, Engrossed 1

2012 Legislature

85 chapter 569. Upon submission of proof to the division by a
 86 wholesale dealer, the division shall suspend or deny the renewal
 87 of a retail permit to any person or, if a corporation, to any
 88 officer or stockholder of the corporation who has failed to
 89 satisfy the terms of a civil judgment obtained against the
 90 person, corporation, officer, or stockholder for failure to pay
 91 for tobacco products purchased from a wholesale dealer. The
 92 permit shall remain suspended until the retail dealer submits
 93 proof to the division that it has entered into an agreed payment
 94 plan with the wholesale dealer or satisfied the civil judgment
 95 in full.

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

98 210.181 Civil penalties.—

99 (1) Except as provided in s. 210.16(6) ~~210.16(5)~~, whoever
 100 knowingly omits, neglects, or refuses to comply with any duty
 101 imposed upon him or her by this part, or to do or cause to be
 102 done any of the things required by this part, or does anything
 103 prohibited by this part shall, in addition to any other penalty
 104 provided in this part, be liable for a fine of \$1,000 or five
 105 times the retail value of the cigarettes involved, whichever is
 106 greater.

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

109 455.213 General licensing provisions.—

110 (12) The department shall waive the initial licensing fee,
 111 the initial application fee, and the initial unlicensed activity
 112 fee for a military veteran who applies to the department for a

ENROLLED

CS/CS/HB 887, Engrossed 1

2012 Legislature

113 license, in a format prescribed by the department, within 24
 114 months after discharge from any branch of the United States
 115 Armed Forces. To qualify for this waiver, the veteran must have
 116 been honorably discharged.

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

119 455.2179 Continuing education provider and course
 120 approval; cease and desist orders.—

121 (1) If a board, or the department if there is no board,
 122 requires completion of continuing education as a requirement for
 123 renewal of a license, the board, or the department if there is
 124 no board, shall approve the providers and courses for ~~of~~ the
 125 continuing education. Notwithstanding this subsection or any
 126 other provision of law, the department may approve continuing
 127 education providers or courses even if there is a board. If the
 128 department determines that an application for a continuing
 129 education provider or course requires expert review or should be
 130 denied, the department shall forward the application to the
 131 appropriate board for review and approval or denial. The
 132 approval of continuing education providers and courses must be
 133 for a specified period of time, not to exceed 4 years. An
 134 approval that does not include such a time limitation may remain
 135 in effect pursuant to the applicable practice act or the rules
 136 adopted under the applicable practice act. Notwithstanding this
 137 subsection or any other provision of law, only the department
 138 may determine the contents of any documents submitted for
 139 approval of a continuing education provider or course.

ENROLLED

CS/CS/HB 887, Engrossed 1

2012 Legislature

140 Section 5. Paragraph (b) of subsection (6) of section
 141 455.271, Florida Statutes, is amended to read:

142 455.271 Inactive and delinquent status.—

143 (6)

144 (b) Notwithstanding the provisions of the professional
 145 practice acts administered by the department, ~~the board, or the~~
 146 ~~department if there is no board,~~ may, at its discretion,
 147 reinstate the license of an individual whose license has become
 148 void if the ~~board or department, as applicable,~~ determines that
 149 the individual ~~has made a good faith effort to comply with this~~
 150 ~~section but has~~ failed to comply because of illness or unusual
 151 economic hardship. The individual must apply to ~~the board, or~~
 152 ~~the department if there is no board,~~ for reinstatement ~~in a~~
 153 ~~manner prescribed by rules of the board or the department, as~~
 154 ~~applicable,~~ and shall pay an applicable fee in an amount
 155 determined by rule. The ~~board, or the department if there is no~~
 156 ~~board,~~ shall require that such individual meet all continuing
 157 education requirements prescribed by law, pay appropriate
 158 licensing fees, and otherwise be eligible for renewal of
 159 licensure under this chapter.

160
 161 This subsection does not apply to individuals subject to
 162 regulation under chapter 473.

163 Section 6. Section 455.273, Florida Statutes, is amended
 164 to read:

165 455.273 Renewal and cancellation notices.—

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

ENROLLED

CS/CS/HB 887, Engrossed 1

2012 Legislature

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

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

175 ~~(2) Each licensure renewal notification and each notice of~~
 176 ~~pending cancellation of licensure must state conspicuously that~~
 177 ~~a licensee who remains on inactive status for more than two~~
 178 ~~consecutive biennial licensure cycles and who wishes to~~
 179 ~~reactivate the license may be required to demonstrate the~~
 180 ~~competency to resume active practice by sitting for a special~~
 181 ~~purpose examination or by completing other reactivation~~
 182 ~~requirements, as defined by rule of the board or the department~~
 183 ~~when there is no board.~~

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

186 455.275 Address of record.—

187 (1) Each licensee of the department is solely responsible
 188 for notifying the department in writing of the licensee's
 189 current mailing address, e-mail address, and place of practice,
 190 as defined by rule of the board or the department when there is
 191 no board. A licensee's failure to notify the department of a
 192 change of address constitutes a violation of this section, and
 193 the licensee may be disciplined by the board or the department
 194 when there is no board.

ENROLLED

CS/CS/HB 887, Engrossed 1

2012 Legislature

195 (2) Notwithstanding any other provision of law, service by
 196 regular mail or e-mail to a licensee's last known mailing
 197 address or e-mail address of record with the department
 198 constitutes adequate and sufficient notice to the licensee for
 199 any official communication to the licensee by the board or the
 200 department except when other service is required pursuant to s.
 201 455.225.

202 Section 8. Paragraph (c) of subsection (2) of section
 203 475.451, Florida Statutes, is amended, present subsections (4)
 204 through (8) are renumbered as subsections (5) through (9),
 205 respectively, and a new subsection (4) is added to that section,
 206 to read:

207 475.451 Schools teaching real estate practice.—

208 (2) An applicant for a permit to operate a proprietary
 209 real estate school, to be a chief administrator of a proprietary
 210 real estate school or a state institution, or to be an
 211 instructor for a proprietary real estate school or a state
 212 institution must meet the qualifications for practice set forth
 213 in s. 475.17(1) and the following minimal requirements:

214 (c) "School instructor" means an individual who instructs
 215 persons in the classroom in noncredit college courses in a
 216 college, university, or community college or courses in a career
 217 center or proprietary real estate school.

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

221 a. Hold a bachelor's degree in a business-related subject,
 222 such as real estate, finance, accounting, business

ENROLLED

CS/CS/HB 887, Engrossed 1

2012 Legislature

223 administration, or its equivalent and hold a valid broker's
 224 license in this state.

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

228 c. Pass an instructor's examination approved by the
 229 commission.

230 2. Any requirement by the commission for a teaching
 231 demonstration or practical examination must apply to all school
 232 instructor applicants.

233 3. The department shall renew an instructor permit upon
 234 receipt of a renewal application and fee. The renewal
 235 application shall include proof that the permitholder has, since
 236 the issuance or renewal of the current permit, successfully
 237 completed a minimum of 7 classroom or distance learning hours of
 238 instruction in real estate subjects or instructional techniques,
 239 as prescribed by the commission. The commission shall adopt
 240 rules providing for the renewal of instructor permits at least
 241 every 2 years. Any permit that ~~which~~ is not renewed at the end
 242 of the permit period established by the department ~~shall~~
 243 automatically reverts ~~revert~~ to involuntarily inactive status.

244
 245 The department may require an applicant to submit names of
 246 persons having knowledge concerning the applicant and the
 247 enterprise; may propound interrogatories to such persons and to
 248 the applicant concerning the character of the applicant,
 249 including the taking of fingerprints for processing through the
 250 Federal Bureau of Investigation; and shall make such

ENROLLED

CS/CS/HB 887, Engrossed 1

2012 Legislature

251 investigation of the applicant or the school or institution as
 252 it may deem necessary to the granting of the permit. If an
 253 objection is filed, it shall be considered in the same manner as
 254 objections or administrative complaints against other applicants
 255 for licensure by the department.

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

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

261 475.611 Definitions.—

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

263 (c) "Appraisal management company" means a person who
 264 performs appraisal management services regardless of the use of
 265 the term "appraisal management company," "appraiser
 266 cooperative," "appraiser portal," "mortgage technology company,"
 267 or other term.

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

270 1. Employing, contracting with, or otherwise retaining one
 271 or more licensed or certified appraisers to perform appraisal
 272 services for a client; or

273 2. Acting as a broker or intermediary between a client and
 274 one or more licensed or certified appraisers to facilitate the
 275 client's employing, contracting with, or otherwise retaining the
 276 appraisers.

ENROLLED

CS/CS/HB 887, Engrossed 1

2012 Legislature

277 (y) "Subsidiary" means an organization that is owned and
 278 controlled by a financial institution that is regulated by a
 279 federal financial institution regulatory agency.

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

282 475.6171 Issuance of registration or certification.—The
 283 registration or certification of an applicant may be issued upon
 284 receipt by the board of the following:

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

289 Section 11. Subsection (1) of section 475.6235, Florida
 290 Statutes, is amended, and subsection (9) is added to that
 291 section, to read:

292 475.6235 Registration of appraisal management companies
 293 required; exemptions.—

294 (1) A person may not engage, or offer to engage, in
 295 appraisal management services for compensation in this state,
 296 advertise or represent herself or himself as an appraisal
 297 management company, ~~or use the titles "appraisal management~~
 298 ~~company," "appraiser cooperative," "appraiser portal," or~~
 299 ~~"mortgage technology company," or any abbreviation or words to~~
 300 ~~that effect,~~ unless the person is registered with the department
 301 as an appraisal management company under this section. However,
 302 an employee of an appraisal management company is not required
 303 to obtain a separate registration.

304 (9) This section does not apply to:

ENROLLED

CS/CS/HB 887, Engrossed 1

2012 Legislature

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

308 (b) An appraisal management company that is a subsidiary
 309 owned and controlled by a financial institution, as defined in
 310 s. 655.005, that is regulated by a federal financial institution
 311 regulatory agency.

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

314 475.6245 Discipline of appraisal management companies.—

315 (1) The board may deny an application for registration of
 316 an appraisal management company; may investigate the actions of
 317 any appraisal management company registered under this part; may
 318 reprimand or impose an administrative fine not to exceed \$5,000
 319 for each count or separate offense against any such appraisal
 320 management company; and may revoke or suspend, for a period not
 321 to exceed 10 years, the registration of any such appraisal
 322 management company, or place any such appraisal management
 323 company on probation, if the board finds that the appraisal
 324 management company or any person listed in s. 475.6235(2)(f):

325 (v) Has required or attempted to require an appraiser to
 326 sign any indemnification agreement that would require the
 327 appraiser to hold harmless the appraisal management company or
 328 its owners, agents, employees, or independent contractors from
 329 any liability, damage, loss, or claim arising from the services
 330 performed by the appraisal management company or its owners,
 331 agents, employees, or independent contractors and not the
 332 services performed by the appraiser.

ENROLLED

CS/CS/HB 887, Engrossed 1

2012 Legislature

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

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

338 (6) The board shall certify as qualified ~~adopt rules~~
 339 ~~specifying procedures for the~~ licensure by endorsement as a
 340 cosmetologist in this state an applicant of practitioners
 341 ~~desiring to be licensed in this state who~~ holds ~~held~~ a current
 342 active license to practice cosmetology in another state ~~and who~~
 343 ~~have met qualifications substantially similar to, equivalent to,~~
 344 ~~or greater than the qualifications required of applicants from~~
 345 ~~this state.~~ The board may not require proof of educational hours
 346 if the license was issued in a state that requires 1,200 or more
 347 hours of prelicensure education and passage of a written
 348 examination. This subsection does not apply to applicants who
 349 received their license in another state through an
 350 apprenticeship program.

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

353 477.0263 Cosmetology services to be performed in licensed
 354 salon; exceptions ~~exception~~.—

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

ENROLLED

CS/CS/HB 887, Engrossed 1

2012 Legislature

361 any such service in a location other than a licensed salon must
 362 be made through a licensed salon.

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

365 489.105 Definitions.—As used in this part:

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

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

ENROLLED

CS/CS/HB 887, Engrossed 1

2012 Legislature

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

390 | (b) "Building contractor" means a contractor whose
391 | services are limited to construction of commercial buildings and
392 | single-dwelling or multiple-dwelling residential buildings,
393 | which do not exceed three stories in height, and accessory use
394 | structures in connection therewith or a contractor whose
395 | services are limited to remodeling, repair, or improvement of
396 | any size building if the services do not affect the structural
397 | members of the building.

398 | (c) "Residential contractor" means a contractor whose
399 | services are limited to construction, remodeling, repair, or
400 | improvement of one-family, two-family, or three-family
401 | residences not exceeding two habitable stories above no more
402 | than one uninhabitable story and accessory use structures in
403 | connection therewith.

404 | (d) "Sheet metal contractor" means a contractor whose
405 | services are unlimited in the sheet metal trade and who has the
406 | experience, knowledge, and skill necessary for the manufacture,
407 | fabrication, assembling, handling, erection, installation,
408 | dismantling, conditioning, adjustment, insulation, alteration,
409 | repair, servicing, or design, if not prohibited by law, of
410 | ferrous or nonferrous metal work of U.S. No. 10 gauge or its
411 | equivalent or lighter gauge and of other materials, including,
412 | but not limited to, fiberglass, used in lieu thereof and of air-
413 | handling systems, including the setting of air-handling
414 | equipment and reinforcement of same, the balancing of air-
415 | handling systems, and any duct cleaning and equipment sanitizing
416 | that requires at least a partial disassembling of the system.

ENROLLED

CS/CS/HB 887, Engrossed 1

2012 Legislature

417 (e) "Roofing contractor" means a contractor whose services
418 are unlimited in the roofing trade and who has the experience,
419 knowledge, and skill to install, maintain, repair, alter,
420 extend, or design, if not prohibited by law, and use materials
421 and items used in the installation, maintenance, extension, and
422 alteration of all kinds of roofing, waterproofing, and coating,
423 except when coating is not represented to protect, repair,
424 waterproof, stop leaks, or extend the life of the roof. The
425 scope of work of a roofing contractor also includes required
426 roof-deck attachments and any repair or replacement of wood roof
427 sheathing or fascia as needed during roof repair or replacement.

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

ENROLLED

CS/CS/HB 887, Engrossed 1

2012 Legislature

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

458 (g) "Class B air-conditioning contractor" means a
459 contractor whose services are limited to 25 tons of cooling and
460 500,000 Btu of heating in any one system in the execution of
461 contracts requiring the experience, knowledge, and skill to
462 install, maintain, repair, fabricate, alter, extend, or design,
463 if not prohibited by law, central air-conditioning,
464 refrigeration, heating, and ventilating systems, including duct
465 work in connection with a complete system only to the extent
466 such duct work is performed by the contractor as necessary to
467 complete an air-distribution system being installed under this
468 classification, and any duct cleaning and equipment sanitizing
469 that requires at least a partial disassembling of the system; to
470 install, maintain, repair, fabricate, alter, extend, or design,
471 if not prohibited by law, piping and insulation of pipes,
472 vessels, and ducts; to replace, disconnect, or reconnect power

ENROLLED

CS/CS/HB 887, Engrossed 1

2012 Legislature

473 wiring on the load side of the dedicated existing electrical
474 disconnect switch; to install, disconnect, and reconnect low
475 voltage heating, ventilating, and air-conditioning control
476 wiring; and to install a condensate drain from an air-
477 conditioning unit to an existing safe waste or other approved
478 disposal other than a direct connection to a sanitary system.
479 The scope of work for such contractor also includes any
480 excavation work incidental thereto, but does not include any
481 work such as liquefied petroleum or natural gas fuel lines
482 within buildings, except for disconnecting or reconnecting
483 changeouts of liquefied petroleum or natural gas appliances
484 within buildings; potable water lines or connections thereto;
485 sanitary sewer lines; swimming pool piping and filters; or
486 electrical power wiring.

487 (h) "Class C air-conditioning contractor" means a
488 contractor whose business is limited to the servicing of air-
489 conditioning, heating, or refrigeration systems, including any
490 duct cleaning and equipment sanitizing that requires at least a
491 partial disassembling of the system, and whose certification or
492 registration, issued pursuant to this part, was valid on October
493 1, 1988. Only a person who was registered or certified as a
494 Class C air-conditioning contractor as of October 1, 1988, shall
495 be so registered or certified after October 1, 1988. However,
496 the board shall continue to license and regulate those Class C
497 air-conditioning contractors who held Class C licenses before
498 October 1, 1988.

499 (i) "Mechanical contractor" means a contractor whose
500 services are unlimited in the execution of contracts requiring

ENROLLED

CS/CS/HB 887, Engrossed 1

2012 Legislature

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

ENROLLED

CS/CS/HB 887, Engrossed 1

2012 Legislature

529 and filters, or electrical power wiring.

530 (j) "Commercial pool/spa contractor" means a contractor
531 whose scope of work involves, but is not limited to, the
532 construction, repair, and servicing of any swimming pool, or hot
533 tub or spa, whether public, private, or otherwise, regardless of
534 use. The scope of work includes the installation, repair, or
535 replacement of existing equipment, any cleaning or equipment
536 sanitizing that requires at least a partial disassembling,
537 excluding filter changes, and the installation of new pool/spa
538 equipment, interior finishes, the installation of package pool
539 heaters, the installation of all perimeter piping and filter
540 piping, and the construction of equipment rooms or housing for
541 pool/spa equipment, and also includes the scope of work of a
542 swimming pool/spa servicing contractor. The scope of such work
543 does not include direct connections to a sanitary sewer system
544 or to potable water lines. The installation, construction,
545 modification, or replacement of equipment permanently attached
546 to and associated with the pool or spa for the purpose of water
547 treatment or cleaning of the pool or spa requires licensure;
548 however, the usage of such equipment for the purposes of water
549 treatment or cleaning does not require licensure unless the
550 usage involves construction, modification, or replacement of
551 such equipment. Water treatment that does not require such
552 equipment does not require a license. In addition, a license is
553 not required for the cleaning of the pool or spa in a way that
554 does not affect the structural integrity of the pool or spa or
555 its associated equipment.

556 (k) "Residential pool/spa contractor" means a contractor

ENROLLED

CS/CS/HB 887, Engrossed 1

2012 Legislature

557 | whose scope of work involves, but is not limited to, the
558 | construction, repair, and servicing of a residential swimming
559 | pool, or hot tub or spa, regardless of use. The scope of work
560 | includes the installation, repair, or replacement of existing
561 | equipment, any cleaning or equipment sanitizing that requires at
562 | least a partial disassembling, excluding filter changes, and the
563 | installation of new pool/spa equipment, interior finishes, the
564 | installation of package pool heaters, the installation of all
565 | perimeter piping and filter piping, and the construction of
566 | equipment rooms or housing for pool/spa equipment, and also
567 | includes the scope of work of a swimming pool/spa servicing
568 | contractor. The scope of such work does not include direct
569 | connections to a sanitary sewer system or to potable water
570 | lines. The installation, construction, modification, or
571 | replacement of equipment permanently attached to and associated
572 | with the pool or spa for the purpose of water treatment or
573 | cleaning of the pool or spa requires licensure; however, the
574 | usage of such equipment for the purposes of water treatment or
575 | cleaning does not require licensure unless the usage involves
576 | construction, modification, or replacement of such equipment.
577 | Water treatment that does not require such equipment does not
578 | require a license. In addition, a license is not required for
579 | the cleaning of the pool or spa in a way that does not affect
580 | the structural integrity of the pool or spa or its associated
581 | equipment.

582 | (1) "Swimming pool/spa servicing contractor" means a
583 | contractor whose scope of work involves, but is not limited to,
584 | the repair and servicing of a swimming pool, or hot tub or spa,

ENROLLED

CS/CS/HB 887, Engrossed 1

2012 Legislature

585 whether public or private, or otherwise, regardless of use. The
586 scope of work includes the repair or replacement of existing
587 equipment, any cleaning or equipment sanitizing that requires at
588 least a partial disassembling, excluding filter changes, and the
589 installation of new pool/spa equipment, interior refinishing,
590 the reinstallation or addition of pool heaters, the repair or
591 replacement of all perimeter piping and filter piping, the
592 repair of equipment rooms or housing for pool/spa equipment, and
593 the substantial or complete draining of a swimming pool, or hot
594 tub or spa, for the purpose of repair or renovation. The scope
595 of such work does not include direct connections to a sanitary
596 sewer system or to potable water lines. The installation,
597 construction, modification, substantial or complete disassembly,
598 or replacement of equipment permanently attached to and
599 associated with the pool or spa for the purpose of water
600 treatment or cleaning of the pool or spa requires licensure;
601 however, the usage of such equipment for the purposes of water
602 treatment or cleaning does not require licensure unless the
603 usage involves construction, modification, substantial or
604 complete disassembly, or replacement of such equipment. Water
605 treatment that does not require such equipment does not require
606 a license. In addition, a license is not required for the
607 cleaning of the pool or spa in a way that does not affect the
608 structural integrity of the pool or spa or its associated
609 equipment.

610 (m) "Plumbing contractor" means a contractor whose
611 contracting business consists of the execution of contracts
612 requiring the experience, financial means, knowledge, and skill

ENROLLED

CS/CS/HB 887, Engrossed 1

2012 Legislature

613 | to install, maintain, repair, alter, extend, or, if not
614 | prohibited by law, design plumbing. A plumbing contractor may
615 | install, maintain, repair, alter, extend, or, if not prohibited
616 | by law, design the following without obtaining an additional
617 | local regulatory license, certificate, or registration: sanitary
618 | drainage or storm drainage facilities; venting systems; public
619 | or private water supply systems; septic tanks; drainage and
620 | supply wells; swimming pool piping; irrigation systems; or solar
621 | heating water systems and all appurtenances, apparatus, or
622 | equipment used in connection therewith, including boilers and
623 | pressure process piping and including the installation of water,
624 | natural gas, liquefied petroleum gas and related venting, and
625 | storm and sanitary sewer lines; and water and sewer plants and
626 | substations. The scope of work of the plumbing contractor also
627 | includes the design, if not prohibited by law, and installation,
628 | maintenance, repair, alteration, or extension of air-piping,
629 | vacuum line piping, oxygen line piping, nitrous oxide piping,
630 | and all related medical gas systems; fire line standpipes and
631 | fire sprinklers if authorized by law; ink and chemical lines;
632 | fuel oil and gasoline piping and tank and pump installation,
633 | except bulk storage plants; and pneumatic control piping
634 | systems, all in a manner that complies with all plans,
635 | specifications, codes, laws, and regulations applicable. The
636 | scope of work of the plumbing contractor applies to private
637 | property and public property, including any excavation work
638 | incidental thereto, and includes the work of the specialty
639 | plumbing contractor. Such contractor shall subcontract, with a
640 | qualified contractor in the field concerned, all other work

ENROLLED

CS/CS/HB 887, Engrossed 1

2012 Legislature

641 incidental to the work but which is specified as being the work
 642 of a trade other than that of a plumbing contractor. This
 643 definition does not limit the scope of work of any specialty
 644 contractor certified pursuant to s. 489.113(6), and does not
 645 require certification or registration under this part of any
 646 authorized employee of a public natural gas utility or of a
 647 private natural gas utility regulated by the Public Service
 648 Commission when disconnecting and reconnecting water lines in
 649 the servicing or replacement of an existing water heater.

650 (n) "Underground utility and excavation contractor" means
 651 a contractor whose services are limited to the construction,
 652 installation, and repair, on public or private property, whether
 653 accomplished through open excavations or through other means,
 654 including, but not limited to, directional drilling, auger
 655 boring, jacking and boring, trenchless technologies, wet and dry
 656 taps, grouting, and slip lining, of main sanitary sewer
 657 collection systems, main water distribution systems, storm sewer
 658 collection systems, and the continuation of utility lines from
 659 the main systems to a point of termination up to and including
 660 the meter location for the individual occupancy, sewer
 661 collection systems at property line on residential or single-
 662 occupancy commercial properties, or on multioccupancy properties
 663 at manhole or wye lateral extended to an invert elevation as
 664 engineered to accommodate future building sewers, water
 665 distribution systems, or storm sewer collection systems at storm
 666 sewer structures. However, an underground utility and excavation
 667 contractor may install empty underground conduits in rights-of-
 668 way, easements, platted rights-of-way in new site development,

ENROLLED

CS/CS/HB 887, Engrossed 1

2012 Legislature

669 and sleeves for parking lot crossings no smaller than 2 inches
670 in diameter if each conduit system installed is designed by a
671 licensed professional engineer or an authorized employee of a
672 municipality, county, or public utility and the installation of
673 such conduit does not include installation of any conductor
674 wiring or connection to an energized electrical system. An
675 underground utility and excavation contractor may not install
676 piping that is an integral part of a fire protection system as
677 defined in s. 633.021 beginning at the point where the piping is
678 used exclusively for such system.

679 (o) "Solar contractor" means a contractor whose services
680 consist of the installation, alteration, repair, maintenance,
681 relocation, or replacement of solar panels for potable solar
682 water heating systems, swimming pool solar heating systems, and
683 photovoltaic systems and any appurtenances, apparatus, or
684 equipment used in connection therewith, whether public, private,
685 or otherwise, regardless of use. A contractor, certified or
686 registered pursuant to this chapter, is not required to become a
687 certified or registered solar contractor or to contract with a
688 solar contractor in order to provide services enumerated in this
689 paragraph that are within the scope of the services such
690 contractors may render under this part.

691 (p) "Pollutant storage systems contractor" means a
692 contractor whose services are limited to, and who has the
693 experience, knowledge, and skill to install, maintain, repair,
694 alter, extend, or design, if not prohibited by law, and use
695 materials and items used in the installation, maintenance,
696 extension, and alteration of, pollutant storage tanks. Any

ENROLLED

CS/CS/HB 887, Engrossed 1

2012 Legislature

697 person installing a pollutant storage tank shall perform such
 698 installation in accordance with the standards adopted pursuant
 699 to s. 376.303.

700 ~~(q) "Glass and glazing contractor" means a contractor~~
 701 ~~whose services are unlimited in the execution of contracts~~
 702 ~~requiring the experience, knowledge, and skill to install,~~
 703 ~~attach, maintain, repair, fabricate, alter, extend, or design,~~
 704 ~~in residential and commercial applications without any height~~
 705 ~~restrictions, all types of windows, glass, and mirrors, whether~~
 706 ~~fixed or movable; swinging or sliding glass doors attached to~~
 707 ~~existing walls, floors, columns, or other structural members of~~
 708 ~~the building; glass holding or supporting mullions or horizontal~~
 709 ~~bars; structurally anchored impact-resistant opening protection~~
 710 ~~attached to existing building walls, floors, columns, or other~~
 711 ~~structural members of the building; prefabricated glass, metal,~~
 712 ~~or plastic curtain walls; storefront frames or panels; shower~~
 713 ~~and tub enclosures; metal fascias; and caulking incidental to~~
 714 ~~such work and assembly.~~

715 (q) ~~(r)~~ "Specialty contractor" means a contractor whose
 716 scope of work and responsibility is limited to a particular
 717 phase of construction established in a category adopted by board
 718 rule and whose scope is limited to a subset of the activities
 719 described in one of the paragraphs of this subsection.

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

722 489.107 Construction Industry Licensing Board.—

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

ENROLLED

CS/CS/HB 887, Engrossed 1

2012 Legislature

725 (b) Division II is comprised of the roofing contractor,
 726 sheet metal contractor, air-conditioning contractor, mechanical
 727 contractor, pool contractor, plumbing contractor, and
 728 underground utility and excavation contractor members of the
 729 board; one of the members appointed pursuant to paragraph
 730 (2) (j); and one of the members appointed pursuant to paragraph
 731 (2) (k). Division II has jurisdiction over the regulation of
 732 contractors defined in s. 489.105(3) (d) - (p) ~~489.105(3) (d) - (q)~~.

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

737 Section 17. Paragraph (g) of subsection (2) of section
 738 489.141, Florida Statutes, is amended to read:

739 489.141 Conditions for recovery; eligibility.—

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

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

745 Section 18. Section 489.118, Florida Statutes, is
 746 reenacted and amended to read:

747 489.118 Certification of registered contractors;
 748 grandfathering provisions.—The board shall, upon receipt of a
 749 completed application and appropriate fee, issue a certificate
 750 in the appropriate category to any contractor registered under
 751 this part who makes application to the board and can show that
 752 he or she meets each of the following requirements:

ENROLLED

CS/CS/HB 887, Engrossed 1

2012 Legislature

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

756 (2) Has, for that category, passed a written examination
757 that the board finds to be substantially similar to the
758 examination required to be licensed as a certified contractor
759 under this part. For purposes of this subsection, a written,
760 proctored examination such as that produced by the National
761 Assessment Institute, Block and Associates, NAI/Block, Experior
762 Assessments, Professional Testing, Inc., or Assessment Systems,
763 Inc., shall be considered to be substantially similar to the
764 examination required to be licensed as a certified contractor.
765 The board may not impose or make any requirements regarding the
766 nature or content of these cited examinations.

767 (3) Has at least 5 years of experience as a contractor in
768 that contracting category, or as an inspector or building
769 administrator with oversight over that category, at the time of
770 application. For contractors, only time periods in which the
771 contractor license is active and the contractor is not on
772 probation shall count toward the 5 years required by this
773 subsection.

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

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

780

ENROLLED

CS/CS/HB 887, Engrossed 1

2012 Legislature

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

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

785 548.007 Applicability of provisions to amateur matches and
786 certain other matches or events.—Sections ~~With the exception of~~
787 ~~s. 548.008, ss. 548.001-548.079~~ do not apply to:

788 (1) A match conducted or sponsored by a bona fide
789 nonprofit school or education program whose primary purpose is
790 instruction in the martial arts, boxing, or kickboxing, if the
791 match held in conjunction with the instruction is limited to
792 amateur participants who are students of the school or
793 instructional program;

794 (2) A match conducted or sponsored by any company or
795 detachment of the Florida National Guard, if the match is
796 limited to participants who are members of the company or
797 detachment of the Florida National Guard; or

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

801 Section 20. Section 548.061, Florida Statutes, is
802 repealed.

803 Section 21. The provisions contained in ss. 5 and 6, ch.
804 2010-225, Laws of Florida, shall be effected through a type two
805 transfer of the relevant administrative rules, pursuant to s.
806 20.06(2), Florida Statutes.

807 Section 22. Except as otherwise expressly provided in this
808 act and except for this section, which shall take effect upon

ENROLLED

CS/CS/HB 887, Engrossed 1

2012 Legislature

809 | this act becoming a law, this act shall take effect October 1,
810 | 2012.