

HB 713

2010

1 A bill to be entitled  
2 An act relating to the regulation of professions; amending  
3 s. 20.165, F.S.; assigning certain programs to regulation  
4 by the Division of Professions of the Department of  
5 Business and Professional Regulation; amending ss. 215.37  
6 and 455.017, F.S.; specifying that the department is  
7 responsible for the regulation of certain professions;  
8 amending s. 455.02, F.S.; authorizing the temporary  
9 professional licensure of the spouses of active duty  
10 members of the United States Armed Forces under certain  
11 circumstances; providing application requirements;  
12 requiring criminal history checks and fees; amending s.  
13 455.213, F.S.; requiring a licensee to surrender his or  
14 her license under certain circumstances; amending s.  
15 455.217, F.S.; revising the departmental unit responsible  
16 for administration of certain examinations; limiting an  
17 applicant's review of failed examination questions;  
18 amending s. 455.2175, F.S.; prohibiting an examinee whose  
19 examination materials are confiscated from taking another  
20 examination under certain circumstances; amending s.  
21 455.227, F.S.; revising grounds for the discipline of  
22 professional licensees; providing penalties; amending s.  
23 455.228, F.S.; revising terminology for cease and desist  
24 notices; creating s. 455.274, F.S.; authorizing the  
25 publication of certain legal advertisements and notices on  
26 the department's Internet website in lieu of publication  
27 in a newspaper; amending s. 468.83, F.S.; creating the  
28 home inspection services licensing program within the

HB 713

2010

29 department; amending s. 468.8311, F.S.; revising the  
30 definition of the term "home inspection services" for  
31 purposes of provisions regulating home inspectors;  
32 amending s. 468.8312, F.S.; deleting limits on fees for  
33 certificates of authorization to conform to changes made  
34 by the act; amending s. 468.8313, F.S.; requiring home  
35 inspector license applicants to satisfy certain  
36 examination requirements before application for licensure;  
37 requiring criminal history checks and fees; amending s.  
38 468.8318, F.S.; deleting requirements for certificates of  
39 authorization for corporations or partnerships offering  
40 home inspection services; amending s. 468.8319, F.S.;  
41 revising prohibited acts by home inspectors and certain  
42 companies employing home inspectors or controlled by such  
43 companies; exempting from punishment certain unlicensed  
44 activity occurring before a specified date; amending s.  
45 468.832, F.S.; providing an additional ground for  
46 discipline of licensed home inspectors; amending s.  
47 468.8324, F.S.; extending the time for licensure of home  
48 inspectors under certain grandfather provisions; revising  
49 the licensing criteria for such provisions; authorizing  
50 the department to investigate the validity of home  
51 inspection reports submitted for licensure under the  
52 grandfather provisions; providing penalties for the  
53 submission of false reports; creating s. 468.8325, F.S.;  
54 requiring the department to adopt rules; amending s.  
55 468.84, F.S.; creating the mold-related services licensing  
56 program within the department; amending s. 468.8412, F.S.;

Page 2 of 47

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

hb0713-00

HB 713

2010

57 deleting limits on fees for certificates of authorization  
58 to conform to changes made by the act; amending s.  
59 468.8413, F.S.; requiring mold assessor and mold  
60 remediator license applicants to satisfy certain  
61 examination requirements before application for licensure;  
62 revising the educational requirements for licensure as a  
63 mold assessor or mold remediator; requiring criminal  
64 history checks and fees; amending s. 468.8414, F.S.;  
65 specifying that certain insurance coverage is required for  
66 licensure by endorsement; amending s. 468.8418, F.S.;  
67 deleting requirements for certificates of authorization  
68 for corporations or partnerships offering mold-related  
69 services; amending s. 468.8419, F.S.; exempting from  
70 punishment certain unlicensed activity occurring before a  
71 specified date; amending s. 468.842, F.S.; providing an  
72 additional ground for discipline of licensed mold  
73 assessors and mold remediators; amending s. 468.8421,  
74 F.S.; revising insurance coverage requirements for mold  
75 assessors; amending s. 468.8423, F.S.; extending the time  
76 for licensure of mold assessors and mold remediators under  
77 certain grandfather provisions; revising the licensing  
78 criteria for such provisions; authorizing the department  
79 to investigate the validity of mold assessments and  
80 remediation invoices submitted for licensure under the  
81 grandfather provisions; providing penalties for the  
82 submission of false assessments or invoices; creating s.  
83 468.8424, F.S.; requiring the department to adopt rules;  
84 amending s. 474.203, F.S.; revising an exemption from

85 | regulation of intern or resident veterinarians; amending  
86 | s. 475.175, F.S.; revising the application and fingerprint  
87 | requirements for real estate broker and sales associate  
88 | licenses; deleting a requirement that license applicants  
89 | provide fingerprints in an electronic format; amending s.  
90 | 475.613, F.S.; revising qualifications of members of the  
91 | Florida Real Estate Appraisal Board; amending s. 477.019,  
92 | F.S.; deleting time limits for cosmetology license  
93 | applicants to take the licensure examination; conforming a  
94 | cross-reference; amending s. 509.211, F.S.; assigning  
95 | responsibility for the regulation of carbon monoxide  
96 | hazards in certain public lodging establishments to the  
97 | Division of State Fire Marshal of the Department of  
98 | Financial Services; creating s. 548.076, F.S.; authorizing  
99 | the Department of Business and Professional Regulation to  
100 | issue and enforce notices to cease and desist from  
101 | violations of provisions regulating pugilistic  
102 | exhibitions; providing penalties; amending s. 561.17,  
103 | F.S.; revising application requirements for alcoholic  
104 | beverage licenses; amending s. 561.20, F.S.; providing for  
105 | the issuance of special alcoholic beverage licenses to  
106 | certain movie theaters; limiting the on-premises sale of  
107 | alcoholic beverages to certain areas within such movie  
108 | theaters and times; requiring such movie theaters to pay  
109 | alcoholic beverage license taxes at a specified rate and  
110 | keep certain records for a specified time; amending s.  
111 | 561.32, F.S.; deleting a provision that applies the  
112 | maximum fee for the transfer of certain inactive alcoholic

113 beverage licenses; reenacting ss. 468.436(2) (a),  
 114 468.832(1) (a), 468.842(1) (a), 471.033(1) (a),  
 115 473.323(1) (a), 475.25(1) (a), 475.624(1), 476.204(1) (h),  
 116 477.029(1) (h), 481.225(1) (a), and 481.325(1) (a), F.S.,  
 117 relating to disciplinary proceedings for community  
 118 association managers, home inspectors, mold assessors,  
 119 mold remediators, engineers, certified public accountants,  
 120 real estate brokers and sales associates, real estate  
 121 appraisers, barbers, cosmetologists, architects, and  
 122 landscape architects, to incorporate the amendment made to  
 123 s. 455.227, F.S., in references thereto; reenacting s.  
 124 468.8314(2), F.S., relating to the licensure of home  
 125 inspectors, to incorporate the amendment made to s.  
 126 468.832, F.S., in a reference thereto; providing an  
 127 effective date.

128  
 129 Be It Enacted by the Legislature of the State of Florida:

130  
 131 Section 1. Subsection (4) of section 20.165, Florida  
 132 Statutes, is amended to read:

133 20.165 Department of Business and Professional  
 134 Regulation.—There is created a Department of Business and  
 135 Professional Regulation.

136 (4) (a) The following boards and programs are established  
 137 within the Division of Professions:

138 1. Board of Architecture and Interior Design, created  
 139 under part I of chapter 481.

140 2. Florida Board of Auctioneers, created under part VI of

HB 713

2010

- 141 chapter 468.
- 142 3. Barbers' Board, created under chapter 476.
- 143 4. Florida Building Code Administrators and Inspectors
- 144 Board, created under part XII of chapter 468.
- 145 5. Construction Industry Licensing Board, created under
- 146 part I of chapter 489.
- 147 6. Board of Cosmetology, created under chapter 477.
- 148 7. Electrical Contractors' Licensing Board, created under
- 149 part II of chapter 489.
- 150 8. Board of Employee Leasing Companies, created under part
- 151 XI of chapter 468.
- 152 9. Board of Landscape Architecture, created under part II
- 153 of chapter 481.
- 154 10. Board of Pilot Commissioners, created under chapter
- 155 310.
- 156 11. Board of Professional Engineers, created under chapter
- 157 471.
- 158 12. Board of Professional Geologists, created under
- 159 chapter 492.
- 160 13. Board of Veterinary Medicine, created under chapter
- 161 474.
- 162 14. Home inspection services licensing program, created
- 163 under part XV of chapter 468.
- 164 15. Mold-related services licensing program, created under
- 165 part XVI of chapter 468.
- 166 (b) The following board and commission are established
- 167 within the Division of Real Estate:
- 168 1. Florida Real Estate Appraisal Board, created under part

HB 713

2010

169 II of chapter 475.

170 2. Florida Real Estate Commission, created under part I of  
171 chapter 475.

172 (c) The following board is established within the Division  
173 of Certified Public Accounting:

174 ~~1.~~ Board of Accountancy, created under chapter 473.

175 Section 2. Subsection (2) of section 215.37, Florida  
176 Statutes, is amended to read:

177 215.37 Department of Business and Professional Regulation  
178 and the boards to be financed from fees collected; deposit of  
179 funds; service charge; appropriation.—

180 (2) The regulation ~~by the department~~ of professions, as  
181 defined in s. 455.01 ~~chapter 455,~~ by the department shall be  
182 financed solely from revenue collected by it from fees and other  
183 charges and deposited in the Professional Regulation Trust Fund,  
184 and all such revenue is hereby appropriated to the department.  
185 However, it is legislative intent that each profession shall  
186 operate within its anticipated fees.

187 Section 3. Section 455.017, Florida Statutes, is amended  
188 to read:

189 455.017 Applicability of this chapter. ~~The provisions of~~  
190 This chapter applies ~~apply~~ only to the regulation ~~by the~~  
191 ~~department~~ of professions by the department.

192 Section 4. Section 455.02, Florida Statutes, is amended to  
193 read:

194 455.02 Licensure of members of the Armed Forces in good  
195 standing with administrative boards and their spouses.—

196 (1) Any member of the Armed Forces of the United States

HB 713

2010

197 now or hereafter on active duty who, at the time of becoming  
 198 such a member, was in good standing with any administrative  
 199 board of the state and was entitled to practice or engage in his  
 200 or her profession or vocation in the state shall be kept in good  
 201 standing by such administrative board, without registering,  
 202 paying dues or fees, or performing any other act on his or her  
 203 part to be performed, as long as he or she is a member of the  
 204 Armed Forces of the United States on active duty and for a  
 205 period of 6 months after discharge from active duty as a member  
 206 of the Armed Forces of the United States, ~~if provided~~ he or she  
 207 is not engaged in his or her licensed profession or vocation in  
 208 the private sector for profit.

209 (2) The boards listed in s. 20.165 shall adopt ~~promulgate~~  
 210 rules that exempt ~~exempting~~ the spouse ~~spouses~~ of a member  
 211 ~~members~~ of the Armed Forces of the United States from licensure  
 212 renewal provisions, but only in cases of his or her absence from  
 213 the state because of his or her spouse's ~~their spouses'~~ duties  
 214 with the Armed Forces.

215 (3) (a) The department may issue a temporary professional  
 216 license to the spouse of an active duty member of the Armed  
 217 Forces of the United States if the spouse applies to the  
 218 department in the format prescribed by the department. An  
 219 application must include:

220 1. Proof that the applicant is married to a member of the  
 221 Armed Forces of the United States who is on active duty.

222 2. Proof that the applicant holds a valid license for the  
 223 profession issued by another state, the District of Columbia,  
 224 any possession or territory of the United States, or any foreign

HB 713

2010

225 jurisdiction.

226 3. Proof that the applicant's spouse is assigned to a duty  
227 station in this state and that the applicant is also assigned to  
228 a duty station in this state pursuant to the member's official  
229 active duty military orders.

230 4. Proof that a complete set of the applicant's  
231 fingerprints are submitted to the Department of Law Enforcement  
232 for a statewide criminal history check. The Department of Law  
233 Enforcement shall forward the fingerprints to the Federal Bureau  
234 of Investigation for a national criminal history check. The  
235 department shall, and the board may, review the results of the  
236 criminal history checks according to the level 2 screening  
237 standards in s. 435.04 and determine whether the applicant meets  
238 the licensure requirements. The costs of fingerprint processing  
239 shall be borne by the applicant. If the applicant's fingerprints  
240 are submitted through an authorized agency or vendor, the agency  
241 or vendor shall collect the required processing fees and remit  
242 the fees to the Department of Law Enforcement.

243 (b) An application must be accompanied by an application  
244 fee prescribed by the department that is sufficient to cover the  
245 cost of issuance of the temporary license.

246 (c) A temporary license expires 6 months after the date of  
247 issuance and is not renewable.

248 Section 5. Subsection (2) of section 455.213, Florida  
249 Statutes, is amended to read:

250 455.213 General licensing provisions.—

251 (2) Before the issuance of any license, the department may  
252 charge an initial license fee as determined by rule of the

HB 713

2010

253 applicable board or, if no such board exists, by rule of the  
 254 department. Upon receipt of the appropriate license fee, except  
 255 as provided in subsection (3), the department shall issue a  
 256 license to any person certified by the appropriate board, or its  
 257 designee, or the department when there is no board, as having  
 258 met the applicable requirements imposed by law or rule. However,  
 259 an applicant who is not otherwise qualified for licensure is not  
 260 entitled to licensure solely based on a passing score on a  
 261 required examination. Upon a determination by the department  
 262 that it erroneously issued a license, or upon the revocation of  
 263 a license by the applicable board, or by the department when  
 264 there is no board, the licensee must surrender his or her  
 265 license to the department.

266 Section 6. Subsections (1) and (3) of section 455.217,  
 267 Florida Statutes, are amended to read:

268 455.217 Examinations.—This section shall be read in  
 269 conjunction with the appropriate practice act associated with  
 270 each regulated profession under this chapter.

271 (1) The Division of Professions ~~Service Operations~~ of the  
 272 Department of Business and Professional Regulation shall  
 273 provide, contract, or approve services for the development,  
 274 preparation, administration, scoring, score reporting, and  
 275 evaluation of all examinations. The division shall seek the  
 276 advice of the appropriate board in providing such services.

277 (a) The department, acting in conjunction with the  
 278 Division of Service Operations, the Division of Professions, and  
 279 the Division of Real Estate, as appropriate, shall ensure that  
 280 examinations adequately and reliably measure an applicant's

HB 713

2010

281 ability to practice the profession regulated by the department.  
282 After an examination developed or approved by the department has  
283 been administered, the board or department may reject any  
284 question which does not reliably measure the general areas of  
285 competency specified in the rules of the board or department,  
286 when there is no board. The department shall use qualified  
287 outside testing vendors for the development, preparation, and  
288 evaluation of examinations, when such services are economically  
289 and viably available and approved by the department.

290 (b) For each examination developed by the department or  
291 contracted vendor, to the extent not otherwise specified by  
292 statute, the board or the department when there is no board,  
293 shall by rule specify the general areas of competency to be  
294 covered by the examination, the relative weight to be assigned  
295 in grading each area tested, the score necessary to achieve a  
296 passing grade, and the fees, where applicable, to cover the  
297 actual cost for any purchase, development, and administration of  
298 the required examination. However, statutory fee caps in each  
299 practice act shall apply. This subsection does not apply to  
300 national examinations approved and administered pursuant to  
301 paragraph (d).

302 (c) If a practical examination is deemed to be necessary,  
303 rules shall specify the criteria by which examiners are to be  
304 selected, the grading criteria to be used by the examiner, the  
305 relative weight to be assigned in grading each criterion, and  
306 the score necessary to achieve a passing grade. When a mandatory  
307 standardization exercise for a practical examination is required  
308 by law, the board may conduct such exercise. Therefore, board

HB 713

2010

309 members may serve as examiners at a practical examination with  
310 the consent of the board.

311 (d) A board, or the department when there is no board, may  
312 approve by rule the use of any national examination which the  
313 department has certified as meeting requirements of national  
314 examinations and generally accepted testing standards pursuant  
315 to department rules. Providers of examinations, which may be  
316 either profit or nonprofit entities, seeking certification by  
317 the department shall pay the actual costs incurred by the  
318 department in making a determination regarding the  
319 certification. The department shall use any national examination  
320 which is available, certified by the department, and approved by  
321 the board. The name and number of a candidate may be provided to  
322 a national contractor for the limited purpose of preparing the  
323 grade tape and information to be returned to the board or  
324 department or, to the extent otherwise specified by rule, the  
325 candidate may apply directly to the vendor of the national  
326 examination. The department may delegate to the board the duty  
327 to provide and administer the examination. Any national  
328 examination approved by a board, or the department when there is  
329 no board, prior to October 1, 1997, is deemed certified under  
330 this paragraph. Any licensing or certification examination that  
331 is not developed or administered by the department in-house or  
332 provided as a national examination shall be competitively bid.

333 (e) The department shall adopt rules regarding the  
334 security and monitoring of examinations. In order to maintain  
335 the security of examinations, the department may employ the  
336 procedures set forth in s. 455.228 to seek fines and injunctive

HB 713

2010

337 relief against an examinee who violates the provisions of s.  
338 455.2175 or the rules adopted pursuant to this paragraph. The  
339 department, or any agent thereof, may, for the purposes of  
340 investigation, confiscate any written, photographic, or  
341 recording material or device in the possession of the examinee  
342 at the examination site which the department deems necessary to  
343 enforce such provisions or rules.

344 (f) If the professional board with jurisdiction over an  
345 examination concurs, the department may, for a fee, share with  
346 any other state's licensing authority an examination developed  
347 by or for the department unless prohibited by a contract entered  
348 into by the department for development or purchase of the  
349 examination. The department, with the concurrence of the  
350 appropriate board, shall establish guidelines that ensure  
351 security of a shared exam and shall require that any other  
352 state's licensing authority comply with those guidelines. Those  
353 guidelines shall be approved by the appropriate professional  
354 board. All fees paid by the user shall be applied to the  
355 department's examination and development program for professions  
356 regulated by this chapter. All fees paid by the user for  
357 professions not regulated by this chapter shall be applied to  
358 offset the fees for the development and administration of that  
359 profession's examination. If both a written and a practical  
360 examination are given, an applicant shall be required to retake  
361 only the portion of the examination for which he or she failed  
362 to achieve a passing grade, if he or she successfully passes  
363 that portion within a reasonable time of his or her passing the  
364 other portion.

HB 713

2010

365 (3) Except for national examinations approved and  
 366 administered pursuant to paragraph (1)(d), the department shall  
 367 provide procedures for applicants who have taken and failed an  
 368 examination developed by the department or a contracted vendor  
 369 to review their most recently administered examination  
 370 questions, answers, papers, grades, and grading key for the  
 371 questions the candidate answered incorrectly or, if not  
 372 feasible, the parts of the examination failed. Applicants shall  
 373 bear the actual cost for the department to provide examination  
 374 review pursuant to this subsection. An applicant may waive in  
 375 writing the confidentiality of his or her examination grades.

376 Section 7. Section 455.2175, Florida Statutes, is amended  
 377 to read:

378 455.2175 Penalty for theft or reproduction of an  
 379 examination.—In addition to, or in lieu of, any other discipline  
 380 imposed pursuant to s. 455.227, the theft of an examination in  
 381 whole or in part or the act of reproducing or copying any  
 382 examination administered by the department, whether such  
 383 examination is reproduced or copied in part or in whole and by  
 384 any means, constitutes a felony of the third degree, punishable  
 385 as provided in s. 775.082, s. 775.083, or s. 775.084. An  
 386 examinee whose examination materials are confiscated is not  
 387 permitted to take another examination until the criminal  
 388 investigation reveals that the examinee did not violate this  
 389 section.

390 Section 8. Paragraph (c) of subsection (1) of section  
 391 455.227, Florida Statutes, is amended to read:

392 455.227 Grounds for discipline; penalties; enforcement.—

HB 713

2010

393 (1) The following acts shall constitute grounds for which  
394 the disciplinary actions specified in subsection (2) may be  
395 taken:

396 (c) Being convicted or found guilty of, or entering a plea  
397 of guilty or nolo contendere to, regardless of adjudication, a  
398 crime in any jurisdiction which relates to the practice of, or  
399 the ability to practice, a licensee's profession.

400 Section 9. Subsection (1) of section 455.228, Florida  
401 Statutes, is amended to read:

402 455.228 Unlicensed practice of a profession; cease and  
403 desist notice; civil penalty; enforcement; citations; allocation  
404 of moneys collected.—

405 (1) When the department has probable cause to believe that  
406 any person not licensed by the department, or the appropriate  
407 regulatory board within the department, has violated any  
408 provision of this chapter or any statute that relates to the  
409 practice of a profession regulated by the department, or any  
410 rule adopted pursuant thereto, the department may issue and  
411 deliver to such person a notice to cease and desist from such  
412 violation. In addition, the department may issue and deliver a  
413 notice to cease and desist to any person who aids and abets the  
414 unlicensed practice of a profession by employing such unlicensed  
415 person. The issuance of a notice to cease and desist shall not  
416 constitute agency action for which a hearing under ss. 120.569  
417 and 120.57 may be sought. For the purpose of enforcing a cease  
418 and desist notice ~~order~~, the department may file a proceeding in  
419 the name of the state seeking issuance of an injunction or a  
420 writ of mandamus against any person who violates any provisions

HB 713

2010

421 of such notice ~~order~~. In addition to the foregoing remedies, the  
 422 department may impose an administrative penalty not to exceed  
 423 \$5,000 per incident pursuant to the provisions of chapter 120 or  
 424 may issue a citation pursuant to the provisions of subsection  
 425 (3). If the department is required to seek enforcement of the  
 426 notice ~~order~~ for a penalty pursuant to s. 120.569, it shall be  
 427 entitled to collect its attorney's fees and costs, together with  
 428 any cost of collection.

429 Section 10. Section 455.274, Florida Statutes, is created  
 430 to read:

431 455.274 Publication of legal advertisements and notices.-

432 (1) Notwithstanding s. 49.10, when the department is  
 433 required to publish a notice of action for any proceeding  
 434 involving a licensee, in lieu of publishing the notice of action  
 435 in a newspaper, the department may publish the notice of action  
 436 for 4 consecutive weeks on the department's Internet website in  
 437 a designated section of the website that pertains to the  
 438 licensee's profession.

439 (2) Notwithstanding s. 50.011, when the department is  
 440 required or authorized to publish a legal advertisement or  
 441 notice for any purpose described in s. 50.011 involving a  
 442 licensee, in lieu of publishing the legal advertisement or  
 443 notice in a newspaper, the department may publish the legal  
 444 advertisement or notice on the department's Internet website in  
 445 a designated section of the website that pertains to the  
 446 licensee's profession.

447 (3) Notwithstanding s. 120.60(5), when the department is  
 448 required to publish notice to a licensee of the revocation,

HB 713

2010

449 suspension, annulment, or withdrawal of his or her license, if  
 450 personal service cannot be made to the licensee and the  
 451 certified mail notice is returned undelivered, in lieu of  
 452 publishing the notice in a newspaper, the department may publish  
 453 the notice for 4 consecutive weeks on the department's Internet  
 454 website in a designated section of the website that pertains to  
 455 the licensee's profession.

456 Section 11. Section 468.83, Florida Statutes, is amended  
 457 to read:

458 468.83 Home inspection services licensing program;  
 459 purpose.—

460 (1) There is created within the department the home  
 461 inspection services licensing program.

462 (2) The Legislature recognizes that there is a need to  
 463 require the licensing of home inspectors and to ensure that  
 464 consumers of home inspection services can rely on the competence  
 465 of home inspectors, as determined by educational and experience  
 466 requirements and testing. Therefore, the Legislature deems it  
 467 necessary in the interest of the public welfare to regulate home  
 468 inspectors in this state.

469 Section 12. Subsection (4) of section 468.8311, Florida  
 470 Statutes, is amended to read:

471 468.8311 Definitions.—As used in this part, the term:

472 (4) "Home inspection services" means a limited visual  
 473 examination of ~~one or more~~ of the following readily accessible  
 474 installed systems and components of a home: the structure,  
 475 electrical system, HVAC system, roof covering, plumbing system,  
 476 interior components, exterior components, and site conditions

HB 713

2010

477 that affect the structure, for the purposes of providing a  
 478 written professional opinion of the condition of the home.

479 Section 13. Subsections (5) through (8) of section  
 480 468.8312, Florida Statutes, are renumbered as subsections (4)  
 481 through (7), respectively, and present subsection (4) of that  
 482 section is amended to read:

483 468.8312 Fees.—

484 ~~(4) The fee for a certificate of authorization shall not~~  
 485 ~~exceed \$125.~~

486 Section 14. Subsections (1) and (2) of section 468.8313,  
 487 Florida Statutes, are amended, and paragraph (d) is added to  
 488 subsection (5) of that section, to read:

489 468.8313 Examinations.—

490 (1) A person desiring to be licensed as a home inspector  
 491 must shall apply to the department after satisfying the  
 492 examination requirements of this part to take a licensure  
 493 examination.

494 (2) An applicant may shall be entitled to take the  
 495 licensure examination for the purpose of determining whether he  
 496 or she is qualified to practice in this state as a home  
 497 inspector if he or she passes the required examination, the  
 498 applicant is of good moral character, and completes has  
 499 completed a course of study of at least no less than 120 hours  
 500 that covers all of the following components of a home:  
 501 structure, electrical system, HVAC system, roof covering,  
 502 plumbing system, interior components, exterior components, and  
 503 site conditions that affect the structure.

504 (5)

HB 713

2010

505        (d) An initial applicant must submit a complete set of his  
506 or her fingerprints to the Department of Law Enforcement for a  
507 statewide criminal history check. The Department of Law  
508 Enforcement shall forward the fingerprints to the Federal Bureau  
509 of Investigation for a national criminal history check. The  
510 department shall review the results of the criminal history  
511 checks according to the level 2 screening standards in s. 435.04  
512 and determine whether the applicant meets the licensure  
513 requirements. The costs of fingerprint processing shall be borne  
514 by the applicant. If the applicant's fingerprints are submitted  
515 through an authorized agency or vendor, the agency or vendor  
516 shall collect the required processing fees and remit the fees to  
517 the Department of Law Enforcement.

518        Section 15. Section 468.8318, Florida Statutes, is amended  
519 to read:

520        468.8318 Certification of corporations and partnerships.—

521        ~~(1) The department shall issue a certificate of~~  
522 ~~authorization to a corporation or partnership offering home~~  
523 ~~inspection services to the public if the corporation or~~  
524 ~~partnership satisfies all of the requirements of this part.~~

525        ~~(2)~~ The practice of or the offer to practice home  
526 inspection services by licensees through a corporation or  
527 partnership offering home inspection services to the public, or  
528 by a corporation or partnership offering such services to the  
529 public through licensees under this part as agents, employees,  
530 officers, or partners, is permitted subject to the provisions of  
531 this part, provided that all personnel of the corporation or  
532 partnership who act in its behalf as home inspectors in this

HB 713

2010

533 | state are licensed as provided by this part; ~~and further~~  
534 | ~~provided that the corporation or partnership has been issued a~~  
535 | ~~certificate of authorization by the department as provided in~~  
536 | ~~this section.~~ Nothing in this section shall be construed to  
537 | allow a corporation to hold a license to practice home  
538 | inspection services. No corporation or partnership shall be  
539 | relieved of responsibility for the conduct or acts of its  
540 | agents, employees, or officers by reason of its compliance with  
541 | this section, nor shall any individual practicing home  
542 | inspection services be relieved of responsibility for  
543 | professional services performed by reason of his or her  
544 | employment or relationship with a corporation or partnership.

545 | ~~(3) For the purposes of this section, a certificate of~~  
546 | ~~authorization shall be required for a corporation, partnership,~~  
547 | ~~association, or person practicing under a fictitious name and~~  
548 | ~~offering home inspection services to the public; however, when~~  
549 | ~~an individual is practicing home inspection services in his or~~  
550 | ~~her own given name, he or she shall not be required to register~~  
551 | ~~under this section.~~

552 | ~~(4) Each certificate of authorization shall be renewed~~  
553 | ~~every 2 years. Each partnership and corporation certified under~~  
554 | ~~this section shall notify the department within 1 month of any~~  
555 | ~~change in the information contained in the application upon~~  
556 | ~~which the certification is based.~~

557 | ~~(5) Disciplinary action against a corporation or~~  
558 | ~~partnership shall be administered in the same manner and on the~~  
559 | ~~same grounds as disciplinary action against a licensed home~~  
560 | ~~inspector.~~

HB 713

2010

561 Section 16. Section 468.8319, Florida Statutes, is amended  
 562 to read:

563 468.8319 Prohibitions; penalties.—

564 (1) A home inspector, a company that employs a home  
 565 inspector, or a company that is controlled by a company that  
 566 also has a financial interest in a company employing a home  
 567 inspector may not:

568 (a) Practice or offer to practice home inspection services  
 569 unless the person has complied with the provisions of this part;

570 (b) Use the name or title "certified home inspector,"  
 571 "registered home inspector," "licensed home inspector," "home  
 572 inspector," "professional home inspector," or any combination  
 573 thereof unless the person has complied with the provisions of  
 574 this part;

575 (c) Present as his or her own the license of another;

576 (d) Knowingly give false or forged evidence to the  
 577 department or an employee thereof;

578 (e) Use or attempt to use a license that has been  
 579 suspended or revoked;

580 (f) Perform or offer to perform, ~~prior to closing, for any~~  
 581 ~~additional fee,~~ any repairs to a home on which the inspector or  
 582 the inspector's company has prepared a home inspection report.  
 583 This paragraph does not apply to a home warranty company that is  
 584 affiliated with or retains a home inspector to perform repairs  
 585 pursuant to a claim made under a home warranty contract;

586 (g) Inspect ~~for a fee~~ any property in which the inspector  
 587 or the inspector's company has any financial or transfer  
 588 interest;

HB 713

2010

589 (h) Offer or deliver any compensation, inducement, or  
 590 reward to any broker or agent therefor for the referral of the  
 591 owner of the inspected property to the inspector or the  
 592 inspection company; or

593 (i) Accept an engagement to make an omission or prepare a  
 594 report in which the inspection itself, or the fee payable for  
 595 the inspection, is contingent upon either the conclusions in the  
 596 report, preestablished findings, or the close of escrow.

597 (2) Any person who is found to be in violation of any  
 598 provision of this section commits a misdemeanor of the first  
 599 degree, punishable as provided in s. 775.082 or s. 775.083.

600 (3) This section does not apply to unlicensed activity as  
 601 described in paragraph (1)(a), paragraph (1)(b), or s. 455.228  
 602 that occurs before July 1, 2011.

603 Section 17. Paragraph (j) is added to subsection (1) of  
 604 section 468.832, Florida Statutes, to read:

605 468.832 Disciplinary proceedings.—

606 (1) The following acts constitute grounds for which the  
 607 disciplinary actions in subsection (2) may be taken:

608 (j) Failing to meet any standard of practice adopted by  
 609 rule of the department.

610 Section 18. Section 468.8324, Florida Statutes, is amended  
 611 to read:

612 468.8324 Grandfather clause.—

613 (1) A person who performs home inspection services as  
 614 defined in this part may qualify for licensure ~~to be licensed~~ by  
 615 the department as a home inspector if the person submits his or  
 616 her application to the department by March 1, 2011, whether

HB 713

2010

617 postmarked or delivered by that date, and if the person: ~~meets~~  
618 ~~the licensure requirements of this part by July 1, 2010.~~

619 (a) Is certified as a home inspector by a state or  
620 national association that requires, for such certification,  
621 successful completion of a proctored examination on home  
622 inspection services and completes at least 14 hours of  
623 verifiable education on such services; or

624 (b) At the time of application, has at least 3 years of  
625 experience as a home inspector and completes at least 14 hours  
626 of verifiable education on home inspection services. To  
627 establish the 3 years of experience, an applicant must submit at  
628 least 120 home inspection reports prepared by the applicant.

629 (2) The department may investigate the validity of a home  
630 inspection report submitted under paragraph (1)(b) and, if the  
631 applicant submits a false report, may take disciplinary action  
632 against the applicant under s. 468.832(1)(e) or (g).

633 (3) An applicant may not qualify for licensure under this  
634 section if he or she has had a home inspector license or a  
635 license in any related field revoked at any time or suspended  
636 within the previous 5 years or has been assessed a fine that  
637 exceeds \$500 within the previous 5 years. For purposes of this  
638 subsection, a license in a related field includes, but is not  
639 limited to, licensure in real estate, construction, mold-related  
640 services, or building code administration or inspection.

641 (4) An applicant for licensure under this section must  
642 comply with the criminal history, good moral character, and  
643 insurance requirements of this part.

644 Section 19. Section 468.8325, Florida Statutes, is created

HB 713

2010

645 to read:

646 468.8325 Rulemaking authority.—The department shall adopt  
 647 rules to administer this part.

648 Section 20. Section 468.84, Florida Statutes, is amended  
 649 to read:

650 468.84 Mold-related services licensing program;  
 651 legislative purpose.—

652 (1) There is created within the department the mold-  
 653 related services licensing program.

654 (2) The Legislature finds it necessary in the interest of  
 655 the public safety and welfare, to prevent damage to real and  
 656 personal property, to avert economic injury to the residents of  
 657 this state, and to regulate persons and companies that hold  
 658 themselves out to the public as qualified to perform mold-  
 659 related services.

660 Section 21. Subsections (7) through (10) of section  
 661 468.8412, Florida Statutes, are renumbered as subsections (6)  
 662 through (9), respectively, and present subsection (6) of that  
 663 section is amended to read:

664 468.8412 Fees.—

665 ~~(6) The fee for a biennial certificate of authorization~~  
 666 ~~renewal shall not exceed \$400.~~

667 Section 22. Subsections (1) and (2) of section 468.8413,  
 668 Florida Statutes, are amended, and paragraph (d) is added to  
 669 subsection (4) of that section, to read:

670 468.8413 Examinations.—

671 (1) A person desiring to be licensed as a mold assessor or  
 672 mold remediator must ~~shall~~ apply to the department after

HB 713

2010

673 satisfying the examination requirements of this part ~~to take a~~  
 674 ~~licensure examination.~~

675 (2) An applicant may ~~shall be entitled to take the~~  
 676 ~~licensure examination to~~ practice in this state as a mold  
 677 assessor or mold remediator if he or she passes the required  
 678 examination, the applicant is of good moral character, and  
 679 completes ~~has satisfied~~ one of the following requirements:

680 (a)1. For a mold remediator, at least a 2-year associate  
 681 of arts degree, or the equivalent, with at least 30 semester  
 682 hours in microbiology, engineering, architecture, industrial  
 683 hygiene, occupational safety, or a related field of science from  
 684 an accredited institution and a minimum of 1 year of documented  
 685 field experience in a field related to mold remediation; or

686 2. A high school diploma or the equivalent with a minimum  
 687 of 4 years of documented field experience in a field related to  
 688 mold remediation.

689 (b)1. For a mold assessor, at least a 2-year associate of  
 690 arts degree, or the equivalent, with at least 30 semester hours  
 691 in microbiology, engineering, architecture, industrial hygiene,  
 692 occupational safety, or a related field of science from an  
 693 accredited institution and a minimum of 1 year of documented  
 694 field experience in conducting microbial sampling or  
 695 investigations; or

696 2. A high school diploma or the equivalent with a minimum  
 697 of 4 years of documented field experience in conducting  
 698 microbial sampling or investigations.

699 (4)

700 (d) An initial applicant must submit a complete set of his

HB 713

2010

701 or her fingerprints to the Department of Law Enforcement for a  
 702 statewide criminal history check. The Department of Law  
 703 Enforcement shall forward the fingerprints to the Federal Bureau  
 704 of Investigation for a national criminal history check. The  
 705 department shall review the results of the criminal history  
 706 checks according to the level 2 screening standards in s. 435.04  
 707 and determine whether the applicant meets the licensure  
 708 requirements. The costs of fingerprint processing shall be borne  
 709 by the applicant. If the applicant's fingerprints are submitted  
 710 through an authorized agency or vendor, the agency or vendor  
 711 shall collect the required processing fees and remit the fees to  
 712 the Department of Law Enforcement.

713 Section 23. Subsection (3) of section 468.8414, Florida  
 714 Statutes, is amended to read:

715 468.8414 Licensure.—

716 (3) The department shall certify as qualified for a  
 717 license by endorsement an applicant who is of good moral  
 718 character, who has the insurance coverage required under s.  
 719 468.8421, and who:

720 (a) Is qualified to take the examination as set forth in  
 721 s. 468.8413 and has passed a certification examination offered  
 722 by a nationally recognized organization that certifies persons  
 723 in the specialty of mold assessment or mold remediation that has  
 724 been approved by the department as substantially equivalent to  
 725 the requirements of this part and s. 455.217; or

726 (b) Holds a valid license to practice mold assessment or  
 727 mold remediation issued by another state or territory of the  
 728 United States if the criteria for issuance of the license were

HB 713

2010

729 substantially the same as the licensure criteria that is  
 730 established by this part as determined by the department.

731 Section 24. Section 468.8418, Florida Statutes, is amended  
 732 to read:

733 468.8418 Certification of partnerships and corporations.-

734 ~~(1) The department shall issue a certificate of~~  
 735 ~~authorization to a corporation or partnership offering mold~~  
 736 ~~assessment or mold remediation services to the public if the~~  
 737 ~~corporation or partnership satisfies all of the requirements of~~  
 738 ~~this part.~~

739 ~~(2)~~ The practice of or the offer to practice mold  
 740 assessment or mold remediation by licensees through a  
 741 corporation or partnership offering mold assessment or mold  
 742 remediation to the public, or by a corporation or partnership  
 743 offering such services to the public through licensees under  
 744 this part as agents, employees, officers, or partners, is  
 745 permitted subject to the provisions of this part, ~~provided that~~  
 746 ~~the corporation or partnership has been issued a certificate of~~  
 747 ~~authorization by the department as provided in this section.~~  
 748 Nothing in this section shall be construed to allow a  
 749 corporation to hold a license to practice mold assessment or  
 750 mold remediation. No corporation or partnership shall be  
 751 relieved of responsibility for the conduct or acts of its  
 752 agents, employees, or officers by reason of its compliance with  
 753 this section, nor shall any individual practicing mold  
 754 assessment or mold remediation be relieved of responsibility for  
 755 professional services performed by reason of his or her  
 756 employment or relationship with a corporation or partnership.

HB 713

2010

757       ~~(3) For the purposes of this section, a certificate of~~  
758 ~~authorization shall be required for a corporation, partnership,~~  
759 ~~association, or person practicing under a fictitious name,~~  
760 ~~offering mold assessment or mold remediation; however, when an~~  
761 ~~individual is practicing mold assessment or mold remediation~~  
762 ~~under his or her own given name, he or she shall not be required~~  
763 ~~to register under this section.~~

764       ~~(4) Each certificate of authorization shall be renewed~~  
765 ~~every 2 years. Each partnership and corporation certified under~~  
766 ~~this section shall notify the department within 1 month of any~~  
767 ~~change in the information contained in the application upon~~  
768 ~~which the certification is based.~~

769       ~~(5) Disciplinary action against a corporation or~~  
770 ~~partnership shall be administered in the same manner and on the~~  
771 ~~same grounds as disciplinary action against a licensed mold~~  
772 ~~assessor or mold remediator.~~

773       Section 25. Section 468.8419, Florida Statutes, is amended  
774 to read:

775       468.8419 Prohibitions; penalties.—

776       (1) A mold assessor, a company that employs a mold  
777 assessor, or a company that is controlled by a company that also  
778 has a financial interest in a company employing a mold assessor  
779 may not:

780       (a) Perform or offer to perform any mold assessment unless  
781 the mold assessor has documented training in water, mold, and  
782 respiratory protection under s. 468.8414(2).

783       (b) Perform or offer to perform any mold assessment unless  
784 the person has complied with the provisions of this part.

HB 713

2010

785 (c) Use the name or title "certified mold assessor,"  
786 "registered mold assessor," "licensed mold assessor," "mold  
787 assessor," "professional mold assessor," or any combination  
788 thereof unless the person has complied with the provisions of  
789 this part.

790 (d) Perform or offer to perform any mold remediation to a  
791 structure on which the mold assessor or the mold assessor's  
792 company provided a mold assessment within the last 12 months.

793 (e) Inspect for a fee any property in which the assessor  
794 or the assessor's company has any financial or transfer  
795 interest.

796 (f) Accept any compensation, inducement, or reward from a  
797 mold remediator or mold remediator's company for the referral of  
798 any business to the mold remediator or the mold remediator's  
799 company.

800 (g) Offer any compensation, inducement, or reward to a  
801 mold remediator or mold remediator's company for the referral of  
802 any business from the mold remediator or the mold remediator's  
803 company.

804 (h) Accept an engagement to make an omission of the  
805 assessment or conduct an assessment in which the assessment  
806 itself, or the fee payable for the assessment, is contingent  
807 upon the conclusions of the assessment.

808 (2) A mold remediator, a company that employs a mold  
809 remediator, or a company that is controlled by a company that  
810 also has a financial interest in a company employing a mold  
811 remediator may not:

812 (a) Perform or offer to perform any mold remediation

HB 713

2010

813 unless the remediator has documented training in water, mold,  
814 and respiratory protection under s. 468.8414(2).

815 (b) Perform or offer to perform any mold remediation  
816 unless the person has complied with the provisions of this part.

817 (c) Use the name or title "certified mold remediator,"  
818 "registered mold remediator," "licensed mold remediator," "mold  
819 remediator," "professional mold remediator," or any combination  
820 thereof unless the person has complied with the provisions of  
821 this part.

822 (d) Perform or offer to perform any mold assessment to a  
823 structure on which the mold remediator or the mold remediator's  
824 company provided a mold remediation within the last 12 months.

825 (e) Remediate for a fee any property in which the mold  
826 remediator or the mold remediator's company has any financial or  
827 transfer interest.

828 (f) Accept any compensation, inducement, or reward from a  
829 mold assessor or mold assessor's company for the referral of any  
830 business from the mold assessor or the mold assessor's company.

831 (g) Offer any compensation, inducement, or reward to a  
832 mold assessor or mold assessor's company for the referral of any  
833 business from the mold assessor or the mold assessor's company.

834 (3) Any person who violates any provision of this section  
835 commits:

836 (a) A misdemeanor of the second degree for a first  
837 violation, punishable as provided in s. 775.082 or s. 775.083.

838 (b) A misdemeanor of the first degree for a second  
839 violation, punishable as provided in s. 775.082 or s. 775.083.

840 (c) A felony of the third degree for a third or subsequent

HB 713

2010

841 violation, punishable as provided in s. 775.082, s. 775.083, or  
842 s. 775.084.

843 (4) This section does not apply to unlicensed activity as  
844 described in paragraph (1)(b), paragraph (1)(c), or s. 455.228  
845 that occurs before July 1, 2011.

846 Section 26. Paragraph (j) is added to subsection (1) of  
847 section 468.842, Florida Statutes, to read:

848 468.842 Disciplinary proceedings.—

849 (1) The following acts constitute grounds for which the  
850 disciplinary actions in subsection (2) may be taken:

851 (j) Failing to meet any standard of practice adopted by  
852 rule of the department.

853 Section 27. Subsection (1) of section 468.8421, Florida  
854 Statutes, is amended to read:

855 468.8421 Insurance.—

856 (1) A mold assessor shall maintain general liability and  
857 errors and omissions for both preliminary and postremediation  
858 mold assessment insurance coverage in an amount of at least \$1  
859 million not less than \$1,000,000.

860 Section 28. Section 468.8423, Florida Statutes, is amended  
861 to read:

862 468.8423 Grandfather clause.—

863 (1) A person who performs mold assessment or mold  
864 remediation as defined in this part may qualify for licensure ~~to~~  
865 ~~be licensed~~ by the department as a mold assessor or mold  
866 remediator if the person submits his or her application to the  
867 department by March 1, 2011, whether postmarked or delivered by  
868 that date, and if the person: ~~meets the licensure requirements~~

HB 713

2010

869 ~~of this part by July 1, 2010.~~

870 (a) Is certified as a mold assessor or mold remediator by  
871 a state or national association that requires, for such  
872 certification, successful completion of a proctored examination  
873 on mold assessment or mold remediation, as applicable, and  
874 completes at least 60 hours of education on mold assessment or  
875 at least 30 hours of education on mold remediation, as  
876 applicable; or

877 (b) At the time of application, has at least 3 years of  
878 experience as a mold assessor or mold remediator. To establish  
879 the 3 years of experience, an applicant must submit at least 40  
880 mold assessments or remediation invoices prepared by the  
881 applicant.

882 (2) The department may investigate the validity of a mold  
883 assessment or remediation invoice submitted under paragraph  
884 (1)(b) and, if the applicant submits a false assessment or  
885 invoice, may take disciplinary action against the applicant  
886 under s. 468.842(1)(e) or (g).

887 (3) An applicant may not qualify for licensure under this  
888 section if he or she has had a mold assessor or mold remediator  
889 license or a license in any related field revoked at any time or  
890 suspended within the previous 5 years or has been assessed a  
891 fine that exceeds \$500 within the previous 5 years. For purposes  
892 of this subsection, a license in a related field includes, but  
893 is not limited to, licensure in real estate, construction, home  
894 inspection, building code administration or inspection, or  
895 indoor air quality.

896 (4) An applicant for licensure under this section must

897 comply with the good moral character and insurance requirements  
 898 of this part.

899 Section 29. Section 468.8424, Florida Statutes, is created  
 900 to read:

901 468.8424 Rulemaking authority.—The department shall adopt  
 902 rules to administer this part.

903 Section 30. Subsection (2) of section 474.203, Florida  
 904 Statutes, is amended to read:

905 474.203 Exemptions.—This chapter shall not apply to:

906 (2) A person practicing as an intern or resident  
 907 veterinarian who does not hold a valid license issued under this  
 908 chapter and who is a graduate in training at a school or college  
 909 of veterinary medicine located in this state and accredited by  
 910 the American Veterinary Medical Association Council on Education  
 911 or a school or college recognized by the American Veterinary  
 912 Medical Association Commission for Foreign Veterinary Graduates.  
 913 Such intern or resident must be a graduate of a school or  
 914 college of veterinary medicine accredited by the American  
 915 Veterinary Medical Association Council on Education or a school  
 916 or college of veterinary medicine recognized by the Educational  
 917 Commission for Foreign Veterinary Graduates of the American  
 918 Veterinary Medical Association. This exemption expires when such  
 919 intern or resident completes or is terminated from such  
 920 training. Each school or college at which such intern or  
 921 resident is in training shall, on July 1 of each year, provide  
 922 the board with a written list of all such interns or residents  
 923 designated for this exemption, and the school or college shall  
 924 also notify the board of any additions or deletions to the list.

HB 713

2010

925  
 926 For the purposes of chapters 465 and 893, persons exempt  
 927 pursuant to subsection (1), subsection (2), or subsection (4)  
 928 are deemed to be duly licensed practitioners authorized by the  
 929 laws of this state to prescribe drugs or medicinal supplies.

930 Section 31. Paragraph (a) of subsection (1) of section  
 931 475.175, Florida Statutes, is amended to read:

932 475.175 Examinations.—

933 (1) A person shall be entitled to take the license  
 934 examination to practice in this state if the person:

935 (a) Submits to the department the appropriate signed or  
 936 electronically authenticated application, fingerprints, and fee,  
 937 ~~and a fingerprint card~~. The fingerprints ~~fingerprint card~~ shall  
 938 be forwarded to the Division of Criminal Justice Information  
 939 Systems within the Department of Law Enforcement for purposes of  
 940 processing the fingerprints ~~fingerprint card~~ to determine if the  
 941 applicant has a criminal history record. The fingerprints  
 942 ~~fingerprint card~~ shall also be forwarded to the Federal Bureau  
 943 of Investigation for purposes of processing the fingerprints  
 944 ~~fingerprint card~~ to determine if the applicant has a criminal  
 945 history record. The information obtained by the processing of  
 946 the fingerprints ~~fingerprint card~~ by the ~~Florida~~ Department of  
 947 Law Enforcement and the Federal Bureau of Investigation shall be  
 948 sent to the department for the purpose of determining if the  
 949 applicant is statutorily qualified for examination. ~~Effective~~  
 950 ~~July 1, 2006, an applicant shall provide fingerprints in~~  
 951 ~~electronic format.~~

952 Section 32. Subsection (1) of section 475.613, Florida

HB 713

2010

953 Statutes, is amended to read:

954 475.613 Florida Real Estate Appraisal Board.—

955 (1) There is created the Florida Real Estate Appraisal  
 956 Board, which shall consist of seven members appointed by the  
 957 Governor, subject to confirmation by the Senate. Four members of  
 958 the board must be real estate appraisers who have been engaged  
 959 in the general practice of appraising real property in this  
 960 state for at least 5 years immediately preceding appointment. In  
 961 appointing real estate appraisers to the board, while not  
 962 excluding other appraisers, the Governor shall give preference  
 963 to real estate appraisers who are not primarily engaged in real  
 964 estate brokerage or mortgage lending activities. One member of  
 965 the board must represent organizations that use appraisals for  
 966 the purpose of eminent domain proceedings, financial  
 967 transactions, or mortgage insurance. Two members of the board  
 968 shall be representatives of the general public and shall not be  
 969 connected in any way with the practice of real estate appraisal,  
 970 ~~real estate brokerage, or mortgage lending.~~ The appraiser  
 971 members shall be as representative of the entire industry as  
 972 possible, and membership in a nationally recognized or state-  
 973 recognized appraisal organization shall not be a prerequisite to  
 974 membership on the board. To the extent possible, no more than  
 975 two members of the board shall be primarily affiliated with any  
 976 one particular national or state appraisal association. Two of  
 977 the members must be licensed or certified residential real  
 978 estate appraisers and two of the members must be certified  
 979 general real estate appraisers at the time of their appointment.

980 (a) Members of the board shall be appointed for 4-year

HB 713

2010

981 terms. Any vacancy occurring in the membership of the board  
 982 shall be filled by appointment by the Governor for the unexpired  
 983 term. Upon expiration of her or his term, a member of the board  
 984 shall continue to hold office until the appointment and  
 985 qualification of the member's successor. A member may not be  
 986 appointed for more than two consecutive terms. The Governor may  
 987 remove any member for cause.

988 (b) The headquarters for the board shall be in Orlando.

989 (c) The board shall meet at least once each calendar  
 990 quarter to conduct its business.

991 (d) The members of the board shall elect a chairperson at  
 992 the first meeting each year.

993 (e) Each member of the board is entitled to per diem and  
 994 travel expenses as set by legislative appropriation for each day  
 995 that the member engages in the business of the board.

996 Section 33. Subsections (4) through (8) of section  
 997 477.019, Florida Statutes, are renumbered as subsections (3)  
 998 through (7), respectively, and paragraph (c) of subsection (2)  
 999 and present subsection (3) of that section are amended to read:

1000 477.019 Cosmetologists; qualifications; licensure;  
 1001 supervised practice; license renewal; endorsement; continuing  
 1002 education.—

1003 (2) An applicant shall be eligible for licensure by  
 1004 examination to practice cosmetology if the applicant:

1005 (c)1. Is authorized to practice cosmetology in another  
 1006 state or country, has been so authorized for at least 1 year,  
 1007 and does not qualify for licensure by endorsement as provided  
 1008 for in subsection (5) ~~(6)~~; or

HB 713

2010

- 1009           2. Has received a minimum of 1,200 hours of training as  
 1010 established by the board, which shall include, but shall not be  
 1011 limited to, the equivalent of completion of services directly  
 1012 related to the practice of cosmetology at one of the following:
- 1013           a. A school of cosmetology licensed pursuant to chapter
  - 1014 1005.
  - 1015           b. A cosmetology program within the public school system.
  - 1016           c. The Cosmetology Division of the Florida School for the
  - 1017 Deaf and the Blind, provided the division meets the standards of
  - 1018 this chapter.
  - 1019           d. A government-operated cosmetology program in this
  - 1020 state.

1021

1022 The board shall establish by rule procedures whereby the school  
 1023 or program may certify that a person is qualified to take the  
 1024 required examination after the completion of a minimum of 1,000  
 1025 actual school hours. If the person then passes the examination,  
 1026 he or she shall have satisfied this requirement; but if the  
 1027 person fails the examination, he or she shall not be qualified  
 1028 to take the examination again until the completion of the full  
 1029 requirements provided by this section.

1030           ~~(3) An application for the licensure examination for any~~  
 1031 ~~license under this section may be submitted for examination~~  
 1032 ~~approval in the last 100 hours of training by a pregraduate of a~~  
 1033 ~~licensed cosmetology school or a program within the public~~  
 1034 ~~school system, which school or program is certified by the~~  
 1035 ~~Department of Education with fees as required in paragraph~~  
 1036 ~~(2) (b). Upon approval, the applicant may schedule the~~

HB 713

2010

1037 ~~examination on a date when the training hours are completed. An~~  
 1038 ~~applicant shall have 6 months from the date of approval to take~~  
 1039 ~~the examination. After the 6 months have passed, if the~~  
 1040 ~~applicant failed to take the examination, the applicant must~~  
 1041 ~~reapply. The board shall establish by rule the procedures for~~  
 1042 ~~the pregraduate application process.~~

1043 Section 34. Subsection (4) of section 509.211, Florida  
 1044 Statutes, is amended to read:

1045 509.211 Safety regulations.—

1046 (4) Every enclosed space or room that contains a boiler  
 1047 regulated under chapter 554 which is fired by the direct  
 1048 application of energy from the combustion of fuels and that is  
 1049 located in any portion of a public lodging establishment that  
 1050 also contains sleeping rooms shall be equipped with one or more  
 1051 carbon monoxide sensor devices that bear the label of a  
 1052 nationally recognized testing laboratory and have been tested  
 1053 and listed as complying with the most recent Underwriters  
 1054 Laboratories, Inc., Standard 2034, or its equivalent, unless it  
 1055 is determined that carbon monoxide hazards have otherwise been  
 1056 adequately mitigated as determined by the Division of State Fire  
 1057 Marshal of the Department of Financial Services. Such devices  
 1058 shall be integrated with the public lodging establishment's fire  
 1059 detection system. Any such installation or determination shall  
 1060 be made in accordance with rules adopted by the Division of  
 1061 State Fire Marshal.

1062 Section 35. Section 548.076, Florida Statutes, is created  
 1063 to read:

1064 548.076 Cease and desist notices.—When the department has

HB 713

2010

1065 probable cause to believe that any person not licensed by the  
 1066 commission has violated any provision of this chapter, or any  
 1067 rule adopted pursuant thereto, the department may issue and  
 1068 deliver to such person a notice to cease and desist from such  
 1069 violation. The department shall issue and enforce such cease and  
 1070 desist notices in accordance with s. 455.228.

1071 Section 36. Subsection (1) of section 561.17, Florida  
 1072 Statutes, is amended to read:

1073 561.17 License and registration applications; approved  
 1074 person.—

1075 (1) Any person, before engaging in the business of  
 1076 manufacturing, bottling, distributing, selling, or in any way  
 1077 dealing in alcoholic beverages, shall file, with the district  
 1078 licensing personnel of the district of the division in which the  
 1079 place of business for which a license is sought is located, a  
 1080 sworn application in the format prescribed ~~duplicate on forms~~  
 1081 ~~provided to the district licensing personnel~~ by the division.  
 1082 The applicant must be a legal or business entity, person, or  
 1083 persons and must include all persons, officers, shareholders,  
 1084 and directors of such legal or business entity that have a  
 1085 direct or indirect interest in the business seeking to be  
 1086 licensed under this part. However, the applicant does not  
 1087 include any person that derives revenue from the license solely  
 1088 through a contractual relationship with the licensee, the  
 1089 substance of which contractual relationship is not related to  
 1090 the control of the sale of alcoholic beverages. Before ~~Prior to~~  
 1091 any application is ~~being~~ approved, the division may require the  
 1092 applicant to file a set of fingerprints on regular United States

HB 713

2010

1093 Department of Justice forms for herself or himself and for any  
 1094 person or persons interested directly or indirectly with the  
 1095 applicant in the business for which the license is being sought,  
 1096 when ~~so~~ required by the division. If the applicant or any person  
 1097 who is interested with the applicant either directly or  
 1098 indirectly in the business or who has a security interest in the  
 1099 license being sought or has a right to a percentage payment from  
 1100 the proceeds of the business, either by lease or otherwise, is  
 1101 not qualified, the division shall deny the application ~~shall be~~  
 1102 ~~denied by the division~~. However, any company regularly traded on  
 1103 a national securities exchange and not over the counter; any  
 1104 insurer, as defined in the Florida Insurance Code; or any bank  
 1105 or savings and loan association chartered by this state, another  
 1106 state, or the United States which has an interest, directly or  
 1107 indirectly, in an alcoholic beverage license is ~~shall~~ not ~~be~~  
 1108 required to obtain the division's ~~division~~ approval of its  
 1109 officers, directors, or stockholders or any change of such  
 1110 positions or interests. A shopping center with five or more  
 1111 stores, one or more of which has an alcoholic beverage license  
 1112 and is required under a lease common to all shopping center  
 1113 tenants to pay no more than 10 percent of the gross proceeds of  
 1114 the business holding the license to the shopping center, is  
 1115 ~~shall~~ not ~~be~~ considered as having an interest, directly or  
 1116 indirectly, in the license.

1117 Section 37. Paragraph (k) is added to subsection (2) of  
 1118 section 561.20, Florida Statutes, to read:

1119 561.20 Limitation upon number of licenses issued.—  
 1120 (2)

HB 713

2010

1121 (k)1. In addition to any special licenses issued under the  
 1122 Beverage Law, the division may issue a special license for  
 1123 consumption on the premises only to a movie theater that has at  
 1124 least five operating screens, which show first-run feature films  
 1125 that open on the scheduled national release dates, and that:

1126 a. Holds a seating license issued by the Division of  
 1127 Hotels and Restaurants under chapter 509.

1128 b. Derives at least 51 percent of its gross revenues from  
 1129 the sale of theater tickets, food, and nonalcoholic beverages.

1130 c. Prepares on premises and serves full course and  
 1131 multicourse meals, including appetizers, entrees with side  
 1132 dishes, and desserts, but that does not include prepackaged  
 1133 meals that are heated and served, to at least 200 patrons in  
 1134 seats at tables, seats equipped with a tray or table top, or  
 1135 seats at a food service counter, each of which must accommodate  
 1136 a full course or multicourse meal for a seat to be counted.

1137 d. Offers food service at all times when alcoholic  
 1138 beverages are offered for sale.

1139 2. Notwithstanding any other law, a licensee under this  
 1140 paragraph may only sell or serve alcoholic beverages for  
 1141 consumption on premises in areas designated for the service of  
 1142 such full course or multicourse meals, and at such seats, as  
 1143 described in sub-subparagraph 1.c.

1144 3. The sale of alcoholic beverages may not occur during  
 1145 any day more than 1 hour before the start of the first show and  
 1146 more than 1 hour after the end of the final show.

1147 4. Regardless of the counties in which a licensee operates  
 1148 under this paragraph, the licensee must pay the annual state

HB 713

2010

1149 license tax set forth in s. 565.02(1)(b).

1150 5. A licensee under this paragraph must keep all records  
 1151 required by the department by rule for 3 years.

1152 Section 38. Paragraph (a) of subsection (3) of section  
 1153 561.32, Florida Statutes, is amended to read:

1154 561.32 Transfer of licenses; change of officers or  
 1155 directors; transfer of interest.—

1156 (3)(a) Before the issuance of any transfer of license  
 1157 herein provided, the transferee shall pay a transfer fee of 10  
 1158 percent of the annual license tax to the division, except for  
 1159 those licenses issued pursuant to s. 565.02(1) and subject to  
 1160 the limitation imposed in s. 561.20(1), for which the transfer  
 1161 fee shall be assessed on the average annual value of gross sales  
 1162 of alcoholic beverages for the 3 years immediately preceding  
 1163 transfer and levied at the rate of 4 mills, except that such  
 1164 transfer fee shall not exceed \$5,000; in lieu of the 4-mill  
 1165 assessment, the transferor may elect to pay \$5,000. ~~Further, the~~  
 1166 ~~maximum fee shall be applied with respect to any such license~~  
 1167 ~~which has been inactive for the 3-year period.~~ Records  
 1168 establishing the value of such gross sales shall accompany the  
 1169 application for transfer of the license, and falsification of  
 1170 such records shall be punishable as provided in s. 562.45. All  
 1171 transfer fees collected by the division on the transfer of  
 1172 licenses issued pursuant to s. 565.02(1) and subject to the  
 1173 limitation imposed in s. 561.20(1) shall be returned by the  
 1174 division to the municipality in which such transferred license  
 1175 is operated or, if operated in the unincorporated area of the  
 1176 county, to the county in which such transferred license is

HB 713

2010

1177 operated.

1178 Section 39. For the purpose of incorporating the amendment  
 1179 made by this act to section 455.227, Florida Statutes, in a  
 1180 reference thereto, paragraph (a) of subsection (2) of section  
 1181 468.436, Florida Statutes, is reenacted to read:

1182 468.436 Disciplinary proceedings.—

1183 (2) The following acts constitute grounds for which the  
 1184 disciplinary actions in subsection (4) may be taken:

1185 (a) Violation of any provision of s. 455.227(1).

1186 Section 40. For the purpose of incorporating the amendment  
 1187 made by this act to section 455.227, Florida Statutes, in a  
 1188 reference thereto, paragraph (a) of subsection (1) of section  
 1189 468.832, Florida Statutes, is reenacted to read:

1190 468.832 Disciplinary proceedings.—

1191 (1) The following acts constitute grounds for which the  
 1192 disciplinary actions in subsection (2) may be taken:

1193 (a) Violation of any provision of this part or s.  
 1194 455.227(1);

1195 Section 41. For the purpose of incorporating the amendment  
 1196 made by this act to section 455.227, Florida Statutes, in a  
 1197 reference thereto, paragraph (a) of subsection (1) of section  
 1198 468.842, Florida Statutes, is reenacted to read:

1199 468.842 Disciplinary proceedings.—

1200 (1) The following acts constitute grounds for which the  
 1201 disciplinary actions in subsection (2) may be taken:

1202 (a) Violation of any provision of this part or s.  
 1203 455.227(1);

1204 Section 42. For the purpose of incorporating the amendment

HB 713

2010

1205 made by this act to section 455.227, Florida Statutes, in a  
 1206 reference thereto, paragraph (a) of subsection (1) of section  
 1207 471.033, Florida Statutes, is reenacted to read:

1208 471.033 Disciplinary proceedings.—

1209 (1) The following acts constitute grounds for which the  
 1210 disciplinary actions in subsection (3) may be taken:

1211 (a) Violating any provision of s. 455.227(1), s. 471.025,  
 1212 or s. 471.031, or any other provision of this chapter or rule of  
 1213 the board or department.

1214 Section 43. For the purpose of incorporating the amendment  
 1215 made by this act to section 455.227, Florida Statutes, in a  
 1216 reference thereto, paragraph (a) of subsection (1) of section  
 1217 473.323, Florida Statutes, is reenacted to read:

1218 473.323 Disciplinary proceedings.—

1219 (1) The following acts constitute grounds for which the  
 1220 disciplinary actions in subsection (3) may be taken:

1221 (a) Violation of any provision of s. 455.227(1) or any  
 1222 other provision of this chapter.

1223 Section 44. For the purpose of incorporating the amendment  
 1224 made by this act to section 455.227, Florida Statutes, in a  
 1225 reference thereto, paragraph (a) of subsection (1) of section  
 1226 475.25, Florida Statutes, is reenacted to read:

1227 475.25 Discipline.—

1228 (1) The commission may deny an application for licensure,  
 1229 registration, or permit, or renewal thereof; may place a  
 1230 licensee, registrant, or permittee on probation; may suspend a  
 1231 license, registration, or permit for a period not exceeding 10  
 1232 years; may revoke a license, registration, or permit; may impose

HB 713

2010

1233 an administrative fine not to exceed \$5,000 for each count or  
 1234 separate offense; and may issue a reprimand, and any or all of  
 1235 the foregoing, if it finds that the licensee, registrant,  
 1236 permittee, or applicant:

1237 (a) Has violated any provision of s. 455.227(1) or s.  
 1238 475.42. However, licensees under this part are exempt from the  
 1239 provisions of s. 455.227(1)(i).

1240 Section 45. For the purpose of incorporating the amendment  
 1241 made by this act to section 455.227, Florida Statutes, in a  
 1242 reference thereto, subsection (1) of section 475.624, Florida  
 1243 Statutes, is reenacted to read:

1244 475.624 Discipline.—The board may deny an application for  
 1245 registration or certification; may investigate the actions of  
 1246 any appraiser registered, licensed, or certified under this  
 1247 part; may reprimand or impose an administrative fine not to  
 1248 exceed \$5,000 for each count or separate offense against any  
 1249 such appraiser; and may revoke or suspend, for a period not to  
 1250 exceed 10 years, the registration, license, or certification of  
 1251 any such appraiser, or place any such appraiser on probation, if  
 1252 it finds that the registered trainee, licensee, or  
 1253 certificateholder:

1254 (1) Has violated any provisions of this part or s.  
 1255 455.227(1); however, certificateholders, registrants, and  
 1256 licensees under this part are exempt from the provisions of s.  
 1257 455.227(1)(i).

1258 Section 46. For the purpose of incorporating the amendment  
 1259 made by this act to section 455.227, Florida Statutes, in a  
 1260 reference thereto, paragraph (h) of subsection (1) of section

HB 713

2010

1261 476.204, Florida Statutes, is reenacted to read:

1262 476.204 Penalties.—

1263 (1) It is unlawful for any person to:

1264 (h) Violate any provision of s. 455.227(1), s. 476.194, or  
1265 s. 476.214.

1266 Section 47. For the purpose of incorporating the amendment  
1267 made by this act to section 455.227, Florida Statutes, in a  
1268 reference thereto, paragraph (h) of subsection (1) of section  
1269 477.029, Florida Statutes, is reenacted to read:

1270 477.029 Penalty.—

1271 (1) It is unlawful for any person to:

1272 (h) Violate any provision of s. 455.227(1), s. 477.0265,  
1273 or s. 477.028.

1274 Section 48. For the purpose of incorporating the amendment  
1275 made by this act to section 455.227, Florida Statutes, in a  
1276 reference thereto, paragraph (a) of subsection (1) of section  
1277 481.225, Florida Statutes, is reenacted to read:

1278 481.225 Disciplinary proceedings against registered  
1279 architects.—

1280 (1) The following acts constitute grounds for which the  
1281 disciplinary actions in subsection (3) may be taken:

1282 (a) Violating any provision of s. 455.227(1), s. 481.221,  
1283 or s. 481.223, or any rule of the board or department lawfully  
1284 adopted pursuant to this part or chapter 455.

1285 Section 49. For the purpose of incorporating the amendment  
1286 made by this act to section 455.227, Florida Statutes, in a  
1287 reference thereto, paragraph (a) of subsection (1) of section  
1288 481.325, Florida Statutes, is reenacted to read:

HB 713

2010

1289 481.325 Disciplinary proceedings.—

1290 (1) The following acts constitute grounds for which the  
 1291 disciplinary actions in subsection (3) may be taken:

1292 (a) Violation of any provision of s. 455.227(1), s.  
 1293 481.321, or s. 481.323.

1294 Section 50. For the purpose of incorporating the amendment  
 1295 made by this act to section 468.832, Florida Statutes, in a  
 1296 reference thereto, subsection (2) of section 468.8314, Florida  
 1297 Statutes, is reenacted to read:

1298 468.8314 Licensure.—

1299 (2) The department shall certify for licensure any  
 1300 applicant who satisfies the requirements of s. 468.8313 and who  
 1301 has passed the licensing examination. The department may refuse  
 1302 to certify any applicant who has violated any of the provisions  
 1303 of s. 468.832.

1304 Section 51. This act shall take effect July 1, 2010.