

By Senator Gaetz

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1 A bill to be entitled
2 An act relating to the regulation of professions;
3 amending s. 455.213, F.S.; deleting signature
4 notarization from the information that the Department
5 of Business and Professional Regulation may require in
6 documents submitted for the issuance or renewal of a
7 license; prescribing when an application is received
8 for purposes of certain requirements of the
9 Administrative Procedure Act; amending s. 455.227,
10 F.S.; establishing additional grounds for discipline
11 of professions subject to regulation; prohibiting the
12 failure to report criminal convictions and pleas;
13 prohibiting the failure to complete certain treatment
14 programs; providing penalties; creating s. 455.2274,
15 F.S.; authorizing the department's representative to
16 appear in criminal proceedings under certain
17 circumstances and provide certain assistance to the
18 court; amending s. 455.2281, F.S.; authorizing the
19 department to set unlicensed activities special fees
20 for each profession; authorizing the department to
21 adopt rules that reduce or waive the fees under
22 certain circumstances; amending s. 473.305, F.S.;
23 deleting an examination late filing fee applicable to
24 certified public accountant examinees; amending s.
25 473.311, F.S.; deleting a provision requiring passage
26 of a rules examination for renewal of license as a
27 certified public accountant; amending s. 473.313,
28 F.S.; deleting a provision requiring passage of an
29 examination as a condition for reactivation of an

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30 inactive license as a certified public accountant;
31 amending s. 475.175, F.S.; deleting the option to
32 submit a notarized application for a real estate
33 broker or sales associate license; amending s.
34 475.451, F.S.; limiting the attorney exemption from
35 continuing education requirements to attorneys in good
36 standing with The Florida Bar; amending s. 475.615,
37 F.S.; deleting a requirement that an application for a
38 real estate appraiser certification be notarized;
39 amending ss. 476.134 and 476.144, F.S.; requiring a
40 written examination for a barbering license; deleting
41 provisions for a practical examination for barbering
42 license applicants; amending s. 489.109, F.S.;

43 authorizing the Construction Industry Licensing Board
44 to establish a fee for the initial certification and
45 renewal of business organizations; amending s.
46 489.114, F.S.; deleting provisions relating to a
47 business organization's certificate of authority for
48 contracting to conform to changes made by the act;
49 amending s. 489.117, F.S.; deleting provisions
50 requiring a contractor applicant to submit proof of a
51 local occupational license; amending s. 489.119, F.S.;

52 deleting provisions for the issuance of a certificate
53 of authority to a business organization for
54 contracting; requiring a contractor to apply for
55 registration or certification to qualify a business
56 organization as the qualifying agent; authorizing the
57 Construction Industry Licensing Board to deny a
58 registration or certification to qualify a business

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59 organization under certain circumstances; requiring
60 the qualifying agent of a business organization to
61 present certain evidence to the board; providing that
62 the board has discretion to approve a business
63 organization; amending ss. 489.127, 489.128, 489.129,
64 and 489.132, F.S.; deleting provisions relating to a
65 business organization's certificate of authority for
66 contracting to conform to changes made by the act;
67 amending s. 489.513, F.S.; deleting a requirement that
68 the local license required for an electrical or alarm
69 system contractor be an occupational license; amending
70 s. 548.002, F.S.; defining the term "event" for
71 regulation of pugilistic exhibitions; amending s.
72 548.003, F.S.; authorizing the Florida State Boxing
73 Commission to adopt criteria for the approval of
74 certain amateur sanctioning organizations; reenacting
75 ss. 468.436(2)(a), 468.832(1)(a), 468.842(1)(a),
76 471.033(1)(a), 472.033(1)(a), 473.323(1)(a),
77 475.25(1)(a), 475.624(1), 476.204(1)(h),
78 477.029(1)(h), 481.225(1)(a), and 481.325(1)(a), F.S.,
79 relating to the discipline of community association
80 managers or firms, home inspectors, mold assessors and
81 remediators, engineers, surveyors and mappers,
82 certified public accountants and accounting firms,
83 real estate brokers and sales associates, real estate
84 appraisers, barbers, cosmetologists, architects, and
85 landscape architects, to incorporate the amendment
86 made to s. 455.227, F.S., in references thereto;
87 repealing s. 509.201, F.S., relating to posting and

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88 advertising the room rates of a public lodging
89 establishment and related penalties; amending s.
90 509.233, F.S.; revising provisions relating to public
91 food service establishment requirements; deleting a
92 provision establishing a pilot program that provides
93 an exemption for dogs in designated outdoor areas of
94 public food service establishments; deleting a
95 provision that provides for the future review and
96 repeal of such pilot program; providing an effective
97 date.

98

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

100

101 Section 1. Subsection (1) of section 455.213, Florida
102 Statutes, is amended to read:

103 455.213 General licensing provisions.—

104 (1) Any person desiring to be licensed shall apply to the
105 department in writing. The application for licensure shall be
106 submitted ~~made~~ on a form prescribed ~~prepared and furnished~~ by
107 the department and must include the applicant's social security
108 number. Notwithstanding any other provision of law, the
109 department is the sole authority for determining the contents of
110 any documents to be submitted for initial licensure and
111 licensure renewal. Such documents may contain information
112 including, as appropriate: demographics, education, work
113 history, personal background, criminal history, finances,
114 business information, complaints, inspections, investigations,
115 discipline, bonding, ~~signature notarization~~, photographs,
116 performance periods, reciprocity, local government approvals,

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117 supporting documentation, periodic reporting requirements,
118 fingerprint requirements, continuing education requirements, and
119 ongoing education monitoring. The application shall be
120 supplemented as needed to reflect any material change in any
121 circumstance or condition stated in the application which takes
122 place between the initial filing of the application and the
123 final grant or denial of the license and which might affect the
124 decision of the department. In order to further the economic
125 development goals of the state, and notwithstanding any law to
126 the contrary, the department may enter into an agreement with
127 the county tax collector for the purpose of appointing the
128 county tax collector as the department's agent to accept
129 applications for licenses and applications for renewals of
130 licenses. The agreement must specify the time within which the
131 tax collector must forward any applications and accompanying
132 application fees to the department. In cases where a person
133 applies or schedules directly with a national examination
134 organization or examination vendor to take an examination
135 required for licensure, any organization- or vendor-related fees
136 associated with the examination may be paid directly to the
137 organization or vendor. An application is received for purposes
138 of s. 120.60 upon the department's receipt of the application
139 submitted in the format prescribed by the department; the
140 application fee set by the board or, if there is no board, set
141 by the department; and any other fee required by law or rule to
142 be remitted with the application.

143 Section 2. Paragraphs (t) and (u) are added to subsection
144 (1) of section 455.227, Florida Statutes, to read:

145 455.227 Grounds for discipline; penalties; enforcement.—

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146 (1) The following acts shall constitute grounds for which
147 the disciplinary actions specified in subsection (2) may be
148 taken:

149 (t) Failing to report in writing to the board or, if there
150 is no board, to the department within 30 days after the licensee
151 is convicted or found guilty of, or entered a plea of nolo
152 contendere or guilty to, regardless of adjudication, a crime in
153 any jurisdiction. A licensee must report a conviction, finding
154 of guilt, plea, or adjudication entered before the effective
155 date of this paragraph within 30 days after the effective date
156 of this paragraph.

157 (u) Termination from a treatment program for impaired
158 practitioners as described in s. 456.076 for failure to comply,
159 without good cause, with the terms of the monitoring or
160 treatment contract entered into by the licensee or failing to
161 successfully complete a drug or alcohol treatment program.

162 Section 3. Section 455.2274, Florida Statutes, is created
163 to read:

164 455.2274 Criminal proceedings against licensees;
165 appearances by department representatives.—A representative of
166 the department may voluntarily appear in a criminal proceeding
167 brought against a person licensed by the department to practice
168 a profession regulated by the state. The department's
169 representative is authorized to furnish pertinent information,
170 make recommendations regarding specific conditions of probation,
171 and provide other assistance to the court necessary to promote
172 justice or protect the public. The court may order a
173 representative of the department to appear in a criminal
174 proceeding if the crime charged is substantially related to the

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175 qualifications, functions, or duties of a license regulated by
176 the department.

177 Section 4. Section 455.2281, Florida Statutes, is amended
178 to read:

179 455.2281 Unlicensed activities; fees; disposition.—In order
180 to protect the public and to ensure a consumer-oriented
181 department, it is the intent of the Legislature that vigorous
182 enforcement of regulation for all professional activities is a
183 state priority. All enforcement costs should be covered by
184 professions regulated by the department. Therefore, the
185 department may ~~shall~~ impose, upon initial licensure and each
186 renewal thereof, a special fee not to exceed ~~of~~ \$5 per licensee.
187 The ~~Such~~ fee shall be set by the department by rule for each
188 profession and shall be in addition to all other fees collected
189 from each licensee and shall fund efforts to combat unlicensed
190 activity. Any profession regulated by the department which
191 offers services that are not subject to regulation when provided
192 by an unlicensed person may use funds in its unlicensed activity
193 account to inform the public of such situation. The board with
194 concurrence of the department, or the department when there is
195 no board, may earmark up to \$5 of the current licensure fee for
196 this purpose, if such board, or profession regulated by the
197 department, is not in a deficit and has a reasonable cash
198 balance. The department may adopt rules to waive an unlicensed
199 activity special fee for up to 2 years if both the operating
200 account and the unlicensed activity account have an excess cash
201 balance. A board or profession regulated by the department may
202 authorize the transfer of funds from the operating fund account
203 to the unlicensed activity account of that profession if the

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204 operating fund account is not in a deficit and has a reasonable
205 cash balance. The department shall make direct charges to this
206 fund by profession and shall not allocate indirect overhead. The
207 department shall seek board advice regarding enforcement methods
208 and strategies prior to expenditure of funds; however, the
209 department may, without board advice, allocate funds to cover
210 the costs of continuing education compliance monitoring under s.
211 455.2177. The department shall directly credit, by profession,
212 revenues received from the department's efforts to enforce
213 licensure provisions. The department shall include all financial
214 and statistical data resulting from unlicensed activity
215 enforcement and from continuing education compliance monitoring
216 as separate categories in the quarterly management report
217 provided for in s. 455.219. The department shall not charge the
218 account of any profession for the costs incurred on behalf of
219 any other profession. For an unlicensed activity account, a
220 balance which remains at the end of a renewal cycle may, with
221 concurrence of the applicable board and the department, be
222 transferred to the operating fund account of that profession.

223 Section 5. Section 473.305, Florida Statutes, is amended to
224 read:

225 473.305 Fees.—The board, by rule, may establish fees to be
226 paid for applications, examination, reexamination, licensing and
227 renewal, reinstatement, and recordmaking and recordkeeping. The
228 fee for the examination shall be established at an amount that
229 covers the costs for the procurement or development,
230 administration, grading, and review of the examination. The fee
231 for the examination is refundable if the applicant is found to
232 be ineligible to sit for the examination. The fee for initial

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233 application is nonrefundable, and the combined fees for
234 application and examination may not exceed \$250 plus the actual
235 per applicant cost to the department for purchase of the
236 examination from the American Institute of Certified Public
237 Accountants or a similar national organization. The biennial
238 renewal fee may not exceed \$250. The board may also establish,
239 by rule, a reactivation fee, ~~a late filing fee for the law and~~
240 ~~rules examination,~~ and a delinquency fee not to exceed \$50 for
241 continuing professional education reporting forms. The board
242 shall establish fees which are adequate to ensure the continued
243 operation of the board and to fund the proportionate expenses
244 incurred by the department which are allocated to the regulation
245 of public accountants. Fees shall be based on department
246 estimates of the revenue required to implement this chapter and
247 the provisions of law with respect to the regulation of
248 certified public accountants.

249 Section 6. Subsection (1) of section 473.311, Florida
250 Statutes, is amended to read:

251 473.311 Renewal of license.—

252 (1) The department shall renew a license upon receipt of
253 the renewal application and fee and upon certification by the
254 board that the licensee has satisfactorily completed the
255 continuing education requirements of s. 473.312 ~~and has passed~~
256 ~~an examination approved by the board on chapter 455 and this~~
257 ~~chapter and the related administrative rules. However, each~~
258 ~~licensee must complete the requirements of s. 473.312(1)(c)~~
259 ~~prior to taking the examination.~~

260 Section 7. Subsection (3) of section 473.313, Florida
261 Statutes, is amended to read:

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262 473.313 Inactive status.—

263 (3) Any licensee holding an inactive license may be
264 permitted to reactivate such license in a conditional manner.
265 The conditions of reactivation shall require, in addition to the
266 payment of fees, ~~the passing of the examination approved by the~~
267 ~~board concerning chapter 455 and this chapter, and the related~~
268 ~~administrative rules, and~~ the completion of required continuing
269 education.

270 Section 8. Paragraph (a) of subsection (1) of section
271 475.175, Florida Statutes, is amended to read:

272 475.175 Examinations.—

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

275 (a) Submits to the department the appropriate ~~notarized or~~
276 electronically authenticated application and fee, and a
277 fingerprint card. The fingerprint card shall be forwarded to the
278 Division of Criminal Justice Information Systems within the
279 Department of Law Enforcement for purposes of processing the
280 fingerprint card to determine if the applicant has a criminal
281 history record. The fingerprint card shall also be forwarded to
282 the Federal Bureau of Investigation for purposes of processing
283 the fingerprint card to determine if the applicant has a
284 criminal history record. The information obtained by the
285 processing of the fingerprint card by the Florida Department of
286 Law Enforcement and the Federal Bureau of Investigation shall be
287 sent to the department for the purpose of determining if the
288 applicant is statutorily qualified for examination. Effective
289 July 1, 2006, an applicant shall provide fingerprints in
290 electronic format.

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291 Section 9. Subsection (6) of section 475.451, Florida
292 Statutes, is amended to read:

293 475.451 Schools teaching real estate practice.—

294 (6) Any course prescribed by the commission as a condition
295 precedent to any person's becoming initially licensed as a sales
296 associate may be taught in any real estate school through the
297 use of a video tape of instruction by a currently permitted
298 instructor from any such school or may be taught by distance
299 learning pursuant to s. 475.17(2). The commission may require
300 that any such video tape course have a single session of live
301 instruction by a currently permitted instructor from any such
302 school; however, this requirement shall not exceed 3 classroom
303 hours. All other prescribed courses, except the continuing
304 education course required by s. 475.182, shall be taught by a
305 currently permitted school instructor personally in attendance
306 at such course or by distance learning pursuant to s. 475.17.
307 The continuing education course required by s. 475.182 may be
308 taught by distance learning pursuant to s. 475.17 or by an
309 equivalent correspondence course; however, any such
310 correspondence course shall be required to have a final
311 examination, prepared and administered by the school issuing the
312 correspondence course. The continuing education requirements
313 ~~provided in this section or provided in any other section in~~
314 ~~this chapter do not apply with respect to~~ an ~~any~~ attorney who is
315 otherwise qualified under ~~the provisions of this chapter~~ and who
316 is a certified member in good standing by The Florida Bar.

317 Section 10. Subsection (5) of section 475.615, Florida
318 Statutes, is amended to read:

319 475.615 Qualifications for registration or certification.—

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320 (5) At the time of filing an ~~a notarized~~ application for
321 registration or certification, the applicant must sign a pledge
322 to comply with the Uniform Standards of Professional Appraisal
323 Practice upon registration or certification and must indicate in
324 writing that she or he understands the types of misconduct for
325 which disciplinary proceedings may be initiated. The application
326 shall expire 1 year after the date received.

327 Section 11. Subsection (1) of section 476.134, Florida
328 Statutes, is amended to read:

329 476.134 Examinations.—

330 (1) Examinations of applicants for licenses as barbers
331 shall be offered not less than four times each year. The
332 examination of applicants for licenses as barbers shall ~~may~~
333 include ~~both a practical demonstration and~~ a written test. The
334 board shall have the authority to adopt rules with respect to
335 the examination of applicants for licensure. The board may
336 provide rules with respect to written ~~or practical~~ examinations
337 in such manner as the board may deem fit.

338 Section 12. Subsection (6) of section 476.144, Florida
339 Statutes, is amended to read:

340 476.144 Licensure.—

341 (6) A person may apply for a restricted license to practice
342 barbering. The board shall adopt rules specifying procedures for
343 an applicant to obtain a restricted license if the applicant:

344 (a)1. Has successfully completed a restricted barber
345 course, as established by rule of the board, at a school of
346 barbering licensed pursuant to chapter 1005, a barbering program
347 within the public school system, or a government-operated
348 barbering program in this state; or

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349 2.a. Holds or has within the previous 5 years held an
350 active valid license to practice barbering in another state or
351 country or has held a Florida barbering license which has been
352 declared null and void for failure to renew the license, and the
353 applicant fulfilled the requirements of s. 476.114(2)(c)2. for
354 initial licensure; and

355 b. Has not been disciplined relating to the practice of
356 barbering in the previous 5 years; and

357 (b) Passes a written examination on the laws and rules
358 governing the practice of barbering in Florida, as established
359 by the board, ~~and a practical examination approved by the board.~~

360
361 The restricted license shall limit the licensee's practice to
362 those specific areas in which the applicant has demonstrated
363 competence pursuant to rules adopted by the board.

364 Section 13. Paragraph (d) of subsection (1) of section
365 489.109, Florida Statutes, is amended to read:

366 489.109 Fees.—

367 (1) The board, by rule, shall establish reasonable fees to
368 be paid for applications, certification and renewal,
369 registration and renewal, and recordmaking and recordkeeping.
370 The fees shall be established as follows:

371 (d) The board, by rule, may also establish a fee not to
372 exceed \$50 for the initial certification and renewal of business
373 organizations for transfer of a certificate of authority from
374 one business organization to another, not to exceed the
375 applicable renewal fee.

376 Section 14. Section 489.114, Florida Statutes, is amended
377 to read:

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378 489.114 Evidence of workers' compensation coverage.—Except
379 as provided in s. 489.115(5) (d), any person, business
380 organization, or qualifying agent engaged in the business of
381 contracting in this state and certified or registered under this
382 part shall, as a condition precedent to the issuance or renewal
383 of a certificate or, ~~registration, or certificate of authority~~
384 of the contractor, provide to the Construction Industry
385 Licensing Board, as provided by board rule, evidence of workers'
386 compensation coverage pursuant to chapter 440. In the event that
387 the Division of Workers' Compensation of the Department of
388 Financial Services receives notice of the cancellation of a
389 policy of workers' compensation insurance insuring a person or
390 entity governed by this section, the Division of Workers'
391 Compensation shall certify and identify all persons or entities
392 by certification or registration license number to the
393 department after verification is made by the Division of
394 Workers' Compensation that persons or entities governed by this
395 section are no longer covered by workers' compensation
396 insurance. Such certification and verification by the Division
397 of Workers' Compensation may result from records furnished to
398 the Division of Workers' Compensation by the persons or entities
399 governed by this section or an investigation completed by the
400 Division of Workers' Compensation. The department shall notify
401 the persons or entities governed by this section who have been
402 determined to be in noncompliance with chapter 440, and the
403 persons or entities notified shall provide certification of
404 compliance with chapter 440 to the department and pay an
405 administrative fine in the amount of \$500. The failure to
406 maintain workers' compensation coverage as required by law shall

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407 be grounds for the board to revoke, suspend, or deny the
408 issuance or renewal of a certificate or, registration, ~~or~~
409 ~~certificate of authority~~ of the contractor under the provisions
410 of s. 489.129.

411 Section 15. Paragraph (a) of subsection (1) of section
412 489.117, Florida Statutes, is amended to read:

413 489.117 Registration; specialty contractors.—

414 (1) (a) Any person engaged in the business of a contractor
415 in the state shall be registered in the proper classification,
416 unless he or she is certified. Any person entering the business
417 of a contractor shall be registered before ~~prior to~~ engaging in
418 business as a contractor, unless he or she is certified. To be
419 initially registered, the applicant shall submit the required
420 fee and file evidence, ~~in a form provided by the department, of~~
421 ~~holding a current local occupational license required by any~~
422 ~~municipality, county, or development district, if any, for the~~
423 ~~type of work for which registration is desired and evidence of~~
424 successful compliance with the local examination and licensing
425 requirements, if any, in the area for which registration is
426 desired. An ~~No~~ examination is not ~~shall be~~ required for
427 registration.

428 Section 16. Section 489.119, Florida Statutes, is amended
429 to read:

430 489.119 Business organizations; qualifying agents.—

431 (1) If an individual proposes to engage in contracting in
432 the individual's own name, or a fictitious name where the
433 individual is doing business as a sole proprietorship,
434 registration or certification may be issued only to that
435 individual.

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436 (2) If the applicant proposes to engage in contracting as a
437 business organization, including any partnership, corporation,
438 business trust, or other legal entity, or in any name other than
439 the applicant's legal name or a fictitious name where the
440 applicant is doing business as a sole proprietorship, the
441 applicant business organization must apply for registration or
442 certification as the ~~for a certificate of authority through a~~
443 qualifying agent of the business organization ~~and under the~~
444 ~~fictitious name, if any.~~

445 (a) ~~An~~ The application for registration or certification to
446 qualify a business organization ~~a certificate of authority~~ must
447 state the name of the partnership and of its partners; the name
448 of the corporation and of its officers and directors and the
449 name of each of its stockholders who is also an officer or
450 director; the name of the business trust and its trustees; or
451 the name of such other legal entity and its members; and must
452 state the fictitious name, if any, under which the business
453 organization is doing business.

454 (b)1. ~~An~~ The application for registration or certification
455 to qualify a business organization ~~primary qualifying agent~~ must
456 include an affidavit on a form provided by the board attesting
457 that the applicant has final approval authority for all
458 construction work performed by the business organization ~~entity~~
459 and that the applicant has final approval authority on all
460 business matters, including contracts, specifications, checks,
461 drafts, or payments, regardless of the form of payment, made by
462 the business organization ~~entity~~, except where a financially
463 responsible officer is approved.

464 2. The application for financially responsible officer must

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465 include an affidavit on a form provided by the board attesting
466 that the applicant's approval is required for all checks,
467 drafts, or payments, regardless of the form of payment, made by
468 the business organization ~~entity~~ and that the applicant has
469 authority to act for the business organization in all financial
470 matters.

471 3. The application for secondary qualifying agent must
472 include an affidavit on a form provided by the board attesting
473 that the applicant has authority to supervise all construction
474 work performed by the business organization ~~entity~~ as provided
475 in s. 489.1195(2).

476 (c) The board may deny an application for registration or
477 certification to qualify a business organization if the
478 applicant, or any person listed in paragraph (a), has been
479 involved in past disciplinary actions or on any grounds for
480 which an individual registration or certification may be denied.

481 (d) ~~(b)~~ The applicant must furnish evidence of statutory
482 compliance if a fictitious name is used, the provisions of s.
483 865.09(7) notwithstanding.

484 (e) ~~(e)~~ A joint venture, including a joint venture composed
485 of qualified business organizations, is itself a separate and
486 distinct organization that must be qualified ~~and obtain a~~
487 ~~certificate of authority~~ in accordance with board rules.

488 ~~(d) A certificate of authority must be renewed every 2~~
489 ~~years. If there is a change in any information that is required~~
490 ~~to be stated on the application, the business organization~~
491 ~~shall, within 45 days after such change occurs, mail the correct~~
492 ~~information to the department.~~

493 (3) (a) A The qualifying agent must ~~shall~~ be certified or

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494 registered under this part in order for the business
495 organization to operate ~~be issued a certificate of authority~~ in
496 the category of contracting in the business conducted for which
497 the qualifying agent is certified or registered. If any
498 qualifying agent ceases to be affiliated with a ~~such~~ business
499 organization, he or she shall ~~so~~ inform the department. In
500 addition, if the ~~such~~ qualifying agent is the only certified or
501 registered contractor affiliated with the business organization,
502 the business organization shall notify the department of the
503 termination of the qualifying agent and shall have 60 days from
504 the termination of the qualifying agent's affiliation with the
505 business organization in which to employ another qualifying
506 agent. The business organization may not engage in contracting
507 until a qualifying agent is employed, unless the executive
508 director or chair of the board has granted a temporary
509 nonrenewable certificate or registration to the financially
510 responsible officer, the president, a partner, or, in the case
511 of a limited partnership, the general partner, who assumes all
512 responsibilities of a primary qualifying agent for the business
513 organization ~~entity~~. This temporary certificate or registration
514 shall only allow the business organization ~~entity~~ to proceed
515 with incomplete contracts. For the purposes of this paragraph,
516 an incomplete contract is one which has been awarded to, or
517 entered into by, the business organization prior to the
518 cessation of affiliation of the qualifying agent with the
519 business organization or one on which the business organization
520 was the low bidder and the contract is subsequently awarded,
521 regardless of whether any actual work has commenced under the
522 contract prior to the qualifying agent ceasing to be affiliated

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523 with the business organization.

524 (b) The qualifying agent shall inform the department in
525 writing when he or she proposes to engage in contracting in his
526 or her own name or in affiliation with another business
527 organization, and he or she or such new business organization
528 shall supply the same information to the department as required
529 of applicants under this part.

530 ~~(c) Upon a favorable determination by the board, after~~
531 ~~investigation of the financial responsibility, credit, and~~
532 ~~business reputation of the qualifying agent and the new business~~
533 ~~organization, the department shall issue, without an~~
534 ~~examination, a new certificate of authority in the business~~
535 ~~organization's name.~~

536 ~~(4) Disciplinary action against a business organization~~
537 ~~holding a certificate of authority shall be administered in the~~
538 ~~same manner and on the same grounds as disciplinary action~~
539 ~~against a contractor. The board may deny the certification of~~
540 ~~any person cited in subsection (2) if the person has been~~
541 ~~involved in past disciplinary actions or on any grounds for~~
542 ~~which individual certification can be denied.~~

543 (4) ~~(5)~~ When a certified qualifying agent, on behalf of a
544 business organization, makes application for an occupational
545 license in any municipality or county of this state, the
546 application shall be made with the tax collector in the name of
547 the business organization and the qualifying agent; and the
548 license, when issued, shall be issued to the business
549 organization, upon payment of the appropriate licensing fee and
550 exhibition to the tax collector of a valid certificate for the
551 qualifying agent ~~and a valid certificate of authority for the~~

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552 ~~business organization~~ issued by the department, and the state
553 license numbers shall be noted thereon.

554 (5)~~(6)~~(a) Each registered or certified contractor shall
555 affix the number of his or her registration or certification to
556 each application for a building permit and on each building
557 permit issued and recorded. Each city or county building
558 department shall require, as a precondition for the issuance of
559 the building permit, that the contractor taking out the permit
560 must provide verification giving his or her Construction
561 Industry Licensing Board registration or certification number.

562 (b) The registration or certification number of each
563 contractor ~~or certificate of authority number for each business~~
564 ~~organization~~ shall appear in each offer of services, business
565 proposal, bid, contract, or advertisement, regardless of medium,
566 as defined by board rule, used by that contractor or business
567 organization in the practice of contracting.

568 (c) If a vehicle bears the name of a contractor or business
569 organization, or any text or artwork which would lead a
570 reasonable person to believe that the vehicle is used for
571 contracting, the registration or certification number of the
572 contractor ~~or certificate of authority number of the business~~
573 ~~organization~~ must be conspicuously and legibly displayed with
574 the name, text, or artwork. Local governments may also require
575 that locally licensed contractors must also display their
576 certificate of competency or license numbers. Nothing in this
577 paragraph shall be construed to create a mandatory vehicle
578 signage requirement.

579 (d) For the purposes of this part, the term "advertisement"
580 does not include business stationery or any promotional

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581 novelties such as balloons, pencils, trinkets, or articles of
582 clothing.

583 (e) The board shall issue a notice of noncompliance for the
584 first offense, and may assess a fine or issue a citation for
585 failure to correct the offense within 30 days or for any
586 subsequent offense, to any contractor or business organization
587 that fails to include the certification or registration, ~~or~~
588 ~~certificate of authority~~ number as required by this part when
589 submitting an advertisement for publication, broadcast, or
590 printing or fails to display the certification or registration,
591 ~~or certificate of authority~~ number as required by this part.

592 ~~(6)(7)~~ Each qualifying agent shall pay the department an
593 amount equal to the original fee for registration or
594 certification to qualify ~~a certificate of authority of~~ a new
595 business organization. If the qualifying agent for a business
596 organization desires to qualify additional business
597 organizations, the board shall require the qualifying agent ~~him~~
598 ~~or her~~ to present evidence of his or her ability to supervise
599 the construction activities ~~and financial responsibility~~ of each
600 such organization. Approval of each business organization ~~The~~
601 ~~issuance of such certificate of authority~~ is discretionary with
602 the board.

603 ~~(7)(8)~~(a) A business organization proposing to engage in
604 contracting is not required to apply for or obtain authorization
605 under this part to engage in contracting if:

606 1. The business organization employs one or more registered
607 or certified contractors licensed in accordance with this part
608 who are responsible for obtaining permits and supervising all of
609 the business organization's contracting activities;

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610 2. The business organization engages only in contracting on
611 property owned by the business organization or by its parent,
612 subsidiary, or affiliated entities; and

613 3. The business organization, or its parent entity if the
614 business organization is a wholly owned subsidiary, maintains a
615 minimum net worth of \$20 million.

616 (b) Any business organization engaging in contracting under
617 this subsection shall provide the board with the name and
618 license number of each registered or certified contractor
619 employed by the business organization to supervise its
620 contracting activities. The business organization is not
621 required to post a bond or otherwise evidence any financial or
622 credit information except as necessary to demonstrate compliance
623 with paragraph (a).

624 (c) A registered or certified contractor employed by a
625 business organization to supervise its contracting activities
626 under this subsection shall not be required to post a bond or
627 otherwise evidence any personal financial or credit information
628 so long as the individual performs contracting activities
629 exclusively on behalf of a business organization meeting all of
630 the requirements of paragraph (a).

631 Section 17. Subsection (1) of section 489.127, Florida
632 Statutes, is amended to read:

633 489.127 Prohibitions; penalties.-

634 (1) No person shall:

635 (a) Falsely hold himself or herself or a business
636 organization out as a licensee, certificateholder, or
637 registrant;

638 (b) Falsely impersonate a certificateholder or registrant;

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- 639 (c) Present as his or her own the certificate or
640 registration, ~~or certificate of authority~~ of another;
- 641 (d) Knowingly give false or forged evidence to the board or
642 a member thereof;
- 643 (e) Use or attempt to use a certificate or registration
644 ~~that, or certificate of authority which~~ has been suspended or
645 revoked;
- 646 (f) Engage in the business or act in the capacity of a
647 contractor or advertise himself or herself or a business
648 organization as available to engage in the business or act in
649 the capacity of a contractor without being duly registered or
650 certified ~~or having a certificate of authority~~;
- 651 (g) Operate a business organization engaged in contracting
652 after 60 days following the termination of its only qualifying
653 agent without designating another primary qualifying agent,
654 except as provided in ss. 489.119 and 489.1195;
- 655 (h) Commence or perform work for which a building permit is
656 required pursuant to part IV of chapter 553 without such
657 building permit being in effect; or
- 658 (i) Willfully or deliberately disregard or violate any
659 municipal or county ordinance relating to uncertified or
660 unregistered contractors.

661

662 For purposes of this subsection, a person or business
663 organization operating on an inactive or suspended certificate
664 or registration, ~~or certificate of authority~~ is not duly
665 certified or registered and is considered unlicensed. A business
666 tax receipt issued under the authority of chapter 205 is not a
667 license for purposes of this part.

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668 Section 18. Paragraph (b) of subsection (1) of section
669 489.128, Florida Statutes, is amended to read:

670 489.128 Contracts entered into by unlicensed contractors
671 unenforceable.—

672 (1) As a matter of public policy, contracts entered into on
673 or after October 1, 1990, by an unlicensed contractor shall be
674 unenforceable in law or in equity by the unlicensed contractor.

675 (b) For purposes of this section, an individual or business
676 organization may not be considered unlicensed for failing to
677 have a business tax receipt issued under the authority of
678 chapter 205. ~~A business organization may not be considered~~
679 ~~unlicensed for failing to have a certificate of authority as~~
680 ~~required by ss. 489.119 and 489.127. For purposes of this~~
681 ~~section, a business organization entering into the contract may~~
682 ~~not be considered unlicensed if, before the date established by~~
683 ~~paragraph (c), an individual possessing a license required by~~
684 ~~this part concerning the scope of the work to be performed under~~
685 ~~the contract has submitted an application for a certificate of~~
686 ~~authority designating that individual as a qualifying agent for~~
687 ~~the business organization entering into the contract, and the~~
688 ~~application was not acted upon by the department or applicable~~
689 ~~board within the time limitations imposed by s. 120.60.~~

690 Section 19. Subsections (1), (5), and (7) of section
691 489.129, Florida Statutes, are amended to read:

692 489.129 Disciplinary proceedings.—

693 (1) The board may take any of the following actions against
694 any certificateholder or registrant: place on probation or
695 reprimand the licensee, revoke, suspend, or deny the issuance or
696 renewal of the certificate or, registration, ~~or certificate of~~

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697 ~~authority,~~ require financial restitution to a consumer for
698 financial harm directly related to a violation of a provision of
699 this part, impose an administrative fine not to exceed \$10,000
700 per violation, require continuing education, or assess costs
701 associated with investigation and prosecution, if the
702 contractor, financially responsible officer, or business
703 organization for which the contractor is a primary qualifying
704 agent, a financially responsible officer, or a secondary
705 qualifying agent responsible under s. 489.1195 is found guilty
706 of any of the following acts:

707 (a) Obtaining a certificate or registration, ~~or~~
708 ~~certificate of authority~~ by fraud or misrepresentation.

709 (b) Being convicted or found guilty of, or entering a plea
710 of nolo contendere to, regardless of adjudication, a crime in
711 any jurisdiction which directly relates to the practice of
712 contracting or the ability to practice contracting.

713 (c) Violating any provision of chapter 455.

714 (d) Performing any act which assists a person or entity in
715 engaging in the prohibited uncertified and unregistered practice
716 of contracting, if the certificateholder or registrant knows or
717 has reasonable grounds to know that the person or entity was
718 uncertified and unregistered.

719 (e) Knowingly combining or conspiring with an uncertified
720 or unregistered person by allowing his or her certificate or
721 registration, ~~or certificate of authority~~ to be used by the
722 uncertified or unregistered person with intent to evade the
723 provisions of this part. When a certificateholder or registrant
724 allows his or her certificate or registration to be used by one
725 or more business organizations without having any active

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726 participation in the operations, management, or control of such
727 business organizations, such act constitutes prima facie
728 evidence of an intent to evade the provisions of this part.

729 (f) Acting in the capacity of a contractor under any
730 certificate or registration issued hereunder except in the name
731 of the certificateholder or registrant as set forth on the
732 issued certificate or registration, or in accordance with the
733 personnel of the certificateholder or registrant as set forth in
734 the application for the certificate or registration, or as later
735 changed as provided in this part.

736 (g) Committing mismanagement or misconduct in the practice
737 of contracting that causes financial harm to a customer.
738 Financial mismanagement or misconduct occurs when:

739 1. Valid liens have been recorded against the property of a
740 contractor's customer for supplies or services ordered by the
741 contractor for the customer's job; the contractor has received
742 funds from the customer to pay for the supplies or services; and
743 the contractor has not had the liens removed from the property,
744 by payment or by bond, within 75 days after the date of such
745 liens;

746 2. The contractor has abandoned a customer's job and the
747 percentage of completion is less than the percentage of the
748 total contract price paid to the contractor as of the time of
749 abandonment, unless the contractor is entitled to retain such
750 funds under the terms of the contract or refunds the excess
751 funds within 30 days after the date the job is abandoned; or

752 3. The contractor's job has been completed, and it is shown
753 that the customer has had to pay more for the contracted job
754 than the original contract price, as adjusted for subsequent

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755 change orders, unless such increase in cost was the result of
756 circumstances beyond the control of the contractor, was the
757 result of circumstances caused by the customer, or was otherwise
758 permitted by the terms of the contract between the contractor
759 and the customer.

760 (h) Being disciplined by any municipality or county for an
761 act or violation of this part.

762 (i) Failing in any material respect to comply with the
763 provisions of this part or violating a rule or lawful order of
764 the board.

765 (j) Abandoning a construction project in which the
766 contractor is engaged or under contract as a contractor. A
767 project may be presumed abandoned after 90 days if the
768 contractor terminates the project without just cause or without
769 proper notification to the owner, including the reason for
770 termination, or fails to perform work without just cause for 90
771 consecutive days.

772 (k) Signing a statement with respect to a project or
773 contract falsely indicating that the work is bonded; falsely
774 indicating that payment has been made for all subcontracted
775 work, labor, and materials which results in a financial loss to
776 the owner, purchaser, or contractor; or falsely indicating that
777 workers' compensation and public liability insurance are
778 provided.

779 (l) Committing fraud or deceit in the practice of
780 contracting.

781 (m) Committing incompetency or misconduct in the practice
782 of contracting.

783 (n) Committing gross negligence, repeated negligence, or

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784 negligence resulting in a significant danger to life or
785 property.

786 (o) Proceeding on any job without obtaining applicable
787 local building department permits and inspections.

788 (p) Intimidating, threatening, coercing, or otherwise
789 discouraging the service of a notice to owner under part I of
790 chapter 713 or a notice to contractor under chapter 255 or part
791 I of chapter 713.

792 (q) Failing to satisfy within a reasonable time, the terms
793 of a civil judgment obtained against the licensee, or the
794 business organization qualified by the licensee, relating to the
795 practice of the licensee's profession.

796

797 For the purposes of this subsection, construction is considered
798 to be commenced when the contract is executed and the contractor
799 has accepted funds from the customer or lender. A contractor
800 does not commit a violation of this subsection when the
801 contractor relies on a building code interpretation rendered by
802 a building official or person authorized by s. 553.80 to enforce
803 the building code, absent a finding of fraud or deceit in the
804 practice of contracting, or gross negligence, repeated
805 negligence, or negligence resulting in a significant danger to
806 life or property on the part of the building official, in a
807 proceeding under chapter 120.

808 (5) The board may not reinstate the certification or
809 registration, ~~or certificate of authority~~ of, or cause a
810 certificate or registration, ~~or certificate of authority~~ to be
811 issued to, a person who or business organization which the board
812 has determined is unqualified or whose certificate or

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813 registration, ~~or certificate of authority~~ the board has
814 suspended until it is satisfied that such person or business
815 organization has complied with all the terms and conditions set
816 forth in the final order and is capable of competently engaging
817 in the business of contracting.

818 (7) The board shall not issue or renew a certificate or,
819 registration, ~~or certificate of authority~~ to any person or
820 business organization that has been assessed a fine, interest,
821 or costs associated with investigation and prosecution, or has
822 been ordered to pay restitution, until such fine, interest, or
823 costs associated with investigation and prosecution or
824 restitution are paid in full or until all terms and conditions
825 of the final order have been satisfied.

826 Section 20. Subsection (5) of section 489.132, Florida
827 Statutes, is amended to read:

828 489.132 Prohibited acts by unlicensed principals;
829 investigation; hearing; penalties.—

830 (5) The department may suspend, revoke, or deny issuance or
831 renewal of a certificate or, registration, ~~or certificate of~~
832 ~~authority~~ for any individual or business organization that
833 associates a person as an officer, director, or partner, or in a
834 managerial or supervisory capacity, after such person has been
835 found under a final order to have violated this section or was
836 an officer, director, partner, trustee, or manager of a business
837 organization disciplined by the board by revocation, suspension,
838 or fine in excess of \$2,500, upon finding reasonable cause that
839 such person knew or reasonably should have known of the conduct
840 leading to the discipline.

841 Section 21. Subsection (5) of section 489.513, Florida

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842 Statutes, is amended to read:

843 489.513 Registration; application; requirements.—

844 (5) Registration permits the registrant to engage in
845 contracting only in the area and for the type of work covered by
846 the registration, unless local licenses are issued for other
847 areas and types of work or unless certification is obtained.
848 When a registrant desires to register in an additional area of
849 the state, he or she shall ~~first~~ comply with any local
850 requirements of that area and then file a request with the
851 department, together with evidence of holding a current
852 ~~occupational license or~~ license issued by the county or
853 municipality for the area or areas in which he or she desires to
854 be registered, whereupon his or her evidence of registration
855 shall be endorsed by the department to reflect valid
856 registration for the new area or areas.

857 Section 22. Subsections (8) through (22) of section
858 548.002, Florida Statutes, are renumbered as subsections (9)
859 through (23), respectively, and a new subsection (8) is added to
860 that section, to read:

861 548.002 Definitions.—As used in this chapter, the term:

862 (8) "Event" means one or more matches comprising a show.

863 Section 23. Paragraph (k) of subsection (2) of section
864 548.003, Florida Statutes, is amended to read:

865 548.003 Florida State Boxing Commission.—

866 (2) The Florida State Boxing Commission, as created by
867 subsection (1), shall administer the provisions of this chapter.
868 The commission has authority to adopt rules pursuant to ss.
869 120.536(1) and 120.54 to implement the provisions of this
870 chapter and to implement each of the duties and responsibilities

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871 conferred upon the commission, including, but not limited to:
872 (k) Establishment of criteria for approval, disapproval,
873 suspension of approval, and revocation of approval of amateur
874 sanctioning organizations for amateur boxing, ~~and~~ kickboxing,
875 and mixed martial arts matches held in this state, including,
876 but not limited to, the health and safety standards the
877 organizations use before, during, and after the matches to
878 ensure the health, safety, and well-being of the amateurs
879 participating in the matches, including the qualifications and
880 numbers of health care personnel required to be present, the
881 qualifications required for referees, and other requirements
882 relating to the health, safety, and well-being of the amateurs
883 participating in the matches. The commission may adopt by rule,
884 or incorporate by reference into rule, the health and safety
885 standards of USA Boxing as the minimum health and safety
886 standards for an amateur boxing sanctioning organization, and
887 the health and safety standards of the International Sport
888 Kickboxing Association as the minimum health and safety
889 standards for an amateur kickboxing sanctioning organization and
890 amateur mixed martial arts sanctioning organization. The
891 commission shall review its rules for necessary revision at
892 least every 2 years and may adopt by rule, or incorporate by
893 reference into rule, the then-existing current health and safety
894 standards of USA Boxing and the International Sport Kickboxing
895 Association. The commission may adopt emergency rules to
896 administer this paragraph.

897 Section 24. For the purpose of incorporating the amendment
898 made by this act to subsection (1) of section 455.227, Florida
899 Statutes, in a reference thereto, paragraph (a) of subsection

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900 (2) of section 468.436, Florida Statutes, is reenacted to read:
901 468.436 Disciplinary proceedings.—

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

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

905 Section 25. For the purpose of incorporating the amendment
906 made by this act to subsection (1) of section 455.227, Florida
907 Statutes, in a reference thereto, paragraph (a) of subsection
908 (1) of section 468.832, Florida Statutes, is reenacted to read:

909 468.832 Disciplinary proceedings.—

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

912 (a) Violation of any provision of this part or s.
913 455.227(1);

914 Section 26. For the purpose of incorporating the amendment
915 made by this act to subsection (1) of section 455.227, Florida
916 Statutes, in a reference thereto, paragraph (a) of subsection
917 (1) of section 468.842, Florida Statutes, is reenacted to read:

918 468.842 Disciplinary proceedings.—

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

921 (a) Violation of any provision of this part or s.
922 455.227(1);

923 Section 27. For the purpose of incorporating the amendment
924 made by this act to subsection (1) of section 455.227, Florida
925 Statutes, in a reference thereto, paragraph (a) of subsection
926 (1) of section 471.033, Florida Statutes, is reenacted to read:

927 471.033 Disciplinary proceedings.—

928 (1) The following acts constitute grounds for which the

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929 disciplinary actions in subsection (3) may be taken:

930 (a) Violating any provision of s. 455.227(1), s. 471.025,
931 or s. 471.031, or any other provision of this chapter or rule of
932 the board or department.

933 Section 28. For the purpose of incorporating the amendment
934 made by this act to section (1) of section 455.227, Florida
935 Statutes, in a reference thereto, paragraph (a) of subsection
936 (1) of section 472.033, Florida Statutes, is reenacted to read:

937 472.033 Disciplinary proceedings.—

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

940 (a) Violation of any provision of s. 472.031 or s.
941 455.227(1);

942 Section 29. For the purpose of incorporating the amendment
943 made by this act to subsection (1) of section 455.227, Florida
944 Statutes, in a reference thereto, paragraph (a) of subsection
945 (1) of section 473.323, Florida Statutes, is reenacted to read:

946 473.323 Disciplinary proceedings.—

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

949 (a) Violation of any provision of s. 455.227(1) or any
950 other provision of this chapter.

951 Section 30. For the purpose of incorporating the amendment
952 made by this act to subsection (1) of section 455.227, Florida
953 Statutes, in a reference thereto, paragraph (a) of subsection
954 (1) of section 475.25, Florida Statutes, is reenacted to read:

955 475.25 Discipline.—

956 (1) The commission may deny an application for licensure,
957 registration, or permit, or renewal thereof; may place a

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958 licensee, registrant, or permittee on probation; may suspend a
959 license, registration, or permit for a period not exceeding 10
960 years; may revoke a license, registration, or permit; may impose
961 an administrative fine not to exceed \$5,000 for each count or
962 separate offense; and may issue a reprimand, and any or all of
963 the foregoing, if it finds that the licensee, registrant,
964 permittee, or applicant:

965 (a) Has violated any provision of s. 455.227(1) or s.
966 475.42. However, licensees under this part are exempt from the
967 provisions of s. 455.227(1) (i).

968 Section 31. For the purpose of incorporating the amendment
969 made by this act to subsection (1) of section 455.227, Florida
970 Statutes, in a reference thereto, subsection (1) of section
971 475.624, Florida Statutes, is reenacted to read:

972 475.624 Discipline.—The board may deny an application for
973 registration or certification; may investigate the actions of
974 any appraiser registered, licensed, or certified under this
975 part; may reprimand or impose an administrative fine not to
976 exceed \$5,000 for each count or separate offense against any
977 such appraiser; and may revoke or suspend, for a period not to
978 exceed 10 years, the registration, license, or certification of
979 any such appraiser, or place any such appraiser on probation, if
980 it finds that the registered trainee, licensee, or
981 certificateholder:

982 (1) Has violated any provisions of this part or s.
983 455.227(1); however, certificateholders, registrants, and
984 licensees under this part are exempt from the provisions of s.
985 455.227(1) (i).

986 Section 32. For the purpose of incorporating the amendment

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987 made by this act to subsection (1) of section 455.227, Florida
988 Statutes, in a reference thereto, paragraph (h) of subsection
989 (1) of section 476.204, Florida Statutes, is reenacted to read:
990 476.204 Penalties.—

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

992 (h) Violate any provision of s. 455.227(1), s. 476.194, or
993 s. 476.214.

994 Section 33. For the purpose of incorporating the amendment
995 made by this act to subsection (1) of section 455.227, Florida
996 Statutes, in a reference thereto, paragraph (h) of subsection
997 (1) of section 477.029, Florida Statutes, is reenacted to read:

998 477.029 Penalty.—

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

1000 (h) Violate any provision of s. 455.227(1), s. 477.0265, or
1001 s. 477.028.

1002 Section 34. For the purpose of incorporating the amendment
1003 made by this act to subsection (1) of section 455.227, Florida
1004 Statutes, in a reference thereto, paragraph (a) of subsection
1005 (1) of section 481.225, Florida Statutes, is reenacted to read:

1006 481.225 Disciplinary proceedings against registered
1007 architects.—

1008 (1) The following acts constitute grounds for which the
1009 disciplinary actions in subsection (3) may be taken:

1010 (a) Violating any provision of s. 455.227(1), s. 481.221,
1011 or s. 481.223, or any rule of the board or department lawfully
1012 adopted pursuant to this part or chapter 455.

1013 Section 35. For the purpose of incorporating the amendment
1014 made by this act to subsection (1) of section 455.227, Florida
1015 Statutes, in a reference thereto, paragraph (a) of subsection

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1016 (1) of section 481.325, Florida Statutes, is reenacted to read:
 1017 481.325 Disciplinary proceedings.—

1018 (1) The following acts constitute grounds for which the
 1019 disciplinary actions in subsection (3) may be taken:

1020 (a) Violation of any provision of s. 455.227(1), s.
 1021 481.321, or s. 481.323.

1022 Section 36. Section 509.201, Florida Statutes, is repealed.

1023 Section 37. Section 509.233, Florida Statutes, is amended
 1024 to read:

1025 509.233 Public food service establishment requirements;
 1026 local exemption for dogs in designated outdoor portions; ~~pilot~~
 1027 ~~program.~~—

1028 ~~(1) INTENT.—It is the intent of the Legislature by this~~
 1029 ~~section to establish a 3-year pilot program for local~~
 1030 ~~governments to allow patrons' dogs within certain designated~~
 1031 ~~outdoor portions of public food service establishments.~~

1032 (1)~~(2)~~ LOCAL EXEMPTION AUTHORIZED.—Notwithstanding s.
 1033 509.032(7), the governing body of a local government
 1034 participating in the pilot program is authorized to establish,
 1035 by ordinance, a local exemption procedure to certain provisions
 1036 of the Food and Drug Administration Food Code, as currently
 1037 adopted by the division, in order to allow patrons' dogs within
 1038 certain designated outdoor portions of public food service
 1039 establishments.

1040 (2)~~(3)~~ LOCAL DISCRETION; CODIFICATION.—

1041 (a) The adoption of the local exemption procedure shall be
 1042 at the sole discretion of the governing body of a participating
 1043 local government. Nothing in this section shall be construed to
 1044 require or compel a local governing body to adopt an ordinance

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1045 pursuant to this section.

1046 (b) Any ordinance adopted pursuant to this section shall
1047 provide for codification within the land development code of a
1048 participating local government.

1049 (3)~~(4)~~ LIMITATIONS ON EXEMPTION; PERMIT REQUIREMENTS.—

1050 (a) Any local exemption procedure adopted pursuant to this
1051 section shall only provide a variance to those portions of the
1052 currently adopted Food and Drug Administration Food Code in
1053 order to allow patrons' dogs within certain designated outdoor
1054 portions of public food service establishments.

1055 (b) In order to protect the health, safety, and general
1056 welfare of the public, the local exemption procedure shall
1057 require participating public food service establishments to
1058 apply for and receive a permit from the governing body of the
1059 local government before allowing patrons' dogs on their
1060 premises. The local government shall require from the applicant
1061 such information as the local government deems reasonably
1062 necessary to enforce the provisions of this section, but shall
1063 require, at a minimum, the following information:

1064 1. The name, location, and mailing address of the public
1065 food service establishment.

1066 2. The name, mailing address, and telephone contact
1067 information of the permit applicant.

1068 3. A diagram and description of the outdoor area to be
1069 designated as available to patrons' dogs, including dimensions
1070 of the designated area; a depiction of the number and placement
1071 of tables, chairs, and restaurant equipment, if any; the
1072 entryways and exits to the designated outdoor area; the
1073 boundaries of the designated area and of other areas of outdoor

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1074 dining not available for patrons' dogs; any fences or other
1075 barriers; surrounding property lines and public rights-of-way,
1076 including sidewalks and common pathways; and such other
1077 information reasonably required by the permitting authority. The
1078 diagram or plan shall be accurate and to scale but need not be
1079 prepared by a licensed design professional.

1080 4. A description of the days of the week and hours of
1081 operation that patrons' dogs will be permitted in the designated
1082 outdoor area.

1083 (c) In order to protect the health, safety, and general
1084 welfare of the public, the local exemption ordinance shall
1085 include such regulations and limitations as deemed necessary by
1086 the participating local government and shall include, but not be
1087 limited to, the following requirements:

1088 1. All public food service establishment employees shall
1089 wash their hands promptly after touching, petting, or otherwise
1090 handling dogs. Employees shall be prohibited from touching,
1091 petting, or otherwise handling dogs while serving food or
1092 beverages or handling tableware or before entering other parts
1093 of the public food service establishment.

1094 2. Patrons in a designated outdoor area shall be advised
1095 that they should wash their hands before eating. Waterless hand
1096 sanitizer shall be provided at all tables in the designated
1097 outdoor area.

1098 3. Employees and patrons shall be instructed that they
1099 shall not allow dogs to come into contact with serving dishes,
1100 utensils, tableware, linens, paper products, or any other items
1101 involved in food service operations.

1102 4. Patrons shall keep their dogs on a leash at all times

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1103 and shall keep their dogs under reasonable control.

1104 5. Dogs shall not be allowed on chairs, tables, or other
1105 furnishings.

1106 6. All table and chair surfaces shall be cleaned and
1107 sanitized with an approved product between seating of patrons.
1108 Spilled food and drink shall be removed from the floor or ground
1109 between seating of patrons.

1110 7. Accidents involving dog waste shall be cleaned
1111 immediately and the area sanitized with an approved product. A
1112 kit with the appropriate materials for this purpose shall be
1113 kept near the designated outdoor area.

1114 8. A sign or signs reminding employees of the applicable
1115 rules shall be posted on premises in a manner and place as
1116 determined by the local permitting authority.

1117 9. A sign or signs reminding patrons of the applicable
1118 rules shall be posted on premises in a manner and place as
1119 determined by the local permitting authority.

1120 10. A sign or signs shall be posted in a manner and place
1121 as determined by the local permitting authority that places the
1122 public on notice that the designated outdoor area is available
1123 for the use of patrons and patrons' dogs.

1124 11. Dogs shall not be permitted to travel through indoor or
1125 nondesignated outdoor portions of the public food service
1126 establishment, and ingress and egress to the designated outdoor
1127 portions of the public food service establishment must not
1128 require entrance into or passage through any indoor area of the
1129 food establishment.

1130 (d) A permit issued pursuant to this section shall not be
1131 transferred to a subsequent owner upon the sale of a public food

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1132 service establishment but shall expire automatically upon the
1133 sale of the establishment. The subsequent owner shall be
1134 required to reapply for a permit pursuant to this section if the
1135 subsequent owner wishes to continue to accommodate patrons'
1136 dogs.

1137 (4)~~(5)~~ POWERS; ENFORCEMENT.—Participating local governments
1138 shall have such powers as are reasonably necessary to regulate
1139 and enforce the provisions of this section.

1140 (5)~~(6)~~ STATE AND LOCAL COOPERATION.—The division shall
1141 provide reasonable assistance to participating local governments
1142 in the development of enforcement procedures and regulations,
1143 and participating local governments shall monitor permit holders
1144 for compliance in cooperation with the division. At a minimum,
1145 participating local governments shall establish a procedure to
1146 accept, document, and respond to complaints and to timely report
1147 to the division all such complaints and the participating local
1148 governments' enforcement responses to such complaints. A
1149 participating local government shall provide the division with a
1150 copy of all approved applications and permits issued, and the
1151 participating local government shall require that all
1152 applications, permits, and other related materials contain the
1153 appropriate division-issued license number for each public food
1154 service establishment.

1155 ~~(7) FUTURE REVIEW AND REPEAL. This section shall expire~~
1156 ~~July 1, 2009, unless reviewed and saved from repeal through~~
1157 ~~reenactment by the Legislature.~~

1158 Section 38. This act shall take effect October 1, 2009.

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