

By the Committee on Regulated Industries; and Senator Gaetz

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1 A bill to be entitled
2 An act relating to the Department of Business and
3 Professional Regulation; amending s. 455.213, F.S.;
4 deleting signature notarization from the information
5 that the department may require in documents submitted
6 for the issuance or renewal of a license; prescribing
7 when an application is received for purposes of
8 certain requirements of the Administrative Procedure
9 Act; amending s. 455.227, F.S.; establishing
10 additional grounds for discipline of professions
11 subject to regulation; prohibiting the failure to
12 report criminal convictions and pleas; prohibiting the
13 failure to complete certain treatment programs;
14 providing penalties; creating s. 455.2274, F.S.;
15 authorizing the department's representative to appear
16 in criminal proceedings under certain circumstances
17 and provide certain assistance to the court; amending
18 s. 468.402, F.S.; providing for certain disciplinary
19 action against a talent agency for revocation,
20 suspension, or denial of the agency's license in any
21 jurisdiction; amending s. 468.403, F.S.; prohibiting
22 certain acts by persons who are not licensed as a
23 talent agency; amending s. 468.409, F.S.; requiring
24 certain records kept by a talent agency to be readily
25 available for inspection by the department; requiring
26 copies of the records to be provided to the department
27 in a specified manner; amending s. 468.410, F.S.;
28 specifying the time by which a talent agency must give
29 an applicant for the agency's registration or

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30 employment services a copy of the contract for those
31 services; amending s. 468.412, F.S.; requiring a
32 talent agency to advise an artist, in writing, of
33 certain rights relating to contracts for employment;
34 specifying that an engagement procured by a talent
35 agency during a specified period remains
36 commissionable to the agency; limiting a prohibition
37 against division of fees by a talent agency to
38 circumstances in which the artist does not give
39 written consent; providing a definition; authorizing a
40 talent agency to assign an engagement contract to
41 another agency under certain circumstances; amending
42 s. 468.413, F.S.; increasing the penalty that the
43 department may assess against a talent agency that
44 violates certain provisions of law; amending s.
45 468.609, F.S.; deleting a requirement that applicants
46 for building code administrator certification complete
47 a certain core curriculum before taking the
48 certification examination; amending ss. 468.627 and
49 471.0195, F.S.; deleting provisions requiring building
50 code administrator and inspector certificateholders
51 and engineer licensees to complete a certain core
52 curriculum or pass an equivalency test of the Florida
53 Building Code Compliance and Mitigation Program;
54 amending s. 473.305, F.S.; deleting an examination
55 late filing fee applicable to certified public
56 accountant examinees; amending s. 473.311, F.S.;
57 deleting a provision requiring passage of a rules
58 examination for renewal of license as a certified

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59 public accountant; amending s. 473.313, F.S.; deleting
60 a provision requiring passage of an examination as a
61 condition for reactivation of an inactive license as a
62 certified public accountant; amending s. 475.175,
63 F.S.; deleting the option to submit a notarized
64 application for a real estate broker or sales
65 associate license; amending s. 475.451, F.S.; limiting
66 the attorney exemption from continuing education
67 requirements to attorneys in good standing with The
68 Florida Bar; amending s. 475.615, F.S.; deleting a
69 requirement that an application for a real estate
70 appraiser certification be notarized; amending ss.
71 476.134 and 476.144, F.S.; requiring a written
72 examination for a barbering license; deleting
73 provisions for a practical examination for barbering
74 license applicants; amending s. 477.026 F.S.;
75 increasing statutory maximums on cosmetology licensing
76 fees; amending ss. 481.215 and 481.313, F.S.; deleting
77 provisions requiring architect, interior designer, and
78 landscape architect licensees to complete a certain
79 core curriculum or pass an equivalency test of the
80 Florida Building Code Compliance and Mitigation
81 Program; amending s. 489.103, F.S.; revising a
82 disclosure statement that a local permitting agency
83 must provide to property owners who apply for building
84 permits and claim certain exemptions from provisions
85 regulating construction contracting; amending s.
86 489.105, F.S.; revising the term "specialty
87 contractor" to require that the scope of work and

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88 responsibility of a specialty contractor be
89 established in a category of construction contracting
90 adopted by rule of the Construction Industry Licensing
91 Board; amending s. 489.109, F.S.; increasing statutory
92 maximums on construction renewal fees; establishing a
93 fee for registration or certification to qualify a
94 business organization for contracting; deleting
95 provisions relating to a business organization's
96 certificate of authority to conform to changes made by
97 the act; amending s. 489.114, F.S.; deleting
98 provisions relating to a business organization's
99 certificate of authority to conform to changes made by
100 the act; amending s. 489.115, F.S.; deleting
101 provisions requiring construction contractor
102 certificateholders and registrants to complete a
103 certain core curriculum or pass an equivalency test of
104 the Florida Building Code Compliance and Mitigation
105 Program; amending s. 489.117, F.S.; revising
106 requirements for the registration of certain
107 contractors; deleting provisions requiring a
108 contractor applicant to submit proof of a local
109 occupational license; specifying circumstances under
110 which a specialty contractor holding a local license
111 is not required to register with the board; deleting
112 provisions for the issuance of tracking registrations
113 to certain contractors who are not eligible for
114 registration as specialty contractors; limiting the
115 licensing and disciplinary actions that local
116 jurisdictions must report to the board to certain

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117 actions of registered contractors; deleting provisions
118 requiring the board to establish uniform job scopes
119 for any construction contracting license category;
120 amending s. 489.119, F.S.; deleting provisions for the
121 issuance of a certificate of authority to a business
122 organization for contracting; requiring a contractor
123 to apply for registration or certification to qualify
124 a business organization as the qualifying agent;
125 authorizing the board to deny a registration or
126 certification to qualify a business organization under
127 certain circumstances; providing application
128 procedures and requirements for the issuance of a
129 business tax receipt to a business organization;
130 deleting provisions for the issuance of an
131 occupational license to a business organization;
132 authorizing a local government to impose fines against
133 certified or registered contractors under certain
134 circumstances; requiring the qualifying agent of a
135 business organization to present certain evidence to
136 the board; providing that the board has discretion to
137 approve a business organization; amending s. 489.127,
138 F.S.; deleting provisions relating to a business
139 organization's certificate of authority for
140 contracting to conform to changes made by the act;
141 amending s. 489.128, F.S.; revising the circumstances
142 under which a person is considered an unlicensed
143 contractor; deleting provisions relating to a business
144 organization's certificate of authority for
145 contracting to conform to changes made by the act;

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146 amending ss. 489.129 and 489.132, F.S.; deleting
147 provisions relating to a business organization's
148 certificate of authority for contracting to conform to
149 changes made by the act; amending s. 489.1455, F.S.;
150 deleting provisions requiring certain journeymen
151 licensees to complete a certain core curriculum or
152 pass an equivalency test of the Florida Building Code
153 Compliance and Mitigation Program; amending s.
154 489.505, F.S.; revising the term "specialty
155 contractor" to require that the scope of practice of a
156 specialty contractor be established in a category of
157 electrical or alarm system contracting adopted by rule
158 of the Electrical Contractors' Licensing Board;
159 amending s. 489.513, F.S.; deleting a requirement that
160 the local license required for an electrical or alarm
161 system contractor be an occupational license; limiting
162 the licensing and disciplinary actions that local
163 jurisdictions must report to the board to certain
164 actions of registered contractors; deleting provisions
165 requiring the board to establish uniform job scopes
166 for any electrical and alarm system contracting
167 license category; amending s. 489.516, F.S.;
168 authorizing local officials to require a contractor to
169 obtain a business tax receipt; deleting provisions
170 requiring a contractor to pay an occupational license
171 fee; amending s. 489.517, F.S.; deleting provisions
172 requiring electrical and alarm system contractor
173 certificateholders and registrants to complete a
174 certain core curriculum or pass an equivalency test of

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175 the Florida Building Code Compliance and Mitigation
176 Program; amending s. 489.521, F.S.; providing
177 application procedures and requirements for the
178 issuance of a business tax receipt to a business
179 organization; deleting provisions for the issuance of
180 an occupational license to a business organization;
181 amending s. 489.5315, F.S.; specifying that certain
182 electrical or alarm system contractors are not
183 required to obtain a business tax receipt; deleting a
184 provision exempting certain contractors from
185 requirements for an occupational license to conform to
186 changes made by the act; amending s. 489.532, F.S.;
187 revising the circumstances under which a person is
188 considered an unlicensed electrical or alarm system
189 contractor; amending s. 489.537, F.S.; authorizing a
190 county or municipality to collect fees for business
191 tax receipts from electrical and alarm system
192 contractors; deleting a provision authorizing the
193 collection of occupational license fees; amending s.
194 509.233, F.S.; authorizing local governments to
195 establish, by ordinance, local exemption procedures to
196 allow patrons' dogs within certain designated outdoor
197 portions of public food service establishments;
198 deleting provisions for a pilot program that limits
199 the authority for such local exemption procedures to a
200 specified time; deleting a provision that provides for
201 the future review and repeal of such pilot program;
202 amending s. 548.002, F.S.; defining the term "event"
203 for regulation of pugilistic exhibitions; amending s.

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204 548.003, F.S.; authorizing the Florida State Boxing
205 Commission to adopt criteria for the approval of
206 certain amateur sanctioning organizations; authorizing
207 the commission to adopt health and safety standards
208 for amateur mixed martial arts; reenacting ss.
209 468.436(2)(a), 468.832(1)(a), 468.842(1)(a),
210 471.033(1)(a), 472.033(1)(a), 473.323(1)(a),
211 475.25(1)(a), 475.624(1), 476.204(1)(h),
212 477.029(1)(h), 481.225(1)(a), and 481.325(1)(a), F.S.,
213 relating to the discipline of community association
214 managers or firms, home inspectors, mold assessors and
215 remediators, engineers, surveyors and mappers,
216 certified public accountants and accounting firms,
217 real estate brokers and sales associates, real estate
218 appraisers, barbers, cosmetologists, architects, and
219 landscape architects, to incorporate the amendment
220 made to s. 455.227, F.S., in references thereto;
221 repealing s. 509.201, F.S., relating to posting and
222 advertising the room rates of a public lodging
223 establishment and related penalties; providing for
224 retroactive application; providing effective dates.

225

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

227

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

230 455.213 General licensing provisions.—

231 (1) Any person desiring to be licensed shall apply to the
232 department in writing. The application for licensure shall be

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233 submitted ~~made~~ on a form prescribed ~~prepared and~~ furnished by
234 the department and must include the applicant's social security
235 number. Notwithstanding any other provision of law, the
236 department is the sole authority for determining the contents of
237 any documents to be submitted for initial licensure and
238 licensure renewal. Such documents may contain information
239 including, as appropriate: demographics, education, work
240 history, personal background, criminal history, finances,
241 business information, complaints, inspections, investigations,
242 discipline, bonding, ~~signature notarization~~, photographs,
243 performance periods, reciprocity, local government approvals,
244 supporting documentation, periodic reporting requirements,
245 fingerprint requirements, continuing education requirements, and
246 ongoing education monitoring. The application shall be
247 supplemented as needed to reflect any material change in any
248 circumstance or condition stated in the application which takes
249 place between the initial filing of the application and the
250 final grant or denial of the license and which might affect the
251 decision of the department. In order to further the economic
252 development goals of the state, and notwithstanding any law to
253 the contrary, the department may enter into an agreement with
254 the county tax collector for the purpose of appointing the
255 county tax collector as the department's agent to accept
256 applications for licenses and applications for renewals of
257 licenses. The agreement must specify the time within which the
258 tax collector must forward any applications and accompanying
259 application fees to the department. In cases where a person
260 applies or schedules directly with a national examination
261 organization or examination vendor to take an examination

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262 required for licensure, any organization- or vendor-related fees
263 associated with the examination may be paid directly to the
264 organization or vendor. An application is received for purposes
265 of s. 120.60 upon the department's receipt of the application
266 submitted in the format prescribed by the department; the
267 application fee set by the board or, if there is no board, set
268 by the department; and any other fee required by law or rule to
269 be remitted with the application.

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

272 455.227 Grounds for discipline; penalties; enforcement.—

273 (1) The following acts shall constitute grounds for which
274 the disciplinary actions specified in subsection (2) may be
275 taken:

276 (t) Failing to report in writing to the board or, if there
277 is no board, to the department within 30 days after the licensee
278 is convicted or found guilty of, or entered a plea of nolo
279 contendere or guilty to, regardless of adjudication, a crime in
280 any jurisdiction. A licensee must report a conviction, finding
281 of guilt, plea, or adjudication entered before the effective
282 date of this paragraph within 30 days after the effective date
283 of this paragraph.

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

289 Section 3. Section 455.2274, Florida Statutes, is created
290 to read:

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291 455.2274 Criminal proceedings against licensees;
292 appearances by department representatives.-A representative of
293 the department may voluntarily appear in a criminal proceeding
294 brought against a person licensed by the department to practice
295 a profession regulated by the state. The department's
296 representative is authorized to furnish pertinent information,
297 make recommendations regarding specific conditions of probation,
298 and provide other assistance to the court necessary to promote
299 justice or protect the public. The court may order a
300 representative of the department to appear in a criminal
301 proceeding if the crime charged is substantially related to the
302 qualifications, functions, or duties of a license regulated by
303 the department.

304 Section 4. Paragraph (i) of subsection (1) of section
305 468.402, Florida Statutes, is amended to read:

306 468.402 Duties of the department; authority to issue and
307 revoke license; adoption of rules.-

308 (1) The department may take any one or more of the actions
309 specified in subsection (5) against any person who has:

310 (i) Had a license to operate a talent agency revoked,
311 suspended, or otherwise acted against, including, but not
312 limited to, having been denied a license for good cause by the
313 licensing authority of any ~~another~~ state, territory, or country.

314 Section 5. Subsection (1) of section 468.403, Florida
315 Statutes, is amended to read:

316 468.403 License requirements.-

317 (1) A person may not own, operate, solicit business, or
318 otherwise engage in or carry on the occupation of a talent
319 agency in this state unless the ~~such~~ person first procures a

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320 license for the talent agency from the department. ~~However,~~ A
321 license is not required for a person who acts as an agent for
322 herself or himself, a family member, or exclusively for one
323 artist. However, a person may not advertise or otherwise hold
324 himself or herself out as a "talent agency" or "talent agent"
325 unless the person is licensed under this section as a talent
326 agency.

327 Section 6. Section 468.409, Florida Statutes, is amended to
328 read:

329 468.409 Records required to be kept.—Each talent agency
330 shall keep on file the application, registration, or contract of
331 each artist. In addition, such file must include the name and
332 address of each artist, the amount of the compensation received,
333 and all attempts to procure engagements for the artist. No such
334 agency or employee thereof shall knowingly make any false entry
335 in applicant files or receipt files. Each card or document in
336 such files shall be preserved for a period of 1 year after the
337 date of the last entry thereon. Records required under this
338 section shall be readily available for inspection by the
339 department during reasonable business hours at the talent
340 agency's principal office. A talent agency must provide the
341 department with true copies of the records in the manner
342 prescribed by the department.

343 Section 7. Subsection (3) of section 468.410, Florida
344 Statutes, is amended to read:

345 468.410 Prohibition against registration fees; referral.—

346 (3) A talent agency shall give each applicant a copy of a
347 contract, within 24 hours after the contract's execution, which
348 lists the services to be provided and the fees to be charged.

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349 The contract shall state that the talent agency is regulated by
350 the department and shall list the address and telephone number
351 of the department.

352 Section 8. Subsections (5) and (8) of section 468.412,
353 Florida Statutes, are amended, and subsection (11) is added to
354 that section, to read:

355 468.412 Talent agency regulations; prohibited acts.—

356 (5) (a) No talent agency may knowingly issue a contract for
357 employment containing any term or condition which, if complied
358 with, would be in violation of law, or attempt to fill an order
359 for help to be employed in violation of law.

360 (b) A talent agency must advise an artist, in writing, that
361 the artist has a right to rescind a contract for employment
362 within the first 3 business days after the contract's execution.
363 Any engagement procured by the talent agency for the artist
364 during the first 3 business days of the contract remains
365 commissionable to the talent agency.

366 (8) No talent agency, without the written consent of the
367 artist, may divide fees with anyone, including, but not limited
368 to, an agent or other employee of an employer, a buyer, a
369 casting director, a producer, a director, or any venue that uses
370 entertainment. For purposes of this subsection, to "divide fees"
371 includes the sharing among two or more persons those fees
372 charged to an artist for services performed on behalf of that
373 artist, the total amount of which fees exceeds the amount that
374 would have been charged to the artist by the talent agency
375 alone.

376 (11) A talent agency may assign an engagement contract to
377 another talent agency licensed in this state only if the artist

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378 agrees in writing to the assignment. The assignment must occur,
379 and written notice of the assignment must be given to the
380 artist, within 30 days after the artist agrees in writing to the
381 assignment.

382 Section 9. Subsection (4) of section 468.413, Florida
383 Statutes, is amended to read:

384 468.413 Legal requirements; penalties.—

385 (4) In the event the department or any state attorney shall
386 have probable cause to believe that a talent agency or other
387 person has violated any provision of subsection (1), an action
388 may be brought by the department or any state attorney to enjoin
389 such talent agency or any person from continuing such violation,
390 or engaging therein or doing any acts in furtherance thereof,
391 and for such other relief as to the court seems appropriate. In
392 addition to this remedy, the department may assess a penalty
393 against any talent agency or any person in an amount not to
394 exceed \$5,000 ~~\$1,000~~.

395 Section 10. Paragraph (d) of subsection (3) of section
396 468.609, Florida Statutes, is amended to read:

397 468.609 Administration of this part; standards for
398 certification; additional categories of certification.—

399 (3) A person may take the examination for certification as
400 a building code administrator pursuant to this part if the
401 person:

402 ~~(d) After the building code training program is established~~
403 ~~under s. 553.841, demonstrates successful completion of the core~~
404 ~~curriculum approved by the Florida Building Commission,~~
405 ~~appropriate to the licensing category sought.~~

406 Section 11. Subsection (6) of section 468.627, Florida

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407 Statutes, is amended to read:

408 468.627 Application; examination; renewal; fees.-

409 ~~(6) Each certificateholder shall provide to the board proof~~
410 ~~of completion of the core curriculum courses of the building~~
411 ~~code training program established by s. 553.841, within 2 years~~
412 ~~after commencement of the program. Each new certificateholder~~
413 ~~shall provide to the board proof of completion of the core~~
414 ~~curriculum courses of the building code training program~~
415 ~~established in s. 553.841 within the first 2-year period after~~
416 ~~initial licensure. Continuing education hours spent taking such~~
417 ~~core curriculum courses shall count toward the number required~~
418 ~~for license renewal.~~

419 Section 12. Section 471.0195, Florida Statutes, is amended
420 to read:

421 471.0195 Florida Building Code training for engineers.-All
422 licensees actively participating in the design of engineering
423 works or systems in connection with buildings, structures, or
424 facilities and systems covered by the Florida Building Code
425 shall take continuing education courses and submit proof to the
426 board, at such times and in such manner as established by the
427 board by rule, that the licensee has completed ~~the core~~
428 ~~curriculum courses~~ and any specialized or advanced courses on
429 any portion of the Florida Building Code applicable to the
430 licensee's area of practice ~~or has passed the appropriate~~
431 ~~equivalency test of the Building Code Training Program as~~
432 ~~required by s. 553.841.~~ The board shall record reported
433 continuing education courses on a system easily accessed by code
434 enforcement jurisdictions for evaluation when determining
435 license status for purposes of processing design documents.

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436 Local jurisdictions shall be responsible for notifying the board
437 when design documents are submitted for building construction
438 permits by persons who are not in compliance with this section.
439 The board shall take appropriate action as provided by its rules
440 when such noncompliance is determined to exist.

441 Section 13. Section 473.305, Florida Statutes, is amended
442 to read:

443 473.305 Fees.—The board, by rule, may establish fees to be
444 paid for applications, examination, reexamination, licensing and
445 renewal, reinstatement, and recordmaking and recordkeeping. The
446 fee for the examination shall be established at an amount that
447 covers the costs for the procurement or development,
448 administration, grading, and review of the examination. The fee
449 for the examination is refundable if the applicant is found to
450 be ineligible to sit for the examination. The fee for initial
451 application is nonrefundable, and the combined fees for
452 application and examination may not exceed \$250 plus the actual
453 per applicant cost to the department for purchase of the
454 examination from the American Institute of Certified Public
455 Accountants or a similar national organization. The biennial
456 renewal fee may not exceed \$250. The board may also establish,
457 by rule, a reactivation fee, ~~a late filing fee for the law and~~
458 ~~rules examination,~~ and a delinquency fee not to exceed \$50 for
459 continuing professional education reporting forms. The board
460 shall establish fees which are adequate to ensure the continued
461 operation of the board and to fund the proportionate expenses
462 incurred by the department which are allocated to the regulation
463 of public accountants. Fees shall be based on department
464 estimates of the revenue required to implement this chapter and

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465 the provisions of law with respect to the regulation of
466 certified public accountants.

467 Section 14. Subsection (1) of section 473.311, Florida
468 Statutes, is amended to read:

469 473.311 Renewal of license.—

470 (1) The department shall renew a license upon receipt of
471 the renewal application and fee and upon certification by the
472 board that the licensee has satisfactorily completed the
473 continuing education requirements of s. 473.312 ~~and has passed~~
474 ~~an examination approved by the board on chapter 455 and this~~
475 ~~chapter and the related administrative rules. However, each~~
476 ~~licensee must complete the requirements of s. 473.312(1)(c)~~
477 ~~prior to taking the examination.~~

478 Section 15. Subsection (3) of section 473.313, Florida
479 Statutes, is amended to read:

480 473.313 Inactive status.—

481 (3) Any licensee holding an inactive license may be
482 permitted to reactivate such license in a conditional manner.
483 The conditions of reactivation shall require, in addition to the
484 payment of fees, ~~the passing of the examination approved by the~~
485 ~~board concerning chapter 455 and this chapter, and the related~~
486 ~~administrative rules, and the completion of required continuing~~
487 education.

488 Section 16. Paragraph (a) of subsection (1) of section
489 475.175, Florida Statutes, is amended to read:

490 475.175 Examinations.—

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

493 (a) Submits to the department the appropriate ~~notarized or~~

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494 electronically authenticated application and fee, and a
495 fingerprint card. The fingerprint card shall be forwarded to the
496 Division of Criminal Justice Information Systems within the
497 Department of Law Enforcement for purposes of processing the
498 fingerprint card to determine if the applicant has a criminal
499 history record. The fingerprint card shall also be forwarded to
500 the Federal Bureau of Investigation for purposes of processing
501 the fingerprint card to determine if the applicant has a
502 criminal history record. The information obtained by the
503 processing of the fingerprint card by the Florida Department of
504 Law Enforcement and the Federal Bureau of Investigation shall be
505 sent to the department for the purpose of determining if the
506 applicant is statutorily qualified for examination. Effective
507 July 1, 2006, an applicant shall provide fingerprints in
508 electronic format.

509 Section 17. Subsection (6) of section 475.451, Florida
510 Statutes, is amended to read:

511 475.451 Schools teaching real estate practice.—

512 (6) Any course prescribed by the commission as a condition
513 precedent to any person's becoming initially licensed as a sales
514 associate may be taught in any real estate school through the
515 use of a video tape of instruction by a currently permitted
516 instructor from any such school or may be taught by distance
517 learning pursuant to s. 475.17(2). The commission may require
518 that any such video tape course have a single session of live
519 instruction by a currently permitted instructor from any such
520 school; however, this requirement shall not exceed 3 classroom
521 hours. All other prescribed courses, except the continuing
522 education course required by s. 475.182, shall be taught by a

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523 currently permitted school instructor personally in attendance
524 at such course or by distance learning pursuant to s. 475.17.
525 The continuing education course required by s. 475.182 may be
526 taught by distance learning pursuant to s. 475.17 or by an
527 equivalent correspondence course; however, any such
528 correspondence course shall be required to have a final
529 examination, prepared and administered by the school issuing the
530 correspondence course. The continuing education requirements
531 provided ~~in this section or provided in any other section~~ in
532 this chapter do not apply ~~with respect to~~ an any attorney who is
533 otherwise qualified under ~~the provisions of this chapter~~ and who
534 is a member in good standing of The Florida Bar.

535 Section 18. Subsection (5) of section 475.615, Florida
536 Statutes, is amended to read:

537 475.615 Qualifications for registration or certification.—

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

545 Section 19. Subsection (1) of section 476.134, Florida
546 Statutes, is amended to read:

547 476.134 Examinations.—

548 (1) Examinations of applicants for licenses as barbers
549 shall be offered not less than four times each year. The
550 examination of applicants for licenses as barbers shall ~~may~~
551 ~~include both a practical demonstration and~~ a written test. The

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552 board shall have the authority to adopt rules with respect to
553 the examination of applicants for licensure. The board may
554 provide rules with respect to written ~~or practical~~ examinations
555 in such manner as the board may deem fit.

556 Section 20. Paragraph (b) of subsection (6) of section
557 476.144, Florida Statutes, is amended to read:

558 476.144 Licensure.—

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

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

565
566 The restricted license shall limit the licensee's practice to
567 those specific areas in which the applicant has demonstrated
568 competence pursuant to rules adopted by the board.

569 Section 21. Subsection (6) of section 481.215, Florida
570 Statutes, is renumbered as subsection (5), and present
571 subsection (5) of that section is amended, to read:

572 481.215 Renewal of license.—

573 ~~(5) Each licensee shall provide to the board proof of~~
574 ~~completion of the core curriculum courses, or passing the~~
575 ~~equivalency test of the Building Code Training Program~~
576 ~~established by s. 553.841, within 2 years after commencement of~~
577 ~~the program or after initial licensure, whichever is later.~~
578 ~~Hours spent taking core curriculum courses shall count toward~~
579 ~~the number required for license renewal. A licensee who passes~~
580 ~~the equivalency test in lieu of taking the core curriculum~~

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581 ~~courses shall receive full credit for such core curriculum~~
582 ~~course hours.~~

583 Section 22. Subsection (6) of section 481.313, Florida
584 Statutes, is renumbered as subsection (5), and present
585 subsection (5) of that section is amended, to read:

586 481.313 Renewal of license.—

587 ~~(5) Each licenseholder shall provide to the board proof of~~
588 ~~completion of the core curriculum courses, or passing the~~
589 ~~equivalency test of the Building Code Training Program~~
590 ~~established by s. 553.841, within 2 years after commencement of~~
591 ~~the program or of initial licensure, whichever is later. Hours~~
592 ~~spent taking core curriculum courses shall count toward the~~
593 ~~number required for license renewal. A licensee who passes the~~
594 ~~equivalency test in lieu of taking the core curriculum courses~~
595 ~~shall receive full credit for core curriculum course hours.~~

596 Section 23. Subsection (7) of section 489.103, Florida
597 Statutes, is amended to read:

598 489.103 Exemptions.—This part does not apply to:

599 (7) Owners of property when acting as their own contractor
600 and providing direct, onsite supervision themselves of all work
601 not performed by licensed contractors:

602 (a) When building or improving farm outbuildings or one-
603 family or two-family residences on such property for the
604 occupancy or use of such owners and not offered for sale or
605 lease, or building or improving commercial buildings, at a cost
606 not to exceed \$75,000, on such property for the occupancy or use
607 of such owners and not offered for sale or lease. In an action
608 brought under this part, proof of the sale or lease, or offering
609 for sale or lease, of any such structure by the owner-builder

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610 within 1 year after completion of same creates a presumption
611 that the construction was undertaken for purposes of sale or
612 lease.

613 (b) When repairing or replacing wood shakes or asphalt or
614 fiberglass shingles on one-family, two-family, or three-family
615 residences for the occupancy or use of such owner or tenant of
616 the owner and not offered for sale within 1 year after
617 completion of the work and when the property has been damaged by
618 natural causes from an event recognized as an emergency
619 situation designated by executive order issued by the Governor
620 declaring the existence of a state of emergency as a result and
621 consequence of a serious threat posed to the public health,
622 safety, and property in this state.

623
624 This subsection does not exempt any person who is employed by or
625 has a contract with such owner and who acts in the capacity of a
626 contractor. The owner may not delegate the owner's
627 responsibility to directly supervise all work to any other
628 person unless that person is registered or certified under this
629 part and the work being performed is within the scope of that
630 person's license. For the purposes of this subsection, the term
631 "owners of property" includes the owner of a mobile home
632 situated on a leased lot. To qualify for exemption under this
633 subsection, an owner must personally appear and sign the
634 building permit application and must satisfy local permitting
635 agency requirements, if any, proving that the owner has a
636 complete understanding of the owner's obligations under the law
637 as specified in the disclosure statement in this section. If any
638 person violates the requirements of this subsection, the local

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639 permitting agency shall withhold final approval, revoke the
640 permit, or pursue any action or remedy for unlicensed activity
641 against the owner and any person performing work that requires
642 licensure under the permit issued. The local permitting agency
643 shall provide the person with a disclosure statement in
644 substantially the following form:

645
646 DISCLOSURE STATEMENT

647
648 1. I understand that state law requires construction
649 to be done by a licensed contractor and have applied
650 for an owner-builder permit under an exemption from
651 the law. The exemption specifies that I, as the owner
652 of the property listed, may act as my own contractor
653 with certain restrictions even though I do not have a
654 license.

655
656 2. I understand that building permits are not required
657 to be signed by a property owner unless he or she is
658 responsible for the construction and is not hiring a
659 licensed contractor to assume responsibility.

660
661 3. I understand that, as an owner-builder, I am the
662 responsible party of record on a permit. I understand
663 that I may protect myself from potential financial
664 risk by hiring a licensed contractor and having the
665 permit filed in his or her name instead of my own
666 name. I also understand that a contractor is required
667 by law to be licensed in Florida and to list his or

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668 her license numbers on permits and contracts.

669

670 4. I understand that I may build or improve a one-
671 family or two-family residence or a farm outbuilding.
672 I may also build or improve a commercial building if
673 the costs do not exceed \$75,000. The building or
674 residence must be for my own use or occupancy. It may
675 not be built or substantially improved for sale or
676 lease. If a building or residence that I have built or
677 substantially improved myself is sold or leased within
678 1 year after the construction is complete, the law
679 will presume that I built or substantially improved it
680 for sale or lease, which violates the exemption.

681

682 5. I understand that, as the owner-builder, I must
683 provide direct, onsite supervision of the
684 construction.

685

686 6. I understand that I may not hire an unlicensed
687 person to act as my contractor or to supervise persons
688 working on my building or residence. It is my
689 responsibility to ensure that the persons whom I
690 employ have the licenses required by law and by county
691 or municipal ordinance.

692

693 7. I understand that it is a frequent practice of
694 unlicensed persons to have the property owner obtain
695 an owner-builder permit that erroneously implies that
696 the property owner is providing his or her own labor

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697 and materials. I, as an owner-builder, may be held
698 liable and subjected to serious financial risk for any
699 injuries sustained by an unlicensed person or his or
700 her employees while working on my property. My
701 homeowner's insurance may not provide coverage for
702 those injuries. I am willfully acting as an owner-
703 builder and am aware of the limits of my insurance
704 coverage for injuries to workers on my property.

705
706 8. I understand that I may not delegate the
707 responsibility for supervising work to a licensed
708 contractor who is not licensed to perform the work
709 being done. Any person working on my building who is
710 not licensed must work under my direct supervision and
711 must be employed by me, which means that I must comply
712 with laws requiring the withholding of federal income
713 tax and social security contributions under the
714 Federal Insurance Contributions Act (FICA) and must
715 provide workers' compensation for the employee. I
716 understand that my failure to follow these laws may
717 subject me to serious financial risk.

718
719 9. I agree that, as the party legally and financially
720 responsible for this proposed construction activity, I
721 will abide by all applicable laws and requirements
722 that govern owner-builders as well as employers. I
723 also understand that the construction must comply with
724 all applicable laws, ordinances, building codes, and
725 zoning regulations.

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726

727 10. I understand that I may obtain more information
728 regarding my obligations as an employer from the
729 Internal Revenue Service, the United States Small
730 Business Administration, the Florida Department of
731 Financial Services, and the Florida Department of
732 Revenue. I also understand that I may contact the
733 Florida Construction Industry Licensing Board at
734 ...(telephone number)... or ... (Internet website
735 address)... for more information about licensed
736 contractors.

737

738 11. I am aware of, and consent to, an owner-builder
739 building permit applied for in my name and understand
740 that I am the party legally and financially
741 responsible for the proposed construction activity at
742 the following address: ...(address of property)....

743

744 12. I agree to notify ...(issuer of disclosure
745 statements)... immediately of any additions,
746 deletions, or changes to any of the information that I
747 have provided on this disclosure.

748

749 Licensed contractors are regulated by laws designed to
750 protect the public. If you contract with a person who
751 does not have a license, the Construction Industry
752 Licensing Board and Department of Business and
753 Professional Regulation may be unable to assist you
754 with any financial loss that you sustain as a result

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755 of a complaint. Your only remedy against an unlicensed
756 contractor may be in civil court. It is also important
757 for you to understand that, if an unlicensed
758 contractor or employee of an individual or firm is
759 injured while working on your property, you may be
760 held liable for damages. If you obtain an owner-
761 builder permit and wish to hire a licensed contractor,
762 you will be responsible for verifying whether the
763 contractor is properly licensed and the status of the
764 contractor's workers' compensation coverage.

765
766 Before a building permit may be issued, this
767 disclosure statement must be completed and signed by
768 the property owner and returned to the local
769 permitting agency responsible for issuing the permit.
770 A copy of the property owner's driver license, the
771 notarized signature of the property owner, or other
772 type of verification acceptable to the local
773 permitting agency is required when the permit is
774 issued.

775
776 Signature: ... (signature of property owner)....
777 Date: ... (date)....

778
779 ~~State law requires construction to be done by licensed~~
780 ~~contractors. You have applied for a permit under an exemption to~~
781 ~~that law. The exemption allows you, as the owner of your~~
782 ~~property, to act as your own contractor with certain~~
783 ~~restrictions even though you do not have a license. You must~~

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784 ~~provide direct, onsite supervision of the construction yourself.~~
785 ~~You may build or improve a one-family or two-family residence or~~
786 ~~a farm outbuilding. You may also build or improve a commercial~~
787 ~~building, provided your costs do not exceed \$75,000. The~~
788 ~~building or residence must be for your own use or occupancy. It~~
789 ~~may not be built or substantially improved for sale or lease. If~~
790 ~~you sell or lease a building you have built or substantially~~
791 ~~improved yourself within 1 year after the construction is~~
792 ~~complete, the law will presume that you built or substantially~~
793 ~~improved it for sale or lease, which is a violation of this~~
794 ~~exemption. You may not hire an unlicensed person to act as your~~
795 ~~contractor or to supervise people working on your building. It~~
796 ~~is your responsibility to make sure that people employed by you~~
797 ~~have licenses required by state law and by county or municipal~~
798 ~~licensing ordinances. You may not delegate the responsibility~~
799 ~~for supervising work to a licensed contractor who is not~~
800 ~~licensed to perform the work being done. Any person working on~~
801 ~~your building who is not licensed must work under your direct~~
802 ~~supervision and must be employed by you, which means that you~~
803 ~~must deduct F.I.C.A. and withholding tax and provide workers'~~
804 ~~compensation for that employee, all as prescribed by law. Your~~
805 ~~construction must comply with all applicable laws, ordinances,~~
806 ~~building codes, and zoning regulations.~~

807 Section 24. Paragraph (q) of subsection (3) of section
808 489.105, Florida Statutes, is amended to read:

809 489.105 Definitions.—As used in this part:

810 (3) "Contractor" means the person who is qualified for, and
811 shall only be responsible for, the project contracted for and
812 means, except as exempted in this part, the person who, for

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813 compensation, undertakes to, submits a bid to, or does himself
814 or herself or by others construct, repair, alter, remodel, add
815 to, demolish, subtract from, or improve any building or
816 structure, including related improvements to real estate, for
817 others or for resale to others; and whose job scope is
818 substantially similar to the job scope described in one of the
819 subsequent paragraphs of this subsection. For the purposes of
820 regulation under this part, "demolish" applies only to
821 demolition of steel tanks over 50 feet in height; towers over 50
822 feet in height; other structures over 50 feet in height, other
823 than buildings or residences over three stories tall; and
824 buildings or residences over three stories tall. Contractors are
825 subdivided into two divisions, Division I, consisting of those
826 contractors defined in paragraphs (a)-(c), and Division II,
827 consisting of those contractors defined in paragraphs (d)-(q):

828 (q) "Specialty contractor" means a contractor whose scope
829 of work and responsibility is limited to a particular phase of
830 construction established in a category adopted by board rule and
831 whose scope is limited to a subset of the activities described
832 in ~~the categories established in~~ one of the paragraphs of this
833 subsection.

834 Section 25. Paragraphs (a) and (d) of subsection (1) of
835 section 489.109, Florida Statutes, are amended to read:

836 489.109 Fees.—

837 (1) The board, by rule, shall establish reasonable fees to
838 be paid for applications, certification and renewal,
839 registration and renewal, and recordmaking and recordkeeping.
840 The fees shall be established as follows:

841 (a) With respect to an applicant for a certificate, the

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842 initial application fee may not exceed \$150, and, if an
843 examination cost is included in the application fee, the
844 combined amount may not exceed \$350. The initial certification
845 fee and the renewal fee may not exceed \$250 ~~\$200~~. However, any
846 applicant who seeks certification under this part by taking a
847 practical examination must pay as an examination fee the actual
848 cost incurred by the department in developing, preparing,
849 administering, scoring, score reporting, and evaluating the
850 examination, if the examination is conducted by the department.

851 (d) With respect to an application for registration or
852 certification to qualify a business organization, the initial
853 application fee and the renewal fee shall be \$50. ~~The board, by~~
854 ~~rule, may establish a fee for transfer of a certificate of~~
855 ~~authority from one business organization to another, not to~~
856 ~~exceed the applicable renewal fee.~~

857 Section 26. Section 489.114, Florida Statutes, is amended
858 to read:

859 489.114 Evidence of workers' compensation coverage.—Except
860 as provided in s. 489.115(5)(d), any person, business
861 organization, or qualifying agent engaged in the business of
862 contracting in this state and certified or registered under this
863 part shall, as a condition precedent to the issuance or renewal
864 of a certificate or ~~registration, or certificate of authority~~
865 of the contractor, provide to the Construction Industry
866 Licensing Board, as provided by board rule, evidence of workers'
867 compensation coverage pursuant to chapter 440. In the event that
868 the Division of Workers' Compensation of the Department of
869 Financial Services receives notice of the cancellation of a
870 policy of workers' compensation insurance insuring a person or

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871 entity governed by this section, the Division of Workers'
 872 Compensation shall certify and identify all persons or entities
 873 by certification or registration license number to the
 874 department after verification is made by the Division of
 875 Workers' Compensation that persons or entities governed by this
 876 section are no longer covered by workers' compensation
 877 insurance. Such certification and verification by the Division
 878 of Workers' Compensation may result from records furnished to
 879 the Division of Workers' Compensation by the persons or entities
 880 governed by this section or an investigation completed by the
 881 Division of Workers' Compensation. The department shall notify
 882 the persons or entities governed by this section who have been
 883 determined to be in noncompliance with chapter 440, and the
 884 persons or entities notified shall provide certification of
 885 compliance with chapter 440 to the department and pay an
 886 administrative fine in the amount of \$500. The failure to
 887 maintain workers' compensation coverage as required by law shall
 888 be grounds for the board to revoke, suspend, or deny the
 889 issuance or renewal of a certificate or registration, ~~or~~
 890 ~~certificate of authority~~ of the contractor under the provisions
 891 of s. 489.129.

892 Section 27. Paragraph (b) of subsection (4) of section
 893 489.115, Florida Statutes, is amended to read:

894 489.115 Certification and registration; endorsement;
 895 reciprocity; renewals; continuing education.—

896 (4)

897 (b)1. Each certificateholder or registrant shall provide
 898 proof, in a form established by rule of the board, that the
 899 certificateholder or registrant has completed at least 14

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900 classroom hours of at least 50 minutes each of continuing
901 education courses during each biennium since the issuance or
902 renewal of the certificate or registration. The board shall
903 establish by rule that a portion of the required 14 hours must
904 deal with the subject of workers' compensation, business
905 practices, workplace safety, and, for applicable licensure
906 categories, wind mitigation methodologies, and 1 hour of which
907 must deal with laws and rules. The board shall by rule establish
908 criteria for the approval of continuing education courses and
909 providers, including requirements relating to the content of
910 courses and standards for approval of providers, and may by rule
911 establish criteria for accepting alternative nonclassroom
912 continuing education on an hour-for-hour basis. The board shall
913 prescribe by rule the continuing education, if any, which is
914 required during the first biennium of initial licensure. A
915 person who has been licensed for less than an entire biennium
916 must not be required to complete the full 14 hours of continuing
917 education.

918 2. In addition, the board may approve specialized
919 continuing education courses on compliance with the wind
920 resistance provisions for one and two family dwellings contained
921 in the Florida Building Code and any alternate methodologies for
922 providing such wind resistance which have been approved for use
923 by the Florida Building Commission. Division I
924 certificateholders or registrants who demonstrate proficiency
925 upon completion of such specialized courses may certify plans
926 and specifications for one and two family dwellings to be in
927 compliance with the code or alternate methodologies, as
928 appropriate, except for dwellings located in floodways or

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929 coastal hazard areas as defined in ss. 60.3D and E of the
930 National Flood Insurance Program.

931 ~~3. Each certificateholder or registrant shall provide to~~
932 ~~the board proof of completion of the core curriculum courses, or~~
933 ~~passing the equivalency test of the Building Code Training~~
934 ~~Program established under s. 553.841, specific to the licensing~~
935 ~~category sought, within 2 years after commencement of the~~
936 ~~program or of initial certification or registration, whichever~~
937 ~~is later. Classroom hours spent taking core curriculum courses~~
938 ~~shall count toward the number required for renewal of~~
939 ~~certificates or registration. A certificateholder or registrant~~
940 ~~who passes the equivalency test in lieu of taking the core~~
941 ~~curriculum courses shall receive full credit for core curriculum~~
942 ~~course hours.~~

943 3.4. The board shall require, by rule adopted pursuant to
944 ss. 120.536(1) and 120.54, a specified number of hours in
945 specialized or advanced module courses, approved by the Florida
946 Building Commission, on any portion of the Florida Building
947 Code, adopted pursuant to part IV of chapter 553, relating to
948 the contractor's respective discipline.

949 Section 28. Paragraph (a) of subsection (1) and subsections
950 (4) and (5) of section 489.117, Florida Statutes, are amended to
951 read:

952 489.117 Registration; specialty contractors.—

953 (1) (a) Any person engaged in the business of a contractor
954 as defined in s. 489.105(3)(a)-(o) must ~~in the state shall be~~
955 ~~registered in the proper classification, unless he or she is~~
956 ~~certified. Any person entering the business of a contractor~~
957 ~~shall be registered~~ before ~~prior to~~ engaging in business as a

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958 contractor in this state, unless he or she is certified. To be
959 initially registered, the applicant shall submit the required
960 fee and file evidence, ~~in a form provided by the department, of~~
961 ~~holding a current local occupational license required by any~~
962 ~~municipality, county, or development district, if any, for the~~
963 ~~type of work for which registration is desired and evidence of~~
964 successful compliance with the local examination and licensing
965 requirements, if any, in the area for which registration is
966 desired. An ~~No~~ examination is not ~~shall be~~ required for
967 registration.

968 (4) (a) A person holding a local license whose job scope
969 does not substantially correspond to either the job scope of one
970 of the contractor categories defined in s. 489.105(3) (a)-(o), or
971 the job scope of one of the certified specialty contractor
972 categories ~~previously~~ established by board rule ~~as of the~~
973 ~~effective date of this provision, is~~ shall not be required to
974 register with the board to perform contracting activities within
975 the scope of such specialty license.

976 ~~(b) A local jurisdiction may require an individual holding~~
977 ~~a local specialty contractor license in a category which~~
978 ~~pursuant to paragraph (a) does not permit registration to obtain~~
979 ~~a tracking registration from the board, provided that the board~~
980 ~~has established by rule that the activities which comprise the~~
981 ~~job scope of the local specialty contractor license involve~~
982 ~~lifesafety considerations and a significant potential danger to~~
983 ~~the consumer.~~

984 ~~(b)(c)~~ (b) The local jurisdictions are ~~shall be~~ responsible for
985 providing the following information to the board within 30 days
986 after licensure of, or any disciplinary action against, a

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987 locally licensed contractor who is registered under this part:

988 1. Licensure information.~~7~~

989 2. Code violation information pursuant to s. 553.781.~~7~~ and

990 3. Disciplinary information. ~~on locally licensed~~

991 ~~individuals to the board within 30 days after licensure or any~~
992 ~~disciplinary action, and~~

993

994 The board shall maintain such licensure and disciplinary
995 information as it is provided to the board ~~them~~, and shall make
996 the such information available through the automated information
997 system provided pursuant to s. 455.2286. ~~The biennial tracking~~
998 ~~registration fee shall not exceed \$40.~~

999 ~~(c)(d) Neither the board nor the department assumes any~~
1000 ~~responsibility for providing discipline pursuant to having~~
1001 ~~provided the tracking registration. Providing discipline to such~~
1002 ~~locally licensed contractors is individuals shall be the~~
1003 ~~responsibility of the local jurisdiction. Failure to obtain a~~
1004 ~~tracking registration shall not be considered a violation of~~
1005 ~~this chapter; however, a local jurisdiction requiring such~~
1006 ~~tracking registration may levy such penalties for failure to~~
1007 ~~obtain the tracking registration as it chooses to provide~~
1008 ~~through local ordinance.~~

1009 ~~(d)(e)~~ Any person who is not required to obtain
1010 registration or certification pursuant to s. 489.105(3)(d)-(o)
1011 may perform ~~specialty~~ contracting services for the construction,
1012 remodeling, repair, or improvement of single-family residences,
1013 including a townhouse as defined in the Florida Building Code,
1014 without obtaining a local ~~professional~~ license if such person is
1015 under the supervision of a certified or registered general,

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1016 building, or residential contractor. As used in this paragraph,
1017 supervision shall not be deemed to require the existence of a
1018 direct contract between the certified or registered general,
1019 building, or residential contractor and the person performing
1020 specialty contracting services.

1021 ~~(5) In order to establish uniformity among the job scopes~~
1022 ~~established by local jurisdictions, the board shall, by rule,~~
1023 ~~establish the job scope for any licensure category registered by~~
1024 ~~the board under this part. The board shall not arbitrarily limit~~
1025 ~~such scopes and shall restrict the job scopes only to the~~
1026 ~~minimum extent necessary to ensure uniformity.~~

1027 Section 29. Section 489.119, Florida Statutes, is amended
1028 to read:

1029 489.119 Business organizations; qualifying agents.—

1030 (1) If an individual proposes to engage in contracting in
1031 the individual's own name, or a fictitious name where the
1032 individual is doing business as a sole proprietorship,
1033 registration or certification may be issued only to that
1034 individual.

1035 (2) If the applicant proposes to engage in contracting as a
1036 business organization, including any partnership, corporation,
1037 business trust, or other legal entity, or in any name other than
1038 the applicant's legal name or a fictitious name where the
1039 applicant is doing business as a sole proprietorship, the
1040 applicant business organization must apply for registration or
1041 certification as the ~~for a certificate of authority through a~~
1042 qualifying agent of the business organization ~~and under the~~
1043 ~~fictitious name, if any.~~

1044 (a) An ~~The~~ application for registration or certification to

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1045 qualify a business organization ~~a certificate of authority~~ must
1046 state the name of the partnership and of its partners; the name
1047 of the corporation and of its officers and directors and the
1048 name of each of its stockholders who is also an officer or
1049 director; the name of the business trust and its trustees; or
1050 the name of such other legal entity and its members; and must
1051 state the fictitious name, if any, under which the business
1052 organization is doing business.

1053 (b)1. An ~~The~~ application for registration or certification
1054 to qualify a business organization ~~primary qualifying agent~~ must
1055 include an affidavit on a form provided by the board attesting
1056 that the applicant has final approval authority for all
1057 construction work performed by the business organization ~~entity~~
1058 and that the applicant has final approval authority on all
1059 business matters, including contracts, specifications, checks,
1060 drafts, or payments, regardless of the form of payment, made by
1061 the business organization ~~entity~~, except where a financially
1062 responsible officer is approved.

1063 2. The application for financially responsible officer must
1064 include an affidavit on a form provided by the board attesting
1065 that the applicant's approval is required for all checks,
1066 drafts, or payments, regardless of the form of payment, made by
1067 the business organization ~~entity~~ and that the applicant has
1068 authority to act for the business organization in all financial
1069 matters.

1070 3. The application for secondary qualifying agent must
1071 include an affidavit on a form provided by the board attesting
1072 that the applicant has authority to supervise all construction
1073 work performed by the business organization ~~entity~~ as provided

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1074 in s. 489.1195(2).

1075 (c) The board may deny an application for registration or
1076 certification to qualify a business organization if the
1077 applicant, or any person listed in paragraph (a), has been
1078 involved in past disciplinary actions or on any grounds for
1079 which an individual registration or certification may be denied.

1080 (d)~~(b)~~ The applicant must furnish evidence of statutory
1081 compliance if a fictitious name is used, the provisions of s.
1082 865.09(7) notwithstanding.

1083 (e)~~(e)~~ A joint venture, including a joint venture composed
1084 of qualified business organizations, is itself a separate and
1085 distinct organization that must be qualified ~~and obtain a~~
1086 ~~certificate of authority~~ in accordance with board rules.

1087 ~~(d) A certificate of authority must be renewed every 2~~
1088 ~~years. If there is a change in any information that is required~~
1089 ~~to be stated on the application, the business organization~~
1090 ~~shall, within 45 days after such change occurs, mail the correct~~
1091 ~~information to the department.~~

1092 (3) (a) A ~~The~~ qualifying agent must ~~shall~~ be certified or
1093 registered under this part in order for the business
1094 organization to operate ~~be issued a certificate of authority~~ in
1095 the category of contracting in the business conducted for which
1096 the qualifying agent is certified or registered. If any
1097 qualifying agent ceases to be affiliated with a ~~such~~ business
1098 organization, he or she shall ~~se~~ inform the department. In
1099 addition, if the ~~such~~ qualifying agent is the only certified or
1100 registered contractor affiliated with the business organization,
1101 the business organization shall notify the department of the
1102 termination of the qualifying agent and shall have 60 days from

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1103 the termination of the qualifying agent's affiliation with the
1104 business organization in which to employ another qualifying
1105 agent. The business organization may not engage in contracting
1106 until a qualifying agent is employed, unless the executive
1107 director or chair of the board has granted a temporary
1108 nonrenewable certificate or registration to the financially
1109 responsible officer, the president, a partner, or, in the case
1110 of a limited partnership, the general partner, who assumes all
1111 responsibilities of a primary qualifying agent for the business
1112 organization ~~entity~~. This temporary certificate or registration
1113 shall only allow the business organization ~~entity~~ to proceed
1114 with incomplete contracts. For the purposes of this paragraph,
1115 an incomplete contract is one which has been awarded to, or
1116 entered into by, the business organization prior to the
1117 cessation of affiliation of the qualifying agent with the
1118 business organization or one on which the business organization
1119 was the low bidder and the contract is subsequently awarded,
1120 regardless of whether any actual work has commenced under the
1121 contract prior to the qualifying agent ceasing to be affiliated
1122 with the business organization.

1123 (b) The qualifying agent shall inform the department in
1124 writing when he or she proposes to engage in contracting in his
1125 or her own name or in affiliation with another business
1126 organization, and he or she or such new business organization
1127 shall supply the same information to the department as required
1128 of applicants under this part.

1129 ~~(c) Upon a favorable determination by the board, after~~
1130 ~~investigation of the financial responsibility, credit, and~~
1131 ~~business reputation of the qualifying agent and the new business~~

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1132 ~~organization, the department shall issue, without an~~
1133 ~~examination, a new certificate of authority in the business~~
1134 ~~organization's name.~~

1135 ~~(4) Disciplinary action against a business organization~~
1136 ~~holding a certificate of authority shall be administered in the~~
1137 ~~same manner and on the same grounds as disciplinary action~~
1138 ~~against a contractor. The board may deny the certification of~~
1139 ~~any person cited in subsection (2) if the person has been~~
1140 ~~involved in past disciplinary actions or on any grounds for~~
1141 ~~which individual certification can be denied.~~

1142 ~~(4)~~(5) When a certified qualifying agent, on behalf of a
1143 business organization, makes application for a business tax
1144 receipt ~~an occupational license~~ in any municipality or county of
1145 this state, the application shall be made with the tax collector
1146 in the name of the business organization and the qualifying
1147 agent; and the license, when issued, shall be issued to the
1148 business organization, upon payment of the appropriate licensing
1149 fee and exhibition to the tax collector of a valid certificate
1150 for the qualifying agent ~~and a valid certificate of authority~~
1151 ~~for the business organization~~ issued by the department, and the
1152 state license numbers shall be noted thereon.

1153 ~~(5)~~(6)(a) Each registered or certified contractor shall
1154 affix the number of his or her registration or certification to
1155 each application for a building permit and on each building
1156 permit issued and recorded. Each city or county building
1157 department shall require, as a precondition for the issuance of
1158 the building permit, that the contractor taking out the permit
1159 must provide verification giving his or her Construction
1160 Industry Licensing Board registration or certification number.

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1161 (b) The registration or certification number of each
1162 contractor ~~or certificate of authority number for each business~~
1163 ~~organization~~ shall appear in each offer of services, business
1164 proposal, bid, contract, or advertisement, regardless of medium,
1165 as defined by board rule, used by that contractor or business
1166 organization in the practice of contracting.

1167 (c) If a vehicle bears the name of a contractor or business
1168 organization, or any text or artwork which would lead a
1169 reasonable person to believe that the vehicle is used for
1170 contracting, the registration or certification number of the
1171 contractor ~~or certificate of authority number of the business~~
1172 ~~organization~~ must be conspicuously and legibly displayed with
1173 the name, text, or artwork. Local governments may also require
1174 that locally licensed contractors must also display their
1175 certificate of competency or license numbers. Nothing in this
1176 paragraph shall be construed to create a mandatory vehicle
1177 signage requirement.

1178 (d) For the purposes of this part, the term "advertisement"
1179 does not include business stationery or any promotional
1180 novelties such as balloons, pencils, trinkets, or articles of
1181 clothing.

1182 (e) The board shall issue a notice of noncompliance for the
1183 first offense, and may assess a fine or issue a citation for
1184 failure to correct the offense within 30 days or for any
1185 subsequent offense, to any contractor or business organization
1186 that fails to include the certification or registration, ~~or~~
1187 ~~certificate of authority~~ number as required by this part when
1188 submitting an advertisement for publication, broadcast, or
1189 printing or fails to display the certification or registration.

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1190 ~~or certificate of authority~~ number as required by this part.

1191 (f) In addition to any other penalty prescribed by law, a
1192 local government may impose a civil fine pursuant to s.
1193 489.127(5) against a person who is not certified or registered
1194 under this part if the person:

1195 1. Claims to be licensed in any offer of services, business
1196 proposal, bid, contract, or advertisement, but who does not
1197 possess a valid competency-based license issued by a local
1198 government in this state to perform the specified construction
1199 services; or

1200 2. Claims to be insured in any offer of services, business
1201 proposal, bid, contract, or advertisement, but whose performance
1202 of the subject work is not covered by a general liability or
1203 workers' compensation insurance policy.

1204 (6)-(7) Each qualifying agent shall pay the department an
1205 amount equal to the original fee for registration or
1206 certification to qualify ~~a certificate of authority of~~ a new
1207 business organization. If the qualifying agent for a business
1208 organization desires to qualify additional business
1209 organizations, the board shall require the qualifying agent ~~him~~
1210 ~~or her~~ to present evidence of his or her ability to supervise
1211 the construction activities ~~and financial responsibility~~ of each
1212 such organization. Approval of each business organization ~~The~~
1213 ~~issuance of such certificate of authority~~ is discretionary with
1214 the board.

1215 (7)-(8)(a) A business organization proposing to engage in
1216 contracting is not required to apply for or obtain authorization
1217 under this part to engage in contracting if:

1218 1. The business organization employs one or more registered

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1219 or certified contractors licensed in accordance with this part
1220 who are responsible for obtaining permits and supervising all of
1221 the business organization's contracting activities;

1222 2. The business organization engages only in contracting on
1223 property owned by the business organization or by its parent,
1224 subsidiary, or affiliated entities; and

1225 3. The business organization, or its parent entity if the
1226 business organization is a wholly owned subsidiary, maintains a
1227 minimum net worth of \$20 million.

1228 (b) Any business organization engaging in contracting under
1229 this subsection shall provide the board with the name and
1230 license number of each registered or certified contractor
1231 employed by the business organization to supervise its
1232 contracting activities. The business organization is not
1233 required to post a bond or otherwise evidence any financial or
1234 credit information except as necessary to demonstrate compliance
1235 with paragraph (a).

1236 (c) A registered or certified contractor employed by a
1237 business organization to supervise its contracting activities
1238 under this subsection shall not be required to post a bond or
1239 otherwise evidence any personal financial or credit information
1240 so long as the individual performs contracting activities
1241 exclusively on behalf of a business organization meeting all of
1242 the requirements of paragraph (a).

1243 Section 30. Subsection (1) of section 489.127, Florida
1244 Statutes, is amended to read:

1245 489.127 Prohibitions; penalties.-

1246 (1) No person shall:

1247 (a) Falsely hold himself or herself or a business

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1248 organization out as a licensee, certificateholder, or
1249 registrant;

1250 (b) Falsely impersonate a certificateholder or registrant;

1251 (c) Present as his or her own the certificate or
1252 registration, ~~or certificate of authority~~ of another;

1253 (d) Knowingly give false or forged evidence to the board or
1254 a member thereof;

1255 (e) Use or attempt to use a certificate or registration
1256 that, ~~or certificate of authority which~~ has been suspended or
1257 revoked;

1258 (f) Engage in the business or act in the capacity of a
1259 contractor or advertise himself or herself or a business
1260 organization as available to engage in the business or act in
1261 the capacity of a contractor without being duly registered or
1262 certified ~~or having a certificate of authority~~;

1263 (g) Operate a business organization engaged in contracting
1264 after 60 days following the termination of its only qualifying
1265 agent without designating another primary qualifying agent,
1266 except as provided in ss. 489.119 and 489.1195;

1267 (h) Commence or perform work for which a building permit is
1268 required pursuant to part IV of chapter 553 without such
1269 building permit being in effect; or

1270 (i) Willfully or deliberately disregard or violate any
1271 municipal or county ordinance relating to uncertified or
1272 unregistered contractors.

1273

1274 For purposes of this subsection, a person or business
1275 organization operating on an inactive or suspended certificate
1276 or registration, ~~or certificate of authority~~ is not duly

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1277 certified or registered and is considered unlicensed. A business
1278 tax receipt issued under the authority of chapter 205 is not a
1279 license for purposes of this part.

1280 Section 31. Effective upon this act becoming a law,
1281 paragraph (a) of subsection (1) of section 489.128, Florida
1282 Statutes, is amended to read:

1283 489.128 Contracts entered into by unlicensed contractors
1284 unenforceable.—

1285 (1) As a matter of public policy, contracts entered into on
1286 or after October 1, 1990, by an unlicensed contractor shall be
1287 unenforceable in law or in equity by the unlicensed contractor.

1288 (a) For purposes of this section, an individual is
1289 unlicensed if the individual does not have a license required by
1290 this part concerning the scope of the work to be performed under
1291 the contract. A business organization is unlicensed if the
1292 business organization does not have a primary or secondary
1293 qualifying agent in accordance with this part concerning the
1294 scope of the work to be performed under the contract. For
1295 purposes of this section, if a ~~no~~ state ~~or local~~ license is not
1296 required for the scope of work to be performed under the
1297 contract, the individual performing that work is ~~shall~~ not ~~be~~
1298 considered unlicensed.

1299 Section 32. Paragraph (b) of subsection (1) of section
1300 489.128, Florida Statutes, is amended to read:

1301 489.128 Contracts entered into by unlicensed contractors
1302 unenforceable.—

1303 (1) As a matter of public policy, contracts entered into on
1304 or after October 1, 1990, by an unlicensed contractor shall be
1305 unenforceable in law or in equity by the unlicensed contractor.

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1306 (b) For purposes of this section, an individual or business
1307 organization may not be considered unlicensed for failing to
1308 have a business tax receipt issued under the authority of
1309 chapter 205. ~~A business organization may not be considered~~
1310 ~~unlicensed for failing to have a certificate of authority as~~
1311 ~~required by ss. 489.119 and 489.127. For purposes of this~~
1312 ~~section, a business organization entering into the contract may~~
1313 ~~not be considered unlicensed if, before the date established by~~
1314 ~~paragraph (c), an individual possessing a license required by~~
1315 ~~this part concerning the scope of the work to be performed under~~
1316 ~~the contract has submitted an application for a certificate of~~
1317 ~~authority designating that individual as a qualifying agent for~~
1318 ~~the business organization entering into the contract, and the~~
1319 ~~application was not acted upon by the department or applicable~~
1320 ~~board within the time limitations imposed by s. 120.60.~~

1321 Section 33. Subsections (1), (5), and (7) of section
1322 489.129, Florida Statutes, are amended to read:

1323 489.129 Disciplinary proceedings.—

1324 (1) The board may take any of the following actions against
1325 any certificateholder or registrant: place on probation or
1326 reprimand the licensee, revoke, suspend, or deny the issuance or
1327 renewal of the certificate or, registration, ~~or certificate of~~
1328 ~~authority~~, require financial restitution to a consumer for
1329 financial harm directly related to a violation of a provision of
1330 this part, impose an administrative fine not to exceed \$10,000
1331 per violation, require continuing education, or assess costs
1332 associated with investigation and prosecution, if the
1333 contractor, financially responsible officer, or business
1334 organization for which the contractor is a primary qualifying

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1335 agent, a financially responsible officer, or a secondary
1336 qualifying agent responsible under s. 489.1195 is found guilty
1337 of any of the following acts:

1338 (a) Obtaining a certificate or registration, ~~or~~
1339 ~~certificate of authority~~ by fraud or misrepresentation.

1340 (b) Being convicted or found guilty of, or entering a plea
1341 of nolo contendere to, regardless of adjudication, a crime in
1342 any jurisdiction which directly relates to the practice of
1343 contracting or the ability to practice contracting.

1344 (c) Violating any provision of chapter 455.

1345 (d) Performing any act which assists a person or entity in
1346 engaging in the prohibited uncertified and unregistered practice
1347 of contracting, if the certificateholder or registrant knows or
1348 has reasonable grounds to know that the person or entity was
1349 uncertified and unregistered.

1350 (e) Knowingly combining or conspiring with an uncertified
1351 or unregistered person by allowing his or her certificate or
1352 registration, ~~or certificate of authority~~ to be used by the
1353 uncertified or unregistered person with intent to evade the
1354 provisions of this part. When a certificateholder or registrant
1355 allows his or her certificate or registration to be used by one
1356 or more business organizations without having any active
1357 participation in the operations, management, or control of such
1358 business organizations, such act constitutes prima facie
1359 evidence of an intent to evade the provisions of this part.

1360 (f) Acting in the capacity of a contractor under any
1361 certificate or registration issued hereunder except in the name
1362 of the certificateholder or registrant as set forth on the
1363 issued certificate or registration, or in accordance with the

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1364 personnel of the certificateholder or registrant as set forth in
1365 the application for the certificate or registration, or as later
1366 changed as provided in this part.

1367 (g) Committing mismanagement or misconduct in the practice
1368 of contracting that causes financial harm to a customer.
1369 Financial mismanagement or misconduct occurs when:

1370 1. Valid liens have been recorded against the property of a
1371 contractor's customer for supplies or services ordered by the
1372 contractor for the customer's job; the contractor has received
1373 funds from the customer to pay for the supplies or services; and
1374 the contractor has not had the liens removed from the property,
1375 by payment or by bond, within 75 days after the date of such
1376 liens;

1377 2. The contractor has abandoned a customer's job and the
1378 percentage of completion is less than the percentage of the
1379 total contract price paid to the contractor as of the time of
1380 abandonment, unless the contractor is entitled to retain such
1381 funds under the terms of the contract or refunds the excess
1382 funds within 30 days after the date the job is abandoned; or

1383 3. The contractor's job has been completed, and it is shown
1384 that the customer has had to pay more for the contracted job
1385 than the original contract price, as adjusted for subsequent
1386 change orders, unless such increase in cost was the result of
1387 circumstances beyond the control of the contractor, was the
1388 result of circumstances caused by the customer, or was otherwise
1389 permitted by the terms of the contract between the contractor
1390 and the customer.

1391 (h) Being disciplined by any municipality or county for an
1392 act or violation of this part.

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1393 (i) Failing in any material respect to comply with the
1394 provisions of this part or violating a rule or lawful order of
1395 the board.

1396 (j) Abandoning a construction project in which the
1397 contractor is engaged or under contract as a contractor. A
1398 project may be presumed abandoned after 90 days if the
1399 contractor terminates the project without just cause or without
1400 proper notification to the owner, including the reason for
1401 termination, or fails to perform work without just cause for 90
1402 consecutive days.

1403 (k) Signing a statement with respect to a project or
1404 contract falsely indicating that the work is bonded; falsely
1405 indicating that payment has been made for all subcontracted
1406 work, labor, and materials which results in a financial loss to
1407 the owner, purchaser, or contractor; or falsely indicating that
1408 workers' compensation and public liability insurance are
1409 provided.

1410 (l) Committing fraud or deceit in the practice of
1411 contracting.

1412 (m) Committing incompetency or misconduct in the practice
1413 of contracting.

1414 (n) Committing gross negligence, repeated negligence, or
1415 negligence resulting in a significant danger to life or
1416 property.

1417 (o) Proceeding on any job without obtaining applicable
1418 local building department permits and inspections.

1419 (p) Intimidating, threatening, coercing, or otherwise
1420 discouraging the service of a notice to owner under part I of
1421 chapter 713 or a notice to contractor under chapter 255 or part

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1422 I of chapter 713.

1423 (q) Failing to satisfy within a reasonable time, the terms
1424 of a civil judgment obtained against the licensee, or the
1425 business organization qualified by the licensee, relating to the
1426 practice of the licensee's profession.

1427

1428 For the purposes of this subsection, construction is considered
1429 to be commenced when the contract is executed and the contractor
1430 has accepted funds from the customer or lender. A contractor
1431 does not commit a violation of this subsection when the
1432 contractor relies on a building code interpretation rendered by
1433 a building official or person authorized by s. 553.80 to enforce
1434 the building code, absent a finding of fraud or deceit in the
1435 practice of contracting, or gross negligence, repeated
1436 negligence, or negligence resulting in a significant danger to
1437 life or property on the part of the building official, in a
1438 proceeding under chapter 120.

1439 (5) The board may not reinstate the certification or
1440 registration, ~~or certificate of authority~~ of, or cause a
1441 certificate or registration, ~~or certificate of authority~~ to be
1442 issued to, a person who or business organization which the board
1443 has determined is unqualified or whose certificate or
1444 registration, ~~or certificate of authority~~ the board has
1445 suspended until it is satisfied that such person or business
1446 organization has complied with all the terms and conditions set
1447 forth in the final order and is capable of competently engaging
1448 in the business of contracting.

1449 (7) The board shall not issue or renew a certificate or
1450 registration, ~~or certificate of authority~~ to any person or

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1451 business organization that has been assessed a fine, interest,
1452 or costs associated with investigation and prosecution, or has
1453 been ordered to pay restitution, until such fine, interest, or
1454 costs associated with investigation and prosecution or
1455 restitution are paid in full or until all terms and conditions
1456 of the final order have been satisfied.

1457 Section 34. Subsection (5) of section 489.132, Florida
1458 Statutes, is amended to read:

1459 489.132 Prohibited acts by unlicensed principals;
1460 investigation; hearing; penalties.—

1461 (5) The department may suspend, revoke, or deny issuance or
1462 renewal of a certificate or, registration, ~~or certificate of~~
1463 ~~authority~~ for any individual or business organization that
1464 associates a person as an officer, director, or partner, or in a
1465 managerial or supervisory capacity, after such person has been
1466 found under a final order to have violated this section or was
1467 an officer, director, partner, trustee, or manager of a business
1468 organization disciplined by the board by revocation, suspension,
1469 or fine in excess of \$2,500, upon finding reasonable cause that
1470 such person knew or reasonably should have known of the conduct
1471 leading to the discipline.

1472 Section 35. Subsection (1) of section 489.1455, Florida
1473 Statutes, is amended to read:

1474 489.1455 Journeyman; reciprocity; standards.—

1475 (1) An individual who holds a valid, active journeyman
1476 license in the plumbing/pipe fitting, mechanical, or HVAC trades
1477 issued by any county or municipality in this state may work as a
1478 journeyman in the trade in which he or she is licensed in any
1479 county or municipality of this state without taking an

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1480 additional examination or paying an additional license fee, if
1481 he or she:

1482 (a) Has scored at least 70 percent, or after October 1,
1483 1997, at least 75 percent, on a proctored journeyman Block and
1484 Associates examination or other proctored examination approved
1485 by the board for the trade in which he or she is licensed;

1486 (b) Has completed an apprenticeship program registered with
1487 the Department of Labor and Employment Security and demonstrates
1488 4 years' verifiable practical experience in the trade for which
1489 he or she is licensed, or demonstrates 6 years' verifiable
1490 practical experience in the trade for which he or she is
1491 licensed;

1492 (c) Has satisfactorily completed specialized and advanced
1493 module coursework approved by the Florida Building Commission,
1494 as part of the Building Code Training Program established in s.
1495 553.841, specific to the discipline, ~~and successfully completed~~
1496 ~~the program's core curriculum courses or passed an equivalency~~
1497 ~~test in lieu of taking the core curriculum courses and provided~~
1498 ~~proof of completion of such curriculum courses or examination~~
1499 ~~and obtained a certificate from the board pursuant to this part~~
1500 or, pursuant to authorization by the certifying authority,
1501 provides proof of completion of such ~~curriculum or~~ coursework
1502 within 6 months after such certification; and

1503 (d) Has not had a license suspended or revoked within the
1504 last 5 years.

1505 Section 36. Subsection (19) of section 489.505, Florida
1506 Statutes, is amended to read:

1507 489.505 Definitions.—As used in this part:

1508 (19) "Specialty contractor" means a contractor whose scope

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1509 of practice is limited to a specific segment of electrical or
 1510 alarm system contracting established in a category adopted by
 1511 board rule, including, but not limited to, residential
 1512 electrical contracting, maintenance of electrical fixtures, and
 1513 fabrication, erection, installation, and maintenance of
 1514 electrical advertising signs together with the interrelated
 1515 parts and supports thereof. ~~Categories of specialty contractor~~
 1516 ~~shall be established by board rule.~~

1517 Section 37. Subsections (5), (6), and (7) of section
 1518 489.513, Florida Statutes, are amended to read:

1519 489.513 Registration; application; requirements.—

1520 (5) Registration permits the registrant to engage in
 1521 contracting only in the area and for the type of work covered by
 1522 the registration, unless local licenses are issued for other
 1523 areas and types of work or unless certification is obtained.
 1524 When a registrant desires to register in an additional area of
 1525 the state, he or she shall ~~first~~ comply with any local
 1526 requirements of that area and then file a request with the
 1527 department, together with evidence of holding a current
 1528 ~~occupational license or~~ license issued by the county or
 1529 municipality for the area or areas in which he or she desires to
 1530 be registered, whereupon his or her evidence of registration
 1531 shall be endorsed by the department to reflect valid
 1532 registration for the new area or areas.

1533 (6) The local jurisdictions are ~~shall be~~ responsible for
 1534 providing the following information to the board within 30 days
 1535 after licensure of, or any disciplinary action against, a
 1536 locally licensed contractor who is registered under this part:

1537 (a) Licensure information.⁷

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1538 (b) Code violation information pursuant to s. 553.781., ~~and~~
1539 (c) Disciplinary information. ~~on locally licensed~~
1540 ~~individuals to the board within 30 days after licensure or any~~
1541 ~~disciplinary action, and~~

1542
1543 The board shall maintain such licensure and disciplinary
1544 information as it is provided to the board ~~them~~, and shall make
1545 the such information available through the automated information
1546 system provided pursuant to s. 455.2286.

1547 ~~(7) In order to establish uniformity among the job scopes~~
1548 ~~established by local jurisdictions, the board shall, by rule,~~
1549 ~~establish the job scope for any licensure category registered by~~
1550 ~~the board under this part. The board shall not arbitrarily limit~~
1551 ~~such scopes and shall restrict the job scopes only to the~~
1552 ~~minimum extent necessary to ensure uniformity.~~

1553 Section 38. Subsection (3) of section 489.516, Florida
1554 Statutes, is amended to read:

1555 489.516 Qualifications to practice; restrictions;
1556 prerequisites.—

1557 (3) When a certificateholder desires to engage in
1558 contracting in any area of the state, as a prerequisite
1559 therefor, he or she shall only be required to exhibit to the
1560 local building official, tax collector, or other authorized
1561 person in charge of the issuance of licenses and building or
1562 electrical permits in the area evidence of holding a current
1563 certificate and a current business tax receipt issued by the
1564 jurisdiction in which the certificateholder's principal place of
1565 business is located, and having paid ~~to pay~~ the fee for the
1566 ~~occupational license and permit required of other persons.~~

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1567 However, a local construction regulation board may deny the
1568 issuance of an electrical permit to a certified contractor, or
1569 issue a permit with specific conditions, if the local
1570 construction regulation board has found such contractor, through
1571 the public hearing process, to be guilty of fraud or a willful
1572 building code violation within the county or municipality that
1573 the local construction regulation board represents, or if the
1574 local construction regulation board has proof that such
1575 contractor, through the public hearing process, has been found
1576 guilty, in another county or municipality within the past 12
1577 months, of fraud or a willful building code violation and finds,
1578 after providing notice to the contractor, that such fraud or
1579 violation would have been fraud or a violation if committed in
1580 the county or municipality that the local construction board
1581 represents. Notification of and information concerning such
1582 permit denial shall be submitted to the Department of Business
1583 and Professional Regulation within 15 days after the local
1584 construction regulation board decides to deny the permit.

1585 Section 39. Subsection (3) of section 489.517, Florida
1586 Statutes, is amended to read:

1587 489.517 Renewal of certificate or registration; continuing
1588 education.—

1589 (3)~~(a)~~ Each certificateholder or registrant shall provide
1590 proof, in a form established by rule of the board, that the
1591 certificateholder or registrant has completed at least 14
1592 classroom hours of at least 50 minutes each of continuing
1593 education courses during each biennium since the issuance or
1594 renewal of the certificate or registration. The board shall by
1595 rule establish criteria for the approval of continuing education

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1596 courses and providers and may by rule establish criteria for
1597 accepting alternative nonclassroom continuing education on an
1598 hour-for-hour basis.

1599 ~~(b) Each certificateholder or registrant shall provide to~~
1600 ~~the board proof of completion of the core curriculum courses or~~
1601 ~~passing the equivalency test of the Building Code Training~~
1602 ~~Program established under s. 553.841, specific to the licensing~~
1603 ~~category sought, within 2 years after commencement of the~~
1604 ~~program or of initial certification or registration, whichever~~
1605 ~~is later. Classroom hours spent taking core curriculum courses~~
1606 ~~shall count toward the number required for renewal of~~
1607 ~~certificate or registration. A certificateholder or registrant~~
1608 ~~who passes the equivalency test in lieu of taking the core~~
1609 ~~curriculum courses shall receive full credit for core curriculum~~
1610 ~~course hours.~~

1611 Section 40. Subsection (6) of section 489.521, Florida
1612 Statutes, is amended to read:

1613 489.521 Business organizations; qualifying agents.—

1614 (6) When a business organization qualified to engage in
1615 contracting makes application for a business tax receipt ~~an~~
1616 ~~occupational license~~ in any municipality or county of this
1617 state, the application shall be made with the tax collector in
1618 the name of the business organization, and the business tax
1619 receipt ~~license~~, when issued, shall be issued to the business
1620 organization upon payment of the appropriate licensing fee and
1621 exhibition to the tax collector of a valid certificate issued by
1622 the department.

1623 Section 41. Section 489.5315, Florida Statutes, is amended
1624 to read:

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1625 489.5315 Proprietary electrical or alarm contractors.—
1626 Businesses that obtain an electrical or burglar alarm system
1627 license to work only on their own equipment, and that do not
1628 offer electrical or alarm contracting services to the public,
1629 are not electrical or burglar alarm system contracting
1630 businesses and do not have to obtain a business tax receipt ~~an~~
1631 ~~occupational license~~ in addition to any they are otherwise
1632 required to have.

1633 Section 42. Effective upon this act becoming a law,
1634 paragraph (a) of subsection (1) of section 489.532, Florida
1635 Statutes, is amended to read:

1636 489.532 Contracts entered into by unlicensed contractors
1637 unenforceable.—

1638 (1) As a matter of public policy, contracts entered into on
1639 or after October 1, 1990, by an unlicensed contractor shall be
1640 unenforceable in law or in equity by the unlicensed contractor.

1641 (a) For purposes of this section, an individual is
1642 unlicensed if the individual does not have a license required by
1643 this part concerning the scope of the work to be performed under
1644 the contract. A business organization is unlicensed if the
1645 business organization does not have a primary or secondary
1646 qualifying agent in accordance with this part concerning the
1647 scope of the work to be performed under the contract. For
1648 purposes of this section, if a ~~no~~ state ~~or local~~ license is not
1649 required for the scope of work to be performed under the
1650 contract, the individual performing that work is ~~shall~~ not ~~be~~
1651 considered unlicensed.

1652 Section 43. Paragraph (b) of subsection (3) of section
1653 489.537, Florida Statutes, is amended to read:

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1654 489.537 Application of this part.—

1655 (3) Nothing in this act limits the power of a municipality
1656 or county:

1657 (b) To collect fees for business tax receipts ~~occupational~~
1658 ~~licenses~~ and inspections for engaging in contracting or
1659 examination fees from persons who are registered with the local
1660 boards pursuant to local examination requirements.

1661 Section 44. Section 509.233, Florida Statutes, is amended
1662 to read:

1663 509.233 Public food service establishment requirements;
1664 local exemption for dogs in designated outdoor portions; ~~pilot~~
1665 ~~program.~~—

1666 ~~(1) INTENT. It is the intent of the Legislature by this~~
1667 ~~section to establish a 3-year pilot program for local~~
1668 ~~governments to allow patrons' dogs within certain designated~~
1669 ~~outdoor portions of public food service establishments.~~

1670 (1) ~~(2)~~ LOCAL EXEMPTION AUTHORIZED.—Notwithstanding s.
1671 509.032 (7), the governing body of a local government may
1672 ~~participating in the pilot program is authorized to~~ establish,
1673 by ordinance, a local exemption procedure to certain provisions
1674 of the Food and Drug Administration Food Code, as currently
1675 adopted by the division, in order to allow patrons' dogs within
1676 certain designated outdoor portions of public food service
1677 establishments.

1678 (2) ~~(3)~~ LOCAL DISCRETION; CODIFICATION.—

1679 (a) The adoption of the local exemption procedure shall be
1680 at the sole discretion of the governing body of a participating
1681 local government. Nothing in this section shall be construed to
1682 require or compel a local governing body to adopt an ordinance

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1683 pursuant to this section.

1684 (b) Any ordinance adopted pursuant to this section shall
1685 provide for codification within the land development code of a
1686 participating local government.

1687 (3)~~(4)~~ LIMITATIONS ON EXEMPTION; PERMIT REQUIREMENTS.—

1688 (a) Any local exemption procedure adopted pursuant to this
1689 section shall only provide a variance to those portions of the
1690 currently adopted Food and Drug Administration Food Code in
1691 order to allow patrons' dogs within certain designated outdoor
1692 portions of public food service establishments.

1693 (b) In order to protect the health, safety, and general
1694 welfare of the public, the local exemption procedure shall
1695 require participating public food service establishments to
1696 apply for and receive a permit from the governing body of the
1697 local government before allowing patrons' dogs on their
1698 premises. The local government shall require from the applicant
1699 such information as the local government deems reasonably
1700 necessary to enforce the provisions of this section, but shall
1701 require, at a minimum, the following information:

1702 1. The name, location, and mailing address of the public
1703 food service establishment.

1704 2. The name, mailing address, and telephone contact
1705 information of the permit applicant.

1706 3. A diagram and description of the outdoor area to be
1707 designated as available to patrons' dogs, including dimensions
1708 of the designated area; a depiction of the number and placement
1709 of tables, chairs, and restaurant equipment, if any; the
1710 entryways and exits to the designated outdoor area; the
1711 boundaries of the designated area and of other areas of outdoor

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1712 dining not available for patrons' dogs; any fences or other
1713 barriers; surrounding property lines and public rights-of-way,
1714 including sidewalks and common pathways; and such other
1715 information reasonably required by the permitting authority. The
1716 diagram or plan shall be accurate and to scale but need not be
1717 prepared by a licensed design professional.

1718 4. A description of the days of the week and hours of
1719 operation that patrons' dogs will be permitted in the designated
1720 outdoor area.

1721 (c) In order to protect the health, safety, and general
1722 welfare of the public, the local exemption ordinance shall
1723 include such regulations and limitations as deemed necessary by
1724 the participating local government and shall include, but not be
1725 limited to, the following requirements:

1726 1. All public food service establishment employees shall
1727 wash their hands promptly after touching, petting, or otherwise
1728 handling dogs. Employees shall be prohibited from touching,
1729 petting, or otherwise handling dogs while serving food or
1730 beverages or handling tableware or before entering other parts
1731 of the public food service establishment.

1732 2. Patrons in a designated outdoor area shall be advised
1733 that they should wash their hands before eating. Waterless hand
1734 sanitizer shall be provided at all tables in the designated
1735 outdoor area.

1736 3. Employees and patrons shall be instructed that they
1737 shall not allow dogs to come into contact with serving dishes,
1738 utensils, tableware, linens, paper products, or any other items
1739 involved in food service operations.

1740 4. Patrons shall keep their dogs on a leash at all times

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1741 and shall keep their dogs under reasonable control.

1742 5. Dogs shall not be allowed on chairs, tables, or other
1743 furnishings.

1744 6. All table and chair surfaces shall be cleaned and
1745 sanitized with an approved product between seating of patrons.
1746 Spilled food and drink shall be removed from the floor or ground
1747 between seating of patrons.

1748 7. Accidents involving dog waste shall be cleaned
1749 immediately and the area sanitized with an approved product. A
1750 kit with the appropriate materials for this purpose shall be
1751 kept near the designated outdoor area.

1752 8. A sign or signs reminding employees of the applicable
1753 rules shall be posted on premises in a manner and place as
1754 determined by the local permitting authority.

1755 9. A sign or signs reminding patrons of the applicable
1756 rules shall be posted on premises in a manner and place as
1757 determined by the local permitting authority.

1758 10. A sign or signs shall be posted in a manner and place
1759 as determined by the local permitting authority that places the
1760 public on notice that the designated outdoor area is available
1761 for the use of patrons and patrons' dogs.

1762 11. Dogs shall not be permitted to travel through indoor or
1763 nondesignated outdoor portions of the public food service
1764 establishment, and ingress and egress to the designated outdoor
1765 portions of the public food service establishment must not
1766 require entrance into or passage through any indoor area of the
1767 food establishment.

1768 (d) A permit issued pursuant to this section shall not be
1769 transferred to a subsequent owner upon the sale of a public food

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1770 service establishment but shall expire automatically upon the
1771 sale of the establishment. The subsequent owner shall be
1772 required to reapply for a permit pursuant to this section if the
1773 subsequent owner wishes to continue to accommodate patrons'
1774 dogs.

1775 (4)~~(5)~~ POWERS; ENFORCEMENT.—Participating local governments
1776 shall have such powers as are reasonably necessary to regulate
1777 and enforce the provisions of this section.

1778 (5)~~(6)~~ STATE AND LOCAL COOPERATION.—The division shall
1779 provide reasonable assistance to participating local governments
1780 in the development of enforcement procedures and regulations,
1781 and participating local governments shall monitor permit holders
1782 for compliance in cooperation with the division. At a minimum,
1783 participating local governments shall establish a procedure to
1784 accept, document, and respond to complaints and to timely report
1785 to the division all such complaints and the participating local
1786 governments' enforcement responses to such complaints. A
1787 participating local government shall provide the division with a
1788 copy of all approved applications and permits issued, and the
1789 participating local government shall require that all
1790 applications, permits, and other related materials contain the
1791 appropriate division-issued license number for each public food
1792 service establishment.

1793 ~~(7) FUTURE REVIEW AND REPEAL.—This section shall expire~~
1794 ~~July 1, 2009, unless reviewed and saved from repeal through~~
1795 ~~reenactment by the Legislature.~~

1796 Section 45. Subsections (8) through (22) of section
1797 548.002, Florida Statutes, are renumbered as subsections (9)
1798 through (23), respectively, and a new subsection (8) is added to

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1799 that section, to read:

1800 548.002 Definitions.—As used in this chapter, the term:
1801 (8) "Event" means one or more matches comprising a show.

1802 Section 46. Paragraph (k) of subsection (2) of section
1803 548.003, Florida Statutes, is amended to read:

1804 548.003 Florida State Boxing Commission.—

1805 (2) The Florida State Boxing Commission, as created by
1806 subsection (1), shall administer the provisions of this chapter.
1807 The commission has authority to adopt rules pursuant to ss.
1808 120.536(1) and 120.54 to implement the provisions of this
1809 chapter and to implement each of the duties and responsibilities
1810 conferred upon the commission, including, but not limited to:

1811 (k) Establishment of criteria for approval, disapproval,
1812 suspension of approval, and revocation of approval of amateur
1813 sanctioning organizations for amateur boxing, ~~and~~ kickboxing,
1814 and mixed martial arts matches held in this state, including,
1815 but not limited to, the health and safety standards the
1816 organizations use before, during, and after the matches to
1817 ensure the health, safety, and well-being of the amateurs
1818 participating in the matches, including the qualifications and
1819 numbers of health care personnel required to be present, the
1820 qualifications required for referees, and other requirements
1821 relating to the health, safety, and well-being of the amateurs
1822 participating in the matches. The commission may adopt by rule,
1823 or incorporate by reference into rule, the health and safety
1824 standards of USA Boxing as the minimum health and safety
1825 standards for an amateur boxing sanctioning organization, ~~and~~
1826 the health and safety standards of the International Sport
1827 Kickboxing Association as the minimum health and safety

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1828 standards for an amateur kickboxing sanctioning organization,
1829 and the minimum health and safety standards for an amateur mixed
1830 martial arts sanctioning organization. The commission shall
1831 review its rules for necessary revision at least every 2 years
1832 and may adopt by rule, or incorporate by reference into rule,
1833 the then-existing current health and safety standards of USA
1834 Boxing and the International Sport Kickboxing Association. The
1835 commission may adopt emergency rules to administer this
1836 paragraph.

1837 Section 47. For the purpose of incorporating the amendment
1838 made by this act to subsection (1) of section 455.227, Florida
1839 Statutes, in a reference thereto, paragraph (a) of subsection
1840 (2) of section 468.436, Florida Statutes, is reenacted to read:

1841 468.436 Disciplinary proceedings.—

1842 (2) The following acts constitute grounds for which the
1843 disciplinary actions in subsection (4) may be taken:

1844 (a) Violation of any provision of s. 455.227(1).

1845 Section 48. For the purpose of incorporating the amendment
1846 made by this act to subsection (1) of section 455.227, Florida
1847 Statutes, in a reference thereto, paragraph (a) of subsection
1848 (1) of section 468.832, Florida Statutes, is reenacted to read:

1849 468.832 Disciplinary proceedings.—

1850 (1) The following acts constitute grounds for which the
1851 disciplinary actions in subsection (2) may be taken:

1852 (a) Violation of any provision of this part or s.
1853 455.227(1);

1854 Section 49. For the purpose of incorporating the amendment
1855 made by this act to subsection (1) of section 455.227, Florida
1856 Statutes, in a reference thereto, paragraph (a) of subsection

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1857 (1) of section 468.842, Florida Statutes, is reenacted to read:

1858 468.842 Disciplinary proceedings.—

1859 (1) The following acts constitute grounds for which the
1860 disciplinary actions in subsection (2) may be taken:

1861 (a) Violation of any provision of this part or s.
1862 455.227(1);

1863 Section 50. For the purpose of incorporating the amendment
1864 made by this act to subsection (1) of section 455.227, Florida
1865 Statutes, in a reference thereto, paragraph (a) of subsection
1866 (1) of section 471.033, Florida Statutes, is reenacted to read:

1867 471.033 Disciplinary proceedings.—

1868 (1) The following acts constitute grounds for which the
1869 disciplinary actions in subsection (3) may be taken:

1870 (a) Violating any provision of s. 455.227(1), s. 471.025,
1871 or s. 471.031, or any other provision of this chapter or rule of
1872 the board or department.

1873 Section 51. For the purpose of incorporating the amendment
1874 made by this act to section (1) of section 455.227, Florida
1875 Statutes, in a reference thereto, paragraph (a) of subsection
1876 (1) of section 472.033, Florida Statutes, is reenacted to read:

1877 472.033 Disciplinary proceedings.—

1878 (1) The following acts constitute grounds for which the
1879 disciplinary actions in subsection (2) may be taken:

1880 (a) Violation of any provision of s. 472.031 or s.
1881 455.227(1);

1882 Section 52. For the purpose of incorporating the amendment
1883 made by this act to subsection (1) of section 455.227, Florida
1884 Statutes, in a reference thereto, paragraph (a) of subsection
1885 (1) of section 473.323, Florida Statutes, is reenacted to read:

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1886 473.323 Disciplinary proceedings.—

1887 (1) The following acts constitute grounds for which the
1888 disciplinary actions in subsection (3) may be taken:

1889 (a) Violation of any provision of s. 455.227(1) or any
1890 other provision of this chapter.

1891 Section 53. For the purpose of incorporating the amendment
1892 made by this act to subsection (1) of section 455.227, Florida
1893 Statutes, in a reference thereto, paragraph (a) of subsection
1894 (1) of section 475.25, Florida Statutes, is reenacted to read:

1895 475.25 Discipline.—

1896 (1) The commission may deny an application for licensure,
1897 registration, or permit, or renewal thereof; may place a
1898 licensee, registrant, or permittee on probation; may suspend a
1899 license, registration, or permit for a period not exceeding 10
1900 years; may revoke a license, registration, or permit; may impose
1901 an administrative fine not to exceed \$5,000 for each count or
1902 separate offense; and may issue a reprimand, and any or all of
1903 the foregoing, if it finds that the licensee, registrant,
1904 permittee, or applicant:

1905 (a) Has violated any provision of s. 455.227(1) or s.
1906 475.42. However, licensees under this part are exempt from the
1907 provisions of s. 455.227(1) (i).

1908 Section 54. For the purpose of incorporating the amendment
1909 made by this act to subsection (1) of section 455.227, Florida
1910 Statutes, in a reference thereto, subsection (1) of section
1911 475.624, Florida Statutes, is reenacted to read:

1912 475.624 Discipline.—The board may deny an application for
1913 registration or certification; may investigate the actions of
1914 any appraiser registered, licensed, or certified under this

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1915 part; may reprimand or impose an administrative fine not to
1916 exceed \$5,000 for each count or separate offense against any
1917 such appraiser; and may revoke or suspend, for a period not to
1918 exceed 10 years, the registration, license, or certification of
1919 any such appraiser, or place any such appraiser on probation, if
1920 it finds that the registered trainee, licensee, or
1921 certificateholder:

1922 (1) Has violated any provisions of this part or s.
1923 455.227(1); however, certificateholders, registrants, and
1924 licensees under this part are exempt from the provisions of s.
1925 455.227(1) (i).

1926 Section 55. For the purpose of incorporating the amendment
1927 made by this act to subsection (1) of section 455.227, Florida
1928 Statutes, in a reference thereto, paragraph (h) of subsection
1929 (1) of section 476.204, Florida Statutes, is reenacted to read:

1930 476.204 Penalties.—

1931 (1) It is unlawful for any person to:

1932 (h) Violate any provision of s. 455.227(1), s. 476.194, or
1933 s. 476.214.

1934 Section 56. Paragraph (a) of subsection (1) of section
1935 477.026, Florida Statutes, is amended to read

1936 477.026 Fees; disposition.—

1937 (1) The board shall set fees according to the following
1938 schedule:

1939 (a) For cosmetologists, fees for original licensing,
1940 license renewal, and delinquent renewal shall not exceed \$50
1941 ~~\$25~~.

1942 Section 57. For the purpose of incorporating the amendment
1943 made by this act to subsection (1) of section 455.227, Florida

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1944 Statutes, in a reference thereto, paragraph (h) of subsection
1945 (1) of section 477.029, Florida Statutes, is reenacted to read:
1946 477.029 Penalty.—

1947 (1) It is unlawful for any person to:

1948 (h) Violate any provision of s. 455.227(1), s. 477.0265, or
1949 s. 477.028.

1950 Section 58. For the purpose of incorporating the amendment
1951 made by this act to subsection (1) of section 455.227, Florida
1952 Statutes, in a reference thereto, paragraph (a) of subsection
1953 (1) of section 481.225, Florida Statutes, is reenacted to read:
1954 481.225 Disciplinary proceedings against registered
1955 architects.—

1956 (1) The following acts constitute grounds for which the
1957 disciplinary actions in subsection (3) may be taken:

1958 (a) Violating any provision of s. 455.227(1), s. 481.221,
1959 or s. 481.223, or any rule of the board or department lawfully
1960 adopted pursuant to this part or chapter 455.

1961 Section 59. For the purpose of incorporating the amendment
1962 made by this act to subsection (1) of section 455.227, Florida
1963 Statutes, in a reference thereto, paragraph (a) of subsection
1964 (1) of section 481.325, Florida Statutes, is reenacted to read:
1965 481.325 Disciplinary proceedings.—

1966 (1) The following acts constitute grounds for which the
1967 disciplinary actions in subsection (3) may be taken:

1968 (a) Violation of any provision of s. 455.227(1), s.
1969 481.321, or s. 481.323.

1970 Section 60. Section 509.201, Florida Statutes, is repealed.

1971 Section 61. Effective upon this act becoming a law, the
1972 amendments made by this act to ss. 489.128(1) (a) and

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1973 489.532(1)(a), Florida Statutes, shall apply retroactively to
1974 contracts entered into on or after October 1, 2000, and shall
1975 apply retroactively to all actions pending when this act becomes
1976 a law.

1977 Section 62. Except as otherwise expressly provided in this
1978 act and except for this section, which shall take effect upon
1979 becoming a law, this act shall take effect July 1, 2009.