

By the Committees on Community Affairs; and 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 ss. 489.127,  
138 489.128, 489.129, and 489.132, F.S.; deleting  
139 provisions relating to a business organization's  
140 certificate of authority for contracting to conform to  
141 changes made by the act; amending s. 489.1455, F.S.;

142 deleting provisions requiring certain journeymen  
143 licensees to complete a certain core curriculum or  
144 pass an equivalency test of the Florida Building Code  
145 Compliance and Mitigation Program; amending s.

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146 489.505, F.S.; revising the term "specialty  
147 contractor" to require that the scope of practice of a  
148 specialty contractor be established in a category of  
149 electrical or alarm system contracting adopted by rule  
150 of the Electrical Contractors' Licensing Board;  
151 amending s. 489.513, F.S.; deleting a requirement that  
152 the local license required for an electrical or alarm  
153 system contractor be an occupational license; limiting  
154 the licensing and disciplinary actions that local  
155 jurisdictions must report to the board to certain  
156 actions of registered contractors; deleting provisions  
157 requiring the board to establish uniform job scopes  
158 for any electrical and alarm system contracting  
159 license category; amending s. 489.516, F.S.;  
160 authorizing local officials to require a contractor to  
161 obtain a business tax receipt; deleting provisions  
162 requiring a contractor to pay an occupational license  
163 fee; amending s. 489.517, F.S.; deleting provisions  
164 requiring electrical and alarm system contractor  
165 certificateholders and registrants to complete a  
166 certain core curriculum or pass an equivalency test of  
167 the Florida Building Code Compliance and Mitigation  
168 Program; amending s. 489.521, F.S.; providing  
169 application procedures and requirements for the  
170 issuance of a business tax receipt to a business  
171 organization; deleting provisions for the issuance of  
172 an occupational license to a business organization;  
173 amending s. 489.5315, F.S.; specifying that certain  
174 electrical or alarm system contractors are not

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175 required to obtain a business tax receipt; deleting a  
176 provision exempting certain contractors from  
177 requirements for an occupational license to conform to  
178 changes made by the act; amending s. 489.532, F.S.;  
179 revising the circumstances under which a person is  
180 considered an unlicensed electrical or alarm system  
181 contractor; amending s. 489.537, F.S.; authorizing a  
182 county or municipality to collect fees for business  
183 tax receipts from electrical and alarm system  
184 contractors; deleting a provision authorizing the  
185 collection of occupational license fees; amending s.  
186 509.233, F.S.; authorizing local governments to  
187 establish, by ordinance, local exemption procedures to  
188 allow patrons' dogs within certain designated outdoor  
189 portions of public food service establishments;  
190 deleting provisions for a pilot program that limits  
191 the authority for such local exemption procedures to a  
192 specified time; deleting a provision that provides for  
193 the future review and repeal of such pilot program;  
194 amending s. 548.002, F.S.; defining the term "event"  
195 for regulation of pugilistic exhibitions; amending s.  
196 548.003, F.S.; authorizing the Florida State Boxing  
197 Commission to adopt criteria for the approval of  
198 certain amateur sanctioning organizations; authorizing  
199 the commission to adopt health and safety standards  
200 for amateur mixed martial arts; reenacting ss.  
201 468.436(2)(a), 468.832(1)(a), 468.842(1)(a),  
202 471.033(1)(a), 472.033(1)(a), 473.323(1)(a),  
203 475.25(1)(a), 475.624(1), 476.204(1)(h),

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204 477.029(1)(h), 481.225(1)(a), and 481.325(1)(a), F.S.,  
205 relating to the discipline of community association  
206 managers or firms, home inspectors, mold assessors and  
207 remediators, engineers, surveyors and mappers,  
208 certified public accountants and accounting firms,  
209 real estate brokers and sales associates, real estate  
210 appraisers, barbers, cosmetologists, architects, and  
211 landscape architects, to incorporate the amendment  
212 made to s. 455.227, F.S., in references thereto;  
213 repealing s. 509.201, F.S., relating to posting and  
214 advertising the room rates of a public lodging  
215 establishment and related penalties; providing  
216 effective dates.

217

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

219

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

222 455.213 General licensing provisions.—

223 (1) Any person desiring to be licensed shall apply to the  
224 department in writing. The application for licensure shall be  
225 submitted ~~made~~ on a form prescribed ~~prepared and furnished~~ by  
226 the department and must include the applicant's social security  
227 number. Notwithstanding any other provision of law, the  
228 department is the sole authority for determining the contents of  
229 any documents to be submitted for initial licensure and  
230 licensure renewal. Such documents may contain information  
231 including, as appropriate: demographics, education, work  
232 history, personal background, criminal history, finances,



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233 business information, complaints, inspections, investigations,  
234 discipline, bonding, ~~signature notarization~~, photographs,  
235 performance periods, reciprocity, local government approvals,  
236 supporting documentation, periodic reporting requirements,  
237 fingerprint requirements, continuing education requirements, and  
238 ongoing education monitoring. The application shall be  
239 supplemented as needed to reflect any material change in any  
240 circumstance or condition stated in the application which takes  
241 place between the initial filing of the application and the  
242 final grant or denial of the license and which might affect the  
243 decision of the department. In order to further the economic  
244 development goals of the state, and notwithstanding any law to  
245 the contrary, the department may enter into an agreement with  
246 the county tax collector for the purpose of appointing the  
247 county tax collector as the department's agent to accept  
248 applications for licenses and applications for renewals of  
249 licenses. The agreement must specify the time within which the  
250 tax collector must forward any applications and accompanying  
251 application fees to the department. In cases where a person  
252 applies or schedules directly with a national examination  
253 organization or examination vendor to take an examination  
254 required for licensure, any organization- or vendor-related fees  
255 associated with the examination may be paid directly to the  
256 organization or vendor. An application is received for purposes  
257 of s. 120.60 upon the department's receipt of the application  
258 submitted in the format prescribed by the department; the  
259 application fee set by the board or, if there is no board, set  
260 by the department; and any other fee required by law or rule to  
261 be remitted with the application.

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

264 455.227 Grounds for discipline; penalties; enforcement.—

265 (1) The following acts shall constitute grounds for which  
266 the disciplinary actions specified in subsection (2) may be  
267 taken:

268 (t) Failing to report in writing to the board or, if there  
269 is no board, to the department within 30 days after the licensee  
270 is convicted or found guilty of, or entered a plea of nolo  
271 contendere or guilty to, regardless of adjudication, a crime in  
272 any jurisdiction. A licensee must report a conviction, finding  
273 of guilt, plea, or adjudication entered before the effective  
274 date of this paragraph within 30 days after the effective date  
275 of this paragraph.

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

281 Section 3. Section 455.2274, Florida Statutes, is created  
282 to read:

283 455.2274 Criminal proceedings against licensees;  
284 appearances by department representatives.—A representative of  
285 the department may voluntarily appear in a criminal proceeding  
286 brought against a person licensed by the department to practice  
287 a profession regulated by the state. The department's  
288 representative is authorized to furnish pertinent information,  
289 make recommendations regarding specific conditions of probation,  
290 and provide other assistance to the court necessary to promote

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291 justice or protect the public. The court may order a  
292 representative of the department to appear in a criminal  
293 proceeding if the crime charged is substantially related to the  
294 qualifications, functions, or duties of a license regulated by  
295 the department.

296 Section 4. Paragraph (i) of subsection (1) of section  
297 468.402, Florida Statutes, is amended to read:

298 468.402 Duties of the department; authority to issue and  
299 revoke license; adoption of rules.—

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

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

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

308 468.403 License requirements.—

309 (1) A person may not own, operate, solicit business, or  
310 otherwise engage in or carry on the occupation of a talent  
311 agency in this state unless the ~~such~~ person first procures a  
312 license for the talent agency from the department. ~~However,~~ A  
313 license is not required for a person who acts as an agent for  
314 herself or himself, a family member, or exclusively for one  
315 artist. However, a person may not advertise or otherwise hold  
316 himself or herself out as a "talent agency" or "talent agent"  
317 unless the person is licensed under this section as a talent  
318 agency.

319 Section 6. Section 468.409, Florida Statutes, is amended to

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320 read:

321 468.409 Records required to be kept.—Each talent agency  
322 shall keep on file the application, registration, or contract of  
323 each artist. In addition, such file must include the name and  
324 address of each artist, the amount of the compensation received,  
325 and all attempts to procure engagements for the artist. No such  
326 agency or employee thereof shall knowingly make any false entry  
327 in applicant files or receipt files. Each card or document in  
328 such files shall be preserved for a period of 1 year after the  
329 date of the last entry thereon. Records required under this  
330 section shall be readily available for inspection by the  
331 department during reasonable business hours at the talent  
332 agency's principal office. A talent agency must provide the  
333 department with true copies of the records in the manner  
334 prescribed by the department.

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

337 468.410 Prohibition against registration fees; referral.—

338 (3) A talent agency shall give each applicant a copy of a  
339 contract, within 24 hours after the contract's execution, which  
340 lists the services to be provided and the fees to be charged.  
341 The contract shall state that the talent agency is regulated by  
342 the department and shall list the address and telephone number  
343 of the department.

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

347 468.412 Talent agency regulations; prohibited acts.—

348 (5) (a) No talent agency may knowingly issue a contract for

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349 employment containing any term or condition which, if complied  
350 with, would be in violation of law, or attempt to fill an order  
351 for help to be employed in violation of law.

352 (b) A talent agency must advise an artist, in writing, that  
353 the artist has a right to rescind a contract for employment  
354 within the first 3 business days after the contract's execution.  
355 Any engagement procured by the talent agency for the artist  
356 during the first 3 business days of the contract remains  
357 commissionable to the talent agency.

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

368 (11) A talent agency may assign an engagement contract to  
369 another talent agency licensed in this state only if the artist  
370 agrees in writing to the assignment. The assignment must occur,  
371 and written notice of the assignment must be given to the  
372 artist, within 30 days after the artist agrees in writing to the  
373 assignment.

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

376 468.413 Legal requirements; penalties.—

377 (4) In the event the department or any state attorney shall

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378 have probable cause to believe that a talent agency or other  
379 person has violated any provision of subsection (1), an action  
380 may be brought by the department or any state attorney to enjoin  
381 such talent agency or any person from continuing such violation,  
382 or engaging therein or doing any acts in furtherance thereof,  
383 and for such other relief as to the court seems appropriate. In  
384 addition to this remedy, the department may assess a penalty  
385 against any talent agency or any person in an amount not to  
386 exceed \$5,000 ~~\$1,000~~.

387 Section 10. Paragraph (d) of subsection (3) of section  
388 468.609, Florida Statutes, is amended to read:

389 468.609 Administration of this part; standards for  
390 certification; additional categories of certification.—

391 (3) A person may take the examination for certification as  
392 a building code administrator pursuant to this part if the  
393 person:

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

398 Section 11. Subsection (6) of section 468.627, Florida  
399 Statutes, is amended to read:

400 468.627 Application; examination; renewal; fees.—

401 ~~(6) Each certificateholder shall provide to the board proof~~  
402 ~~of completion of the core curriculum courses of the building~~  
403 ~~code training program established by s. 553.841, within 2 years~~  
404 ~~after commencement of the program. Each new certificateholder~~  
405 ~~shall provide to the board proof of completion of the core~~  
406 ~~curriculum courses of the building code training program~~

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407 established in ~~s. 553.841~~ within the first 2-year period after  
408 initial licensure. Continuing education hours spent taking such  
409 core curriculum courses shall count toward the number required  
410 for license renewal.

411 Section 12. Section 471.0195, Florida Statutes, is amended  
412 to read:

413 471.0195 Florida Building Code training for engineers.—All  
414 licensees actively participating in the design of engineering  
415 works or systems in connection with buildings, structures, or  
416 facilities and systems covered by the Florida Building Code  
417 shall take continuing education courses and submit proof to the  
418 board, at such times and in such manner as established by the  
419 board by rule, that the licensee has completed ~~the core~~  
420 ~~curriculum courses~~ and any specialized or advanced courses on  
421 any portion of the Florida Building Code applicable to the  
422 licensee's area of practice ~~or has passed the appropriate~~  
423 ~~equivalency test of the Building Code Training Program as~~  
424 ~~required by s. 553.841~~. The board shall record reported  
425 continuing education courses on a system easily accessed by code  
426 enforcement jurisdictions for evaluation when determining  
427 license status for purposes of processing design documents.  
428 Local jurisdictions shall be responsible for notifying the board  
429 when design documents are submitted for building construction  
430 permits by persons who are not in compliance with this section.  
431 The board shall take appropriate action as provided by its rules  
432 when such noncompliance is determined to exist.

433 Section 13. Section 473.305, Florida Statutes, is amended  
434 to read:

435 473.305 Fees.—The board, by rule, may establish fees to be

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

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

461 473.311 Renewal of license.—

462 (1) The department shall renew a license upon receipt of  
463 the renewal application and fee and upon certification by the  
464 board that the licensee has satisfactorily completed the



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465 continuing education requirements of s. 473.312 and has passed  
466 an examination approved by the board on chapter 455 and this  
467 chapter and the related administrative rules. However, each  
468 licensee must complete the requirements of s. 473.312(1)(c)  
469 prior to taking the examination.

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

472 473.313 Inactive status.—

473 (3) Any licensee holding an inactive license may be  
474 permitted to reactivate such license in a conditional manner.  
475 The conditions of reactivation shall require, in addition to the  
476 payment of fees, ~~the passing of the examination approved by the~~  
477 ~~board concerning chapter 455 and this chapter, and the related~~  
478 ~~administrative rules, and~~ the completion of required continuing  
479 education.

480 Section 16. Paragraph (a) of subsection (1) of section  
481 475.175, Florida Statutes, is amended to read:

482 475.175 Examinations.—

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

485 (a) Submits to the department the appropriate ~~notarized or~~  
486 electronically authenticated application and fee, and a  
487 fingerprint card. The fingerprint card shall be forwarded to the  
488 Division of Criminal Justice Information Systems within the  
489 Department of Law Enforcement for purposes of processing the  
490 fingerprint card to determine if the applicant has a criminal  
491 history record. The fingerprint card shall also be forwarded to  
492 the Federal Bureau of Investigation for purposes of processing  
493 the fingerprint card to determine if the applicant has a

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494 criminal history record. The information obtained by the  
495 processing of the fingerprint card by the Florida Department of  
496 Law Enforcement and the Federal Bureau of Investigation shall be  
497 sent to the department for the purpose of determining if the  
498 applicant is statutorily qualified for examination. Effective  
499 July 1, 2006, an applicant shall provide fingerprints in  
500 electronic format.

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

503 475.451 Schools teaching real estate practice.—

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

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523 ~~provided in this section or provided in any other section in~~  
524 ~~this chapter do not apply with respect to~~ an any attorney who is  
525 otherwise qualified under ~~the provisions of this chapter and who~~  
526 is a member in good standing of The Florida Bar.

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

529 475.615 Qualifications for registration or certification.—

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

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

539 476.134 Examinations.—

540 (1) Examinations of applicants for licenses as barbers  
541 shall be offered not less than four times each year. The  
542 examination of applicants for licenses as barbers shall may  
543 ~~include both a practical demonstration and~~ a written test. The  
544 board shall have the authority to adopt rules with respect to  
545 the examination of applicants for licensure. The board may  
546 provide rules with respect to written ~~or practical~~ examinations  
547 in such manner as the board may deem fit.

548 Section 20. Paragraph (b) of subsection (6) of section  
549 476.144, Florida Statutes, is amended to read:

550 476.144 Licensure.—

551 (6) A person may apply for a restricted license to practice

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552 barbering. The board shall adopt rules specifying procedures for  
553 an applicant to obtain a restricted license if the applicant:

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

557

558 The restricted license shall limit the licensee's practice to  
559 those specific areas in which the applicant has demonstrated  
560 competence pursuant to rules adopted by the board.

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

564 481.215 Renewal of license.-

565 ~~(5) Each licensee shall provide to the board proof of~~  
566 ~~completion of the core curriculum courses, or passing the~~  
567 ~~equivalency test of the Building Code Training Program~~  
568 ~~established by s. 553.841, within 2 years after commencement of~~  
569 ~~the program or after initial licensure, whichever is later.~~  
570 ~~Hours spent taking core curriculum courses shall count toward~~  
571 ~~the number required for license renewal. A licensee who passes~~  
572 ~~the equivalency test in lieu of taking the core curriculum~~  
573 ~~courses shall receive full credit for such core curriculum~~  
574 ~~course hours.~~

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

578 481.313 Renewal of license.-

579 ~~(5) Each licenseholder shall provide to the board proof of~~  
580 ~~completion of the core curriculum courses, or passing the~~

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581 ~~equivalency test of the Building Code Training Program~~  
582 ~~established by s. 553.841, within 2 years after commencement of~~  
583 ~~the program or of initial licensure, whichever is later. Hours~~  
584 ~~spent taking core curriculum courses shall count toward the~~  
585 ~~number required for license renewal. A licensee who passes the~~  
586 ~~equivalency test in lieu of taking the core curriculum courses~~  
587 ~~shall receive full credit for core curriculum course hours.~~

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

590 489.103 Exemptions.—This part does not apply to:

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

594 (a) When building or improving farm outbuildings or one-  
595 family or two-family residences on such property for the  
596 occupancy or use of such owners and not offered for sale or  
597 lease, or building or improving commercial buildings, at a cost  
598 not to exceed \$75,000, on such property for the occupancy or use  
599 of such owners and not offered for sale or lease. In an action  
600 brought under this part, proof of the sale or lease, or offering  
601 for sale or lease, of any such structure by the owner-builder  
602 within 1 year after completion of same creates a presumption  
603 that the construction was undertaken for purposes of sale or  
604 lease.

605 (b) When repairing or replacing wood shakes or asphalt or  
606 fiberglass shingles on one-family, two-family, or three-family  
607 residences for the occupancy or use of such owner or tenant of  
608 the owner and not offered for sale within 1 year after  
609 completion of the work and when the property has been damaged by

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610 natural causes from an event recognized as an emergency  
611 situation designated by executive order issued by the Governor  
612 declaring the existence of a state of emergency as a result and  
613 consequence of a serious threat posed to the public health,  
614 safety, and property in this state.

615

616 This subsection does not exempt any person who is employed by or  
617 has a contract with such owner and who acts in the capacity of a  
618 contractor. The owner may not delegate the owner's  
619 responsibility to directly supervise all work to any other  
620 person unless that person is registered or certified under this  
621 part and the work being performed is within the scope of that  
622 person's license. For the purposes of this subsection, the term  
623 "owners of property" includes the owner of a mobile home  
624 situated on a leased lot. To qualify for exemption under this  
625 subsection, an owner must personally appear and sign the  
626 building permit application and must satisfy local permitting  
627 agency requirements, if any, proving that the owner has a  
628 complete understanding of the owner's obligations under the law  
629 as specified in the disclosure statement in this section. If any  
630 person violates the requirements of this subsection, the local  
631 permitting agency shall withhold final approval, revoke the  
632 permit, or pursue any action or remedy for unlicensed activity  
633 against the owner and any person performing work that requires  
634 licensure under the permit issued. The local permitting agency  
635 shall provide the person with a disclosure statement in  
636 substantially the following form:

637

638

## DISCLOSURE STATEMENT

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639

640 1. I understand that state law requires construction  
641 to be done by a licensed contractor and have applied  
642 for an owner-builder permit under an exemption from  
643 the law. The exemption specifies that I, as the owner  
644 of the property listed, may act as my own contractor  
645 with certain restrictions even though I do not have a  
646 license.

647

648 2. I understand that building permits are not required  
649 to be signed by a property owner unless he or she is  
650 responsible for the construction and is not hiring a  
651 licensed contractor to assume responsibility.

652

653 3. I understand that, as an owner-builder, I am the  
654 responsible party of record on a permit. I understand  
655 that I may protect myself from potential financial  
656 risk by hiring a licensed contractor and having the  
657 permit filed in his or her name instead of my own  
658 name. I also understand that a contractor is required  
659 by law to be licensed in Florida and to list his or  
660 her license numbers on permits and contracts.

661

662 4. I understand that I may build or improve a one-  
663 family or two-family residence or a farm outbuilding.  
664 I may also build or improve a commercial building if  
665 the costs do not exceed \$75,000. The building or  
666 residence must be for my own use or occupancy. It may  
667 not be built or substantially improved for sale or

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668 lease. If a building or residence that I have built or  
669 substantially improved myself is sold or leased within  
670 1 year after the construction is complete, the law  
671 will presume that I built or substantially improved it  
672 for sale or lease, which violates the exemption.

673

674 5. I understand that, as the owner-builder, I must  
675 provide direct, onsite supervision of the  
676 construction.

677

678 6. I understand that I may not hire an unlicensed  
679 person to act as my contractor or to supervise persons  
680 working on my building or residence. It is my  
681 responsibility to ensure that the persons whom I  
682 employ have the licenses required by law and by county  
683 or municipal ordinance.

684

685 7. I understand that it is a frequent practice of  
686 unlicensed persons to have the property owner obtain  
687 an owner-builder permit that erroneously implies that  
688 the property owner is providing his or her own labor  
689 and materials. I, as an owner-builder, may be held  
690 liable and subjected to serious financial risk for any  
691 injuries sustained by an unlicensed person or his or  
692 her employees while working on my property. My  
693 homeowner's insurance may not provide coverage for  
694 those injuries. I am willfully acting as an owner-  
695 builder and am aware of the limits of my insurance  
696 coverage for injuries to workers on my property.



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697  
698 8. I understand that I may not delegate the  
699 responsibility for supervising work to a licensed  
700 contractor who is not licensed to perform the work  
701 being done. Any person working on my building who is  
702 not licensed must work under my direct supervision and  
703 must be employed by me, which means that I must comply  
704 with laws requiring the withholding of federal income  
705 tax and social security contributions under the  
706 Federal Insurance Contributions Act (FICA) and must  
707 provide workers' compensation for the employee. I  
708 understand that my failure to follow these laws may  
709 subject me to serious financial risk.

710  
711 9. I agree that, as the party legally and financially  
712 responsible for this proposed construction activity, I  
713 will abide by all applicable laws and requirements  
714 that govern owner-builders as well as employers. I  
715 also understand that the construction must comply with  
716 all applicable laws, ordinances, building codes, and  
717 zoning regulations.

718  
719 10. I understand that I may obtain more information  
720 regarding my obligations as an employer from the  
721 Internal Revenue Service, the United States Small  
722 Business Administration, the Florida Department of  
723 Financial Services, and the Florida Department of  
724 Revenue. I also understand that I may contact the  
725 Florida Construction Industry Licensing Board at

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726 ...(telephone number)... or ... (Internet website  
727 address)... for more information about licensed  
728 contractors.

729  
730 11. I am aware of, and consent to, an owner-builder  
731 building permit applied for in my name and understand  
732 that I am the party legally and financially  
733 responsible for the proposed construction activity at  
734 the following address: ...(address of property)....

735  
736 12. I agree to notify ...(issuer of disclosure  
737 statements)... immediately of any additions,  
738 deletions, or changes to any of the information that I  
739 have provided on this disclosure.

740  
741 Licensed contractors are regulated by laws designed to  
742 protect the public. If you contract with a person who  
743 does not have a license, the Construction Industry  
744 Licensing Board and Department of Business and  
745 Professional Regulation may be unable to assist you  
746 with any financial loss that you sustain as a result  
747 of a complaint. Your only remedy against an unlicensed  
748 contractor may be in civil court. It is also important  
749 for you to understand that, if an unlicensed  
750 contractor or employee of an individual or firm is  
751 injured while working on your property, you may be  
752 held liable for damages. If you obtain an owner-  
753 builder permit and wish to hire a licensed contractor,  
754 you will be responsible for verifying whether the

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755 contractor is properly licensed and the status of the  
756 contractor's workers' compensation coverage.

757  
758 Before a building permit may be issued, this  
759 disclosure statement must be completed and signed by  
760 the property owner and returned to the local  
761 permitting agency responsible for issuing the permit.  
762 A copy of the property owner's driver license, the  
763 notarized signature of the property owner, or other  
764 type of verification acceptable to the local  
765 permitting agency is required when the permit is  
766 issued.

767  
768 Signature: ... (signature of property owner) ....  
769 Date: ... (date) ....

770  
771 ~~State law requires construction to be done by licensed~~  
772 ~~contractors. You have applied for a permit under an exemption to~~  
773 ~~that law. The exemption allows you, as the owner of your~~  
774 ~~property, to act as your own contractor with certain~~  
775 ~~restrictions even though you do not have a license. You must~~  
776 ~~provide direct, onsite supervision of the construction yourself.~~  
777 ~~You may build or improve a one-family or two-family residence or~~  
778 ~~a farm outbuilding. You may also build or improve a commercial~~  
779 ~~building, provided your costs do not exceed \$75,000. The~~  
780 ~~building or residence must be for your own use or occupancy. It~~  
781 ~~may not be built or substantially improved for sale or lease. If~~  
782 ~~you sell or lease a building you have built or substantially~~  
783 ~~improved yourself within 1 year after the construction is~~

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784 ~~complete, the law will presume that you built or substantially~~  
785 ~~improved it for sale or lease, which is a violation of this~~  
786 ~~exemption. You may not hire an unlicensed person to act as your~~  
787 ~~contractor or to supervise people working on your building. It~~  
788 ~~is your responsibility to make sure that people employed by you~~  
789 ~~have licenses required by state law and by county or municipal~~  
790 ~~licensing ordinances. You may not delegate the responsibility~~  
791 ~~for supervising work to a licensed contractor who is not~~  
792 ~~licensed to perform the work being done. Any person working on~~  
793 ~~your building who is not licensed must work under your direct~~  
794 ~~supervision and must be employed by you, which means that you~~  
795 ~~must deduct F.I.C.A. and withholding tax and provide workers'~~  
796 ~~compensation for that employee, all as prescribed by law. Your~~  
797 ~~construction must comply with all applicable laws, ordinances,~~  
798 ~~building codes, and zoning regulations.~~

799 Section 24. Paragraph (q) of subsection (3) of section  
800 489.105, Florida Statutes, is amended to read:

801 489.105 Definitions.—As used in this part:

802 (3) "Contractor" means the person who is qualified for, and  
803 shall only be responsible for, the project contracted for and  
804 means, except as exempted in this part, the person who, for  
805 compensation, undertakes to, submits a bid to, or does himself  
806 or herself or by others construct, repair, alter, remodel, add  
807 to, demolish, subtract from, or improve any building or  
808 structure, including related improvements to real estate, for  
809 others or for resale to others; and whose job scope is  
810 substantially similar to the job scope described in one of the  
811 subsequent paragraphs of this subsection. For the purposes of  
812 regulation under this part, "demolish" applies only to

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813 demolition of steel tanks over 50 feet in height; towers over 50  
814 feet in height; other structures over 50 feet in height, other  
815 than buildings or residences over three stories tall; and  
816 buildings or residences over three stories tall. Contractors are  
817 subdivided into two divisions, Division I, consisting of those  
818 contractors defined in paragraphs (a)-(c), and Division II,  
819 consisting of those contractors defined in paragraphs (d)-(q):

820 (q) "Specialty contractor" means a contractor whose scope  
821 of work and responsibility is limited to a particular phase of  
822 construction established in a category adopted by board rule and  
823 whose scope is limited to a subset of the activities described  
824 ~~in the categories established in~~ one of the paragraphs of this  
825 subsection.

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

828 489.109 Fees.—

829 (1) The board, by rule, shall establish reasonable fees to  
830 be paid for applications, certification and renewal,  
831 registration and renewal, and recordmaking and recordkeeping.  
832 The fees shall be established as follows:

833 (a) With respect to an applicant for a certificate, the  
834 initial application fee may not exceed \$150, and, if an  
835 examination cost is included in the application fee, the  
836 combined amount may not exceed \$350. The initial certification  
837 fee and the renewal fee may not exceed \$250 ~~\$200~~. However, any  
838 applicant who seeks certification under this part by taking a  
839 practical examination must pay as an examination fee the actual  
840 cost incurred by the department in developing, preparing,  
841 administering, scoring, score reporting, and evaluating the

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842 examination, if the examination is conducted by the department.

843 (d) With respect to an application for registration or  
844 certification to qualify a business organization, the initial  
845 application fee and the renewal fee shall be \$50. The board, by  
846 rule, may establish a fee for transfer of a certificate of  
847 authority from one business organization to another, not to  
848 exceed the applicable renewal fee.

849 Section 26. Section 489.114, Florida Statutes, is amended  
850 to read:

851 489.114 Evidence of workers' compensation coverage.—Except  
852 as provided in s. 489.115(5) (d), any person, business  
853 organization, or qualifying agent engaged in the business of  
854 contracting in this state and certified or registered under this  
855 part shall, as a condition precedent to the issuance or renewal  
856 of a certificate or, registration, ~~or certificate of authority~~  
857 of the contractor, provide to the Construction Industry  
858 Licensing Board, as provided by board rule, evidence of workers'  
859 compensation coverage pursuant to chapter 440. In the event that  
860 the Division of Workers' Compensation of the Department of  
861 Financial Services receives notice of the cancellation of a  
862 policy of workers' compensation insurance insuring a person or  
863 entity governed by this section, the Division of Workers'  
864 Compensation shall certify and identify all persons or entities  
865 by certification or registration license number to the  
866 department after verification is made by the Division of  
867 Workers' Compensation that persons or entities governed by this  
868 section are no longer covered by workers' compensation  
869 insurance. Such certification and verification by the Division  
870 of Workers' Compensation may result from records furnished to

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871 the Division of Workers' Compensation by the persons or entities  
872 governed by this section or an investigation completed by the  
873 Division of Workers' Compensation. The department shall notify  
874 the persons or entities governed by this section who have been  
875 determined to be in noncompliance with chapter 440, and the  
876 persons or entities notified shall provide certification of  
877 compliance with chapter 440 to the department and pay an  
878 administrative fine in the amount of \$500. The failure to  
879 maintain workers' compensation coverage as required by law shall  
880 be grounds for the board to revoke, suspend, or deny the  
881 issuance or renewal of a certificate or registration, ~~or~~  
882 ~~certificate of authority~~ of the contractor under the provisions  
883 of s. 489.129.

884 Section 27. Paragraph (b) of subsection (4) of section  
885 489.115, Florida Statutes, is amended to read:

886 489.115 Certification and registration; endorsement;  
887 reciprocity; renewals; continuing education.—

888 (4)

889 (b)1. Each certificateholder or registrant shall provide  
890 proof, in a form established by rule of the board, that the  
891 certificateholder or registrant has completed at least 14  
892 classroom hours of at least 50 minutes each of continuing  
893 education courses during each biennium since the issuance or  
894 renewal of the certificate or registration. The board shall  
895 establish by rule that a portion of the required 14 hours must  
896 deal with the subject of workers' compensation, business  
897 practices, workplace safety, and, for applicable licensure  
898 categories, wind mitigation methodologies, and 1 hour of which  
899 must deal with laws and rules. The board shall by rule establish

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900 criteria for the approval of continuing education courses and  
901 providers, including requirements relating to the content of  
902 courses and standards for approval of providers, and may by rule  
903 establish criteria for accepting alternative nonclassroom  
904 continuing education on an hour-for-hour basis. The board shall  
905 prescribe by rule the continuing education, if any, which is  
906 required during the first biennium of initial licensure. A  
907 person who has been licensed for less than an entire biennium  
908 must not be required to complete the full 14 hours of continuing  
909 education.

910 2. In addition, the board may approve specialized  
911 continuing education courses on compliance with the wind  
912 resistance provisions for one and two family dwellings contained  
913 in the Florida Building Code and any alternate methodologies for  
914 providing such wind resistance which have been approved for use  
915 by the Florida Building Commission. Division I  
916 certificateholders or registrants who demonstrate proficiency  
917 upon completion of such specialized courses may certify plans  
918 and specifications for one and two family dwellings to be in  
919 compliance with the code or alternate methodologies, as  
920 appropriate, except for dwellings located in floodways or  
921 coastal hazard areas as defined in ss. 60.3D and E of the  
922 National Flood Insurance Program.

923 ~~3. Each certificateholder or registrant shall provide to~~  
924 ~~the board proof of completion of the core curriculum courses, or~~  
925 ~~passing the equivalency test of the Building Code Training~~  
926 ~~Program established under s. 553.841, specific to the licensing~~  
927 ~~category sought, within 2 years after commencement of the~~  
928 ~~program or of initial certification or registration, whichever~~



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929 ~~is later. Classroom hours spent taking core curriculum courses~~  
930 ~~shall count toward the number required for renewal of~~  
931 ~~certificates or registration. A certificateholder or registrant~~  
932 ~~who passes the equivalency test in lieu of taking the core~~  
933 ~~curriculum courses shall receive full credit for core curriculum~~  
934 ~~course hours.~~

935 3.4. The board shall require, by rule adopted pursuant to  
936 ss. 120.536(1) and 120.54, a specified number of hours in  
937 specialized or advanced module courses, approved by the Florida  
938 Building Commission, on any portion of the Florida Building  
939 Code, adopted pursuant to part IV of chapter 553, relating to  
940 the contractor's respective discipline.

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

944 489.117 Registration; specialty contractors.—

945 (1) (a) Any person engaged in the business of a contractor  
946 as defined in s. 489.105(3)(a)-(o) must ~~in the state shall be~~  
947 ~~registered in the proper classification, unless he or she is~~  
948 ~~certified. Any person entering the business of a contractor~~  
949 ~~shall be registered~~ before ~~prior to~~ engaging in business as a  
950 contractor in this state, unless he or she is certified. To be  
951 initially registered, the applicant shall submit the required  
952 fee and file evidence, ~~in a form provided by the department, of~~  
953 ~~holding a current local occupational license required by any~~  
954 ~~municipality, county, or development district, if any, for the~~  
955 ~~type of work for which registration is desired and evidence of~~  
956 successful compliance with the local examination and licensing  
957 requirements, if any, in the area for which registration is

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958 desired. An ~~No~~ examination is not ~~shall be~~ required for  
959 registration.

960 (4) (a) A person holding a local license whose job scope  
961 does not substantially correspond to either the job scope of one  
962 of the contractor categories defined in s. 489.105(3) (a)-(o), or  
963 the job scope of one of the certified specialty contractor  
964 categories ~~previously established by board rule as of the~~  
965 ~~effective date of this provision,~~ is ~~shall not be~~ required to  
966 register with the board to perform contracting activities within  
967 the scope of such specialty license.

968 ~~(b) A local jurisdiction may require an individual holding~~  
969 ~~a local specialty contractor license in a category which~~  
970 ~~pursuant to paragraph (a) does not permit registration to obtain~~  
971 ~~a tracking registration from the board, provided that the board~~  
972 ~~has established by rule that the activities which comprise the~~  
973 ~~job scope of the local specialty contractor license involve~~  
974 ~~lifesafety considerations and a significant potential danger to~~  
975 ~~the consumer.~~

976 (b)(e) ~~The~~ local jurisdictions are ~~shall be~~ responsible for  
977 providing the following information to the board within 30 days  
978 after licensure of, or any disciplinary action against, a  
979 locally licensed contractor who is registered under this part:

- 980 1. Licensure information.  
981 2. Code violation information pursuant to s. 553.781. ~~and~~  
982 3. Disciplinary information. ~~on locally licensed~~  
983 ~~individuals to the board within 30 days after licensure or any~~  
984 ~~disciplinary action, and~~

985  
986 The board shall maintain such licensure and disciplinary

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987 information as it is provided to the board ~~them~~, and shall make  
988 the ~~such~~ information available through the automated information  
989 system provided pursuant to s. 455.2286. ~~The biennial tracking~~  
990 ~~registration fee shall not exceed \$40.~~

991 ~~(c)(d) Neither the board nor the department assumes any~~  
992 ~~responsibility for providing discipline pursuant to having~~  
993 ~~provided the tracking registration. Providing discipline to such~~  
994 ~~locally licensed contractors is ~~individuals~~ shall be the~~  
995 ~~responsibility of the local jurisdiction. Failure to obtain a~~  
996 ~~tracking registration shall not be considered a violation of~~  
997 ~~this chapter; however, a local jurisdiction requiring such~~  
998 ~~tracking registration may levy such penalties for failure to~~  
999 ~~obtain the tracking registration as it chooses to provide~~  
1000 ~~through local ordinance.~~

1001 ~~(d)(e)~~ Any person who is not required to obtain  
1002 registration or certification pursuant to s. 489.105(3)(d)-(o)  
1003 may perform ~~specialty~~ contracting services for the construction,  
1004 remodeling, repair, or improvement of single-family residences,  
1005 including a townhouse as defined in the Florida Building Code,  
1006 without obtaining a local ~~professional~~ license if such person is  
1007 under the supervision of a certified or registered general,  
1008 building, or residential contractor. As used in this paragraph,  
1009 supervision shall not be deemed to require the existence of a  
1010 direct contract between the certified or registered general,  
1011 building, or residential contractor and the person performing  
1012 specialty contracting services.

1013 ~~(5) In order to establish uniformity among the job scopes~~  
1014 ~~established by local jurisdictions, the board shall, by rule,~~  
1015 ~~establish the job scope for any licensure category registered by~~

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1016 ~~the board under this part. The board shall not arbitrarily limit~~  
1017 ~~such scopes and shall restrict the job scopes only to the~~  
1018 ~~minimum extent necessary to ensure uniformity.~~

1019 Section 29. Section 489.119, Florida Statutes, is amended  
1020 to read:

1021 489.119 Business organizations; qualifying agents.—

1022 (1) If an individual proposes to engage in contracting in  
1023 the individual's own name, or a fictitious name where the  
1024 individual is doing business as a sole proprietorship,  
1025 registration or certification may be issued only to that  
1026 individual.

1027 (2) If the applicant proposes to engage in contracting as a  
1028 business organization, including any partnership, corporation,  
1029 business trust, or other legal entity, or in any name other than  
1030 the applicant's legal name or a fictitious name where the  
1031 applicant is doing business as a sole proprietorship, the  
1032 applicant business organization must apply for registration or  
1033 certification as the ~~for a certificate of authority through a~~  
1034 qualifying agent of the business organization ~~and under the~~  
1035 ~~fictitious name, if any.~~

1036 (a) An ~~The~~ application for registration or certification to  
1037 qualify a business organization ~~a certificate of authority~~ must  
1038 state the name of the partnership and of its partners; the name  
1039 of the corporation and of its officers and directors and the  
1040 name of each of its stockholders who is also an officer or  
1041 director; the name of the business trust and its trustees; or  
1042 the name of such other legal entity and its members; and must  
1043 state the fictitious name, if any, under which the business  
1044 organization is doing business.

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1045        (b)1. An ~~The~~ application for registration or certification  
1046 to qualify a business organization ~~primary-qualifying agent~~ must  
1047 include an affidavit on a form provided by the board attesting  
1048 that the applicant has final approval authority for all  
1049 construction work performed by the business organization ~~entity~~  
1050 and that the applicant has final approval authority on all  
1051 business matters, including contracts, specifications, checks,  
1052 drafts, or payments, regardless of the form of payment, made by  
1053 the business organization ~~entity~~, except where a financially  
1054 responsible officer is approved.

1055        2. The application for financially responsible officer must  
1056 include an affidavit on a form provided by the board attesting  
1057 that the applicant's approval is required for all checks,  
1058 drafts, or payments, regardless of the form of payment, made by  
1059 the business organization ~~entity~~ and that the applicant has  
1060 authority to act for the business organization in all financial  
1061 matters.

1062        3. The application for secondary qualifying agent must  
1063 include an affidavit on a form provided by the board attesting  
1064 that the applicant has authority to supervise all construction  
1065 work performed by the business organization ~~entity~~ as provided  
1066 in s. 489.1195(2).

1067        (c) The board may deny an application for registration or  
1068 certification to qualify a business organization if the  
1069 applicant, or any person listed in paragraph (a), has been  
1070 involved in past disciplinary actions or on any grounds for  
1071 which an individual registration or certification may be denied.

1072        (d) ~~(b)~~ The applicant must furnish evidence of statutory  
1073 compliance if a fictitious name is used, the provisions of s.

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1074 865.09(7) notwithstanding.

1075 (e)~~(e)~~ A joint venture, including a joint venture composed  
1076 of qualified business organizations, is itself a separate and  
1077 distinct organization that must be qualified ~~and obtain a~~  
1078 ~~certificate of authority~~ in accordance with board rules.

1079 ~~(d) A certificate of authority must be renewed every 2~~  
1080 ~~years. If there is a change in any information that is required~~  
1081 ~~to be stated on the application, the business organization~~  
1082 ~~shall, within 45 days after such change occurs, mail the correct~~  
1083 ~~information to the department.~~

1084 (3) (a) A ~~The~~ qualifying agent must ~~shall~~ be certified or  
1085 registered under this part in order for the business  
1086 organization to operate ~~be issued a certificate of authority~~ in  
1087 the category of contracting in the business conducted ~~for~~ which  
1088 the qualifying agent is certified or registered. If any  
1089 qualifying agent ceases to be affiliated with a ~~such~~ business  
1090 organization, he or she shall ~~so~~ inform the department. In  
1091 addition, if the ~~such~~ qualifying agent is the only certified or  
1092 registered contractor affiliated with the business organization,  
1093 the business organization shall notify the department of the  
1094 termination of the qualifying agent and shall have 60 days from  
1095 the termination of the qualifying agent's affiliation with the  
1096 business organization in which to employ another qualifying  
1097 agent. The business organization may not engage in contracting  
1098 until a qualifying agent is employed, unless the executive  
1099 director or chair of the board has granted a temporary  
1100 nonrenewable certificate or registration to the financially  
1101 responsible officer, the president, a partner, or, in the case  
1102 of a limited partnership, the general partner, who assumes all

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1103 responsibilities of a primary qualifying agent for the business  
1104 organization ~~entity~~. This temporary certificate or registration  
1105 shall only allow the business organization ~~entity~~ to proceed  
1106 with incomplete contracts. For the purposes of this paragraph,  
1107 an incomplete contract is one which has been awarded to, or  
1108 entered into by, the business organization prior to the  
1109 cessation of affiliation of the qualifying agent with the  
1110 business organization or one on which the business organization  
1111 was the low bidder and the contract is subsequently awarded,  
1112 regardless of whether any actual work has commenced under the  
1113 contract prior to the qualifying agent ceasing to be affiliated  
1114 with the business organization.

1115 (b) The qualifying agent shall inform the department in  
1116 writing when he or she proposes to engage in contracting in his  
1117 or her own name or in affiliation with another business  
1118 organization, and he or she or such new business organization  
1119 shall supply the same information to the department as required  
1120 of applicants under this part.

1121 ~~(c) Upon a favorable determination by the board, after~~  
1122 ~~investigation of the financial responsibility, credit, and~~  
1123 ~~business reputation of the qualifying agent and the new business~~  
1124 ~~organization, the department shall issue, without an~~  
1125 ~~examination, a new certificate of authority in the business~~  
1126 ~~organization's name.~~

1127 ~~(4) Disciplinary action against a business organization~~  
1128 ~~holding a certificate of authority shall be administered in the~~  
1129 ~~same manner and on the same grounds as disciplinary action~~  
1130 ~~against a contractor. The board may deny the certification of~~  
1131 ~~any person cited in subsection (2) if the person has been~~

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1132 ~~involved in past disciplinary actions or on any grounds for~~  
1133 ~~which individual certification can be denied.~~

1134 (4)~~(5)~~ When a certified qualifying agent, on behalf of a  
1135 business organization, makes application for a business tax  
1136 receipt ~~an occupational license~~ in any municipality or county of  
1137 this state, the application shall be made with the tax collector  
1138 in the name of the business organization and the qualifying  
1139 agent; and the license, when issued, shall be issued to the  
1140 business organization, upon payment of the appropriate licensing  
1141 fee and exhibition to the tax collector of a valid certificate  
1142 for the qualifying agent ~~and a valid certificate of authority~~  
1143 ~~for the business organization~~ issued by the department, and the  
1144 state license numbers shall be noted thereon.

1145 (5)~~(6)~~(a) Each registered or certified contractor shall  
1146 affix the number of his or her registration or certification to  
1147 each application for a building permit and on each building  
1148 permit issued and recorded. Each city or county building  
1149 department shall require, as a precondition for the issuance of  
1150 the building permit, that the contractor taking out the permit  
1151 must provide verification giving his or her Construction  
1152 Industry Licensing Board registration or certification number.

1153 (b) The registration or certification number of each  
1154 contractor ~~or certificate of authority number for each business~~  
1155 ~~organization~~ shall appear in each offer of services, business  
1156 proposal, bid, contract, or advertisement, regardless of medium,  
1157 as defined by board rule, used by that contractor or business  
1158 organization in the practice of contracting.

1159 (c) If a vehicle bears the name of a contractor or business  
1160 organization, or any text or artwork which would lead a



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1161 reasonable person to believe that the vehicle is used for  
1162 contracting, the registration or certification number of the  
1163 contractor ~~or certificate of authority number of the business~~  
1164 ~~organization~~ must be conspicuously and legibly displayed with  
1165 the name, text, or artwork. Local governments may also require  
1166 that locally licensed contractors must also display their  
1167 certificate of competency or license numbers. Nothing in this  
1168 paragraph shall be construed to create a mandatory vehicle  
1169 signage requirement.

1170 (d) For the purposes of this part, the term "advertisement"  
1171 does not include business stationery or any promotional  
1172 novelties such as balloons, pencils, trinkets, or articles of  
1173 clothing.

1174 (e) The board shall issue a notice of noncompliance for the  
1175 first offense, and may assess a fine or issue a citation for  
1176 failure to correct the offense within 30 days or for any  
1177 subsequent offense, to any contractor or business organization  
1178 that fails to include the certification or registration, ~~or~~  
1179 ~~certificate of authority~~ number as required by this part when  
1180 submitting an advertisement for publication, broadcast, or  
1181 printing or fails to display the certification or registration,  
1182 ~~or certificate of authority~~ number as required by this part.

1183 (f) In addition to any other penalty prescribed by law, a  
1184 local government may impose a civil fine pursuant to s.  
1185 489.127(5) against a person who is not certified or registered  
1186 under this part if the person:

1187 1. Claims to be licensed in any offer of services, business  
1188 proposal, bid, contract, or advertisement, but who does not  
1189 possess a valid competency-based license issued by a local

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1190 government in this state to perform the specified construction  
1191 services; or

1192 2. Claims to be insured in any offer of services, business  
1193 proposal, bid, contract, or advertisement, but whose performance  
1194 of the subject work is not covered by a general liability or  
1195 workers' compensation insurance policy.

1196 (6)~~(7)~~ Each qualifying agent shall pay the department an  
1197 amount equal to the original fee for registration or  
1198 certification to qualify ~~a certificate of authority of~~ a new  
1199 business organization. If the qualifying agent for a business  
1200 organization desires to qualify additional business  
1201 organizations, the board shall require the qualifying agent ~~him~~  
1202 ~~or her~~ to present evidence of his or her ability to supervise  
1203 the construction activities ~~and financial responsibility~~ of each  
1204 such organization. Approval of each business organization ~~The~~  
1205 ~~issuance of such certificate of authority~~ is discretionary with  
1206 the board.

1207 (7)~~(8)~~(a) A business organization proposing to engage in  
1208 contracting is not required to apply for or obtain authorization  
1209 under this part to engage in contracting if:

1210 1. The business organization employs one or more registered  
1211 or certified contractors licensed in accordance with this part  
1212 who are responsible for obtaining permits and supervising all of  
1213 the business organization's contracting activities;

1214 2. The business organization engages only in contracting on  
1215 property owned by the business organization or by its parent,  
1216 subsidiary, or affiliated entities; and

1217 3. The business organization, or its parent entity if the  
1218 business organization is a wholly owned subsidiary, maintains a

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1219 minimum net worth of \$20 million.

1220 (b) Any business organization engaging in contracting under  
 1221 this subsection shall provide the board with the name and  
 1222 license number of each registered or certified contractor  
 1223 employed by the business organization to supervise its  
 1224 contracting activities. The business organization is not  
 1225 required to post a bond or otherwise evidence any financial or  
 1226 credit information except as necessary to demonstrate compliance  
 1227 with paragraph (a).

1228 (c) A registered or certified contractor employed by a  
 1229 business organization to supervise its contracting activities  
 1230 under this subsection shall not be required to post a bond or  
 1231 otherwise evidence any personal financial or credit information  
 1232 so long as the individual performs contracting activities  
 1233 exclusively on behalf of a business organization meeting all of  
 1234 the requirements of paragraph (a).

1235 Section 30. Subsection (1) of section 489.127, Florida  
 1236 Statutes, is amended to read:

1237 489.127 Prohibitions; penalties.—

1238 (1) No person shall:

1239 (a) Falsely hold himself or herself or a business  
 1240 organization out as a licensee, certificateholder, or  
 1241 registrant;

1242 (b) Falsely impersonate a certificateholder or registrant;

1243 (c) Present as his or her own the certificate or  
 1244 registration, ~~or certificate of authority~~ of another;

1245 (d) Knowingly give false or forged evidence to the board or  
 1246 a member thereof;

1247 (e) Use or attempt to use a certificate or registration

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1248 ~~that, or certificate of authority which~~ has been suspended or  
1249 revoked;

1250 (f) Engage in the business or act in the capacity of a  
1251 contractor or advertise himself or herself or a business  
1252 organization as available to engage in the business or act in  
1253 the capacity of a contractor without being duly registered or  
1254 certified ~~or having a certificate of authority;~~

1255 (g) Operate a business organization engaged in contracting  
1256 after 60 days following the termination of its only qualifying  
1257 agent without designating another primary qualifying agent,  
1258 except as provided in ss. 489.119 and 489.1195;

1259 (h) Commence or perform work for which a building permit is  
1260 required pursuant to part IV of chapter 553 without such  
1261 building permit being in effect; or

1262 (i) Willfully or deliberately disregard or violate any  
1263 municipal or county ordinance relating to uncertified or  
1264 unregistered contractors.

1265

1266 For purposes of this subsection, a person or business  
1267 organization operating on an inactive or suspended certificate  
1268 or, registration, ~~or certificate of authority~~ is not duly  
1269 certified or registered and is considered unlicensed. A business  
1270 tax receipt issued under the authority of chapter 205 is not a  
1271 license for purposes of this part.

1272 Section 31. Paragraph (b) of subsection (1) of section  
1273 489.128, Florida Statutes, is amended to read:

1274 489.128 Contracts entered into by unlicensed contractors  
1275 unenforceable.—

1276 (1) As a matter of public policy, contracts entered into on

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1277 or after October 1, 1990, by an unlicensed contractor shall be  
1278 unenforceable in law or in equity by the unlicensed contractor.

1279 (b) For purposes of this section, an individual or business  
1280 organization may not be considered unlicensed for failing to  
1281 have a business tax receipt issued under the authority of  
1282 chapter 205. ~~A business organization may not be considered~~  
1283 ~~unlicensed for failing to have a certificate of authority as~~  
1284 ~~required by ss. 489.119 and 489.127. For purposes of this~~  
1285 ~~section, a business organization entering into the contract may~~  
1286 ~~not be considered unlicensed if, before the date established by~~  
1287 ~~paragraph (c), an individual possessing a license required by~~  
1288 ~~this part concerning the scope of the work to be performed under~~  
1289 ~~the contract has submitted an application for a certificate of~~  
1290 ~~authority designating that individual as a qualifying agent for~~  
1291 ~~the business organization entering into the contract, and the~~  
1292 ~~application was not acted upon by the department or applicable~~  
1293 ~~board within the time limitations imposed by s. 120.60.~~

1294 Section 32. Subsections (1), (5), and (7) of section  
1295 489.129, Florida Statutes, are amended to read:

1296 489.129 Disciplinary proceedings.—

1297 (1) The board may take any of the following actions against  
1298 any certificateholder or registrant: place on probation or  
1299 reprimand the licensee, revoke, suspend, or deny the issuance or  
1300 renewal of the certificate or, registration, ~~or certificate of~~  
1301 ~~authority~~, require financial restitution to a consumer for  
1302 financial harm directly related to a violation of a provision of  
1303 this part, impose an administrative fine not to exceed \$10,000  
1304 per violation, require continuing education, or assess costs  
1305 associated with investigation and prosecution, if the

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1306 contractor, financially responsible officer, or business  
1307 organization for which the contractor is a primary qualifying  
1308 agent, a financially responsible officer, or a secondary  
1309 qualifying agent responsible under s. 489.1195 is found guilty  
1310 of any of the following acts:

1311 (a) Obtaining a certificate or registration, ~~or~~  
1312 ~~certificate of authority~~ by fraud or misrepresentation.

1313 (b) Being convicted or found guilty of, or entering a plea  
1314 of nolo contendere to, regardless of adjudication, a crime in  
1315 any jurisdiction which directly relates to the practice of  
1316 contracting or the ability to practice contracting.

1317 (c) Violating any provision of chapter 455.

1318 (d) Performing any act which assists a person or entity in  
1319 engaging in the prohibited uncertified and unregistered practice  
1320 of contracting, if the certificateholder or registrant knows or  
1321 has reasonable grounds to know that the person or entity was  
1322 uncertified and unregistered.

1323 (e) Knowingly combining or conspiring with an uncertified  
1324 or unregistered person by allowing his or her certificate or  
1325 registration, ~~or certificate of authority~~ to be used by the  
1326 uncertified or unregistered person with intent to evade the  
1327 provisions of this part. When a certificateholder or registrant  
1328 allows his or her certificate or registration to be used by one  
1329 or more business organizations without having any active  
1330 participation in the operations, management, or control of such  
1331 business organizations, such act constitutes prima facie  
1332 evidence of an intent to evade the provisions of this part.

1333 (f) Acting in the capacity of a contractor under any  
1334 certificate or registration issued hereunder except in the name

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1335 of the certificateholder or registrant as set forth on the  
1336 issued certificate or registration, or in accordance with the  
1337 personnel of the certificateholder or registrant as set forth in  
1338 the application for the certificate or registration, or as later  
1339 changed as provided in this part.

1340 (g) Committing mismanagement or misconduct in the practice  
1341 of contracting that causes financial harm to a customer.

1342 Financial mismanagement or misconduct occurs when:

1343 1. Valid liens have been recorded against the property of a  
1344 contractor's customer for supplies or services ordered by the  
1345 contractor for the customer's job; the contractor has received  
1346 funds from the customer to pay for the supplies or services; and  
1347 the contractor has not had the liens removed from the property,  
1348 by payment or by bond, within 75 days after the date of such  
1349 liens;

1350 2. The contractor has abandoned a customer's job and the  
1351 percentage of completion is less than the percentage of the  
1352 total contract price paid to the contractor as of the time of  
1353 abandonment, unless the contractor is entitled to retain such  
1354 funds under the terms of the contract or refunds the excess  
1355 funds within 30 days after the date the job is abandoned; or

1356 3. The contractor's job has been completed, and it is shown  
1357 that the customer has had to pay more for the contracted job  
1358 than the original contract price, as adjusted for subsequent  
1359 change orders, unless such increase in cost was the result of  
1360 circumstances beyond the control of the contractor, was the  
1361 result of circumstances caused by the customer, or was otherwise  
1362 permitted by the terms of the contract between the contractor  
1363 and the customer.

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1364 (h) Being disciplined by any municipality or county for an  
1365 act or violation of this part.

1366 (i) Failing in any material respect to comply with the  
1367 provisions of this part or violating a rule or lawful order of  
1368 the board.

1369 (j) Abandoning a construction project in which the  
1370 contractor is engaged or under contract as a contractor. A  
1371 project may be presumed abandoned after 90 days if the  
1372 contractor terminates the project without just cause or without  
1373 proper notification to the owner, including the reason for  
1374 termination, or fails to perform work without just cause for 90  
1375 consecutive days.

1376 (k) Signing a statement with respect to a project or  
1377 contract falsely indicating that the work is bonded; falsely  
1378 indicating that payment has been made for all subcontracted  
1379 work, labor, and materials which results in a financial loss to  
1380 the owner, purchaser, or contractor; or falsely indicating that  
1381 workers' compensation and public liability insurance are  
1382 provided.

1383 (l) Committing fraud or deceit in the practice of  
1384 contracting.

1385 (m) Committing incompetency or misconduct in the practice  
1386 of contracting.

1387 (n) Committing gross negligence, repeated negligence, or  
1388 negligence resulting in a significant danger to life or  
1389 property.

1390 (o) Proceeding on any job without obtaining applicable  
1391 local building department permits and inspections.

1392 (p) Intimidating, threatening, coercing, or otherwise



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1393 discouraging the service of a notice to owner under part I of  
1394 chapter 713 or a notice to contractor under chapter 255 or part  
1395 I of chapter 713.

1396 (q) Failing to satisfy within a reasonable time, the terms  
1397 of a civil judgment obtained against the licensee, or the  
1398 business organization qualified by the licensee, relating to the  
1399 practice of the licensee's profession.

1400

1401 For the purposes of this subsection, construction is considered  
1402 to be commenced when the contract is executed and the contractor  
1403 has accepted funds from the customer or lender. A contractor  
1404 does not commit a violation of this subsection when the  
1405 contractor relies on a building code interpretation rendered by  
1406 a building official or person authorized by s. 553.80 to enforce  
1407 the building code, absent a finding of fraud or deceit in the  
1408 practice of contracting, or gross negligence, repeated  
1409 negligence, or negligence resulting in a significant danger to  
1410 life or property on the part of the building official, in a  
1411 proceeding under chapter 120.

1412 (5) The board may not reinstate the certification or  
1413 registration, ~~or certificate of authority~~ of, or cause a  
1414 certificate or registration, ~~or certificate of authority~~ to be  
1415 issued to, a person who or business organization which the board  
1416 has determined is unqualified or whose certificate or  
1417 registration, ~~or certificate of authority~~ the board has  
1418 suspended until it is satisfied that such person or business  
1419 organization has complied with all the terms and conditions set  
1420 forth in the final order and is capable of competently engaging  
1421 in the business of contracting.

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1422 (7) The board shall not issue or renew a certificate or,  
1423 registration,~~or certificate of authority~~ to any person or  
1424 business organization that has been assessed a fine, interest,  
1425 or costs associated with investigation and prosecution, or has  
1426 been ordered to pay restitution, until such fine, interest, or  
1427 costs associated with investigation and prosecution or  
1428 restitution are paid in full or until all terms and conditions  
1429 of the final order have been satisfied.

1430 Section 33. Subsection (5) of section 489.132, Florida  
1431 Statutes, is amended to read:

1432 489.132 Prohibited acts by unlicensed principals;  
1433 investigation; hearing; penalties.—

1434 (5) The department may suspend, revoke, or deny issuance or  
1435 renewal of a certificate or, registration,~~or certificate of~~  
1436 ~~authority~~ for any individual or business organization that  
1437 associates a person as an officer, director, or partner, or in a  
1438 managerial or supervisory capacity, after such person has been  
1439 found under a final order to have violated this section or was  
1440 an officer, director, partner, trustee, or manager of a business  
1441 organization disciplined by the board by revocation, suspension,  
1442 or fine in excess of \$2,500, upon finding reasonable cause that  
1443 such person knew or reasonably should have known of the conduct  
1444 leading to the discipline.

1445 Section 34. Subsection (1) of section 489.1455, Florida  
1446 Statutes, is amended to read:

1447 489.1455 Journeyman; reciprocity; standards.—

1448 (1) An individual who holds a valid, active journeyman  
1449 license in the plumbing/pipe fitting, mechanical, or HVAC trades  
1450 issued by any county or municipality in this state may work as a

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1451 journeyman in the trade in which he or she is licensed in any  
1452 county or municipality of this state without taking an  
1453 additional examination or paying an additional license fee, if  
1454 he or she:

1455 (a) Has scored at least 70 percent, or after October 1,  
1456 1997, at least 75 percent, on a proctored journeyman Block and  
1457 Associates examination or other proctored examination approved  
1458 by the board for the trade in which he or she is licensed;

1459 (b) Has completed an apprenticeship program registered with  
1460 the Department of Labor and Employment Security and demonstrates  
1461 4 years' verifiable practical experience in the trade for which  
1462 he or she is licensed, or demonstrates 6 years' verifiable  
1463 practical experience in the trade for which he or she is  
1464 licensed;

1465 (c) Has satisfactorily completed specialized and advanced  
1466 module coursework approved by the Florida Building Commission,  
1467 as part of the Building Code Training Program established in s.  
1468 553.841, specific to the discipline, ~~and successfully completed~~  
1469 ~~the program's core curriculum courses or passed an equivalency~~  
1470 ~~test in lieu of taking the core curriculum courses and provided~~  
1471 ~~proof of completion of such curriculum courses or examination~~  
1472 ~~and obtained a certificate from the board pursuant to this part~~  
1473 or, pursuant to authorization by the certifying authority,  
1474 provides proof of completion of such ~~curriculum or~~ coursework  
1475 within 6 months after such certification; and

1476 (d) Has not had a license suspended or revoked within the  
1477 last 5 years.

1478 Section 35. Subsection (19) of section 489.505, Florida  
1479 Statutes, is amended to read:

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1480 489.505 Definitions.—As used in this part:

1481 (19) "Specialty contractor" means a contractor whose scope  
1482 of practice is limited to a specific segment of electrical or  
1483 alarm system contracting established in a category adopted by  
1484 board rule, including, but not limited to, residential  
1485 electrical contracting, maintenance of electrical fixtures, and  
1486 fabrication, erection, installation, and maintenance of  
1487 electrical advertising signs together with the interrelated  
1488 parts and supports thereof. ~~Categories of specialty contractor~~  
1489 ~~shall be established by board rule.~~

1490 Section 36. Subsections (5), (6), and (7) of section  
1491 489.513, Florida Statutes, are amended to read:

1492 489.513 Registration; application; requirements.—

1493 (5) Registration permits the registrant to engage in  
1494 contracting only in the area and for the type of work covered by  
1495 the registration, unless local licenses are issued for other  
1496 areas and types of work or unless certification is obtained.  
1497 When a registrant desires to register in an additional area of  
1498 the state, he or she shall ~~first~~ comply with any local  
1499 requirements of that area and then file a request with the  
1500 department, together with evidence of holding a current  
1501 ~~occupational license or~~ license issued by the county or  
1502 municipality for the area or areas in which he or she desires to  
1503 be registered, whereupon his or her evidence of registration  
1504 shall be endorsed by the department to reflect valid  
1505 registration for the new area or areas.

1506 (6) The local jurisdictions are ~~shall be~~ responsible for  
1507 providing the following information to the board within 30 days  
1508 after licensure of, or any disciplinary action against, a

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1509 locally licensed contractor who is registered under this part:

1510 (a) Licensure information.<sup>7</sup>

1511 (b) Code violation information pursuant to s. 553.781.<sup>7</sup> ~~and~~

1512 (c) Disciplinary information. ~~on locally licensed~~  
 1513 ~~individuals to the board within 30 days after licensure or any~~  
 1514 ~~disciplinary action, and~~

1515

1516 The board shall maintain such licensure and disciplinary  
 1517 information as it is provided to the board ~~them~~, and shall make  
 1518 the such information available through the automated information  
 1519 system provided pursuant to s. 455.2286.

1520 ~~(7) In order to establish uniformity among the job scopes~~  
 1521 ~~established by local jurisdictions, the board shall, by rule,~~  
 1522 ~~establish the job scope for any licensure category registered by~~  
 1523 ~~the board under this part. The board shall not arbitrarily limit~~  
 1524 ~~such scopes and shall restrict the job scopes only to the~~  
 1525 ~~minimum extent necessary to ensure uniformity.~~

1526 Section 37. Subsection (3) of section 489.516, Florida  
 1527 Statutes, is amended to read:

1528 489.516 Qualifications to practice; restrictions;  
 1529 prerequisites.-

1530 (3) When a certificateholder desires to engage in  
 1531 contracting in any area of the state, as a prerequisite  
 1532 therefor, he or she shall only be required to exhibit to the  
 1533 local building official, tax collector, or other authorized  
 1534 person in charge of the issuance of licenses and building or  
 1535 electrical permits in the area evidence of holding a current  
 1536 certificate and a current business tax receipt issued by the  
 1537 jurisdiction in which the certificateholder's principal place of

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1538 business is located, and having paid ~~to pay~~ the fee for the  
1539 ~~occupational license and permit~~ required of other persons.  
1540 However, a local construction regulation board may deny the  
1541 issuance of an electrical permit to a certified contractor, or  
1542 issue a permit with specific conditions, if the local  
1543 construction regulation board has found such contractor, through  
1544 the public hearing process, to be guilty of fraud or a willful  
1545 building code violation within the county or municipality that  
1546 the local construction regulation board represents, or if the  
1547 local construction regulation board has proof that such  
1548 contractor, through the public hearing process, has been found  
1549 guilty, in another county or municipality within the past 12  
1550 months, of fraud or a willful building code violation and finds,  
1551 after providing notice to the contractor, that such fraud or  
1552 violation would have been fraud or a violation if committed in  
1553 the county or municipality that the local construction board  
1554 represents. Notification of and information concerning such  
1555 permit denial shall be submitted to the Department of Business  
1556 and Professional Regulation within 15 days after the local  
1557 construction regulation board decides to deny the permit.

1558 Section 38. Subsection (3) of section 489.517, Florida  
1559 Statutes, is amended to read:

1560 489.517 Renewal of certificate or registration; continuing  
1561 education.—

1562 (3) ~~(a)~~ Each certificateholder or registrant shall provide  
1563 proof, in a form established by rule of the board, that the  
1564 certificateholder or registrant has completed at least 14  
1565 classroom hours of at least 50 minutes each of continuing  
1566 education courses during each biennium since the issuance or

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1567 renewal of the certificate or registration. The board shall by  
1568 rule establish criteria for the approval of continuing education  
1569 courses and providers and may by rule establish criteria for  
1570 accepting alternative nonclassroom continuing education on an  
1571 hour-for-hour basis.

1572 ~~(b) Each certificateholder or registrant shall provide to~~  
1573 ~~the board proof of completion of the core curriculum courses or~~  
1574 ~~passing the equivalency test of the Building Code Training~~  
1575 ~~Program established under s. 553.841, specific to the licensing~~  
1576 ~~category sought, within 2 years after commencement of the~~  
1577 ~~program or of initial certification or registration, whichever~~  
1578 ~~is later. Classroom hours spent taking core curriculum courses~~  
1579 ~~shall count toward the number required for renewal of~~  
1580 ~~certificate or registration. A certificateholder or registrant~~  
1581 ~~who passes the equivalency test in lieu of taking the core~~  
1582 ~~curriculum courses shall receive full credit for core curriculum~~  
1583 ~~course hours.~~

1584 Section 39. Subsection (6) of section 489.521, Florida  
1585 Statutes, is amended to read:

1586 489.521 Business organizations; qualifying agents.—

1587 (6) When a business organization qualified to engage in  
1588 contracting makes application for a business tax receipt an  
1589 ~~occupational license~~ in any municipality or county of this  
1590 state, the application shall be made with the tax collector in  
1591 the name of the business organization, and the business tax  
1592 receipt license, when issued, shall be issued to the business  
1593 organization upon payment of the appropriate licensing fee and  
1594 exhibition to the tax collector of a valid certificate issued by  
1595 the department.

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1596 Section 40. Section 489.5315, Florida Statutes, is amended  
1597 to read:

1598 489.5315 Proprietary electrical or alarm contractors.—  
1599 Businesses that obtain an electrical or burglar alarm system  
1600 license to work only on their own equipment, and that do not  
1601 offer electrical or alarm contracting services to the public,  
1602 are not electrical or burglar alarm system contracting  
1603 businesses and do not have to obtain a business tax receipt ~~an~~  
1604 ~~occupational license~~ in addition to any they are otherwise  
1605 required to have.

1606 Section 41. Effective upon this act becoming a law,  
1607 paragraph (a) of subsection (1) of section 489.532, Florida  
1608 Statutes, is amended to read:

1609 489.532 Contracts entered into by unlicensed contractors  
1610 unenforceable.—

1611 (1) As a matter of public policy, contracts entered into on  
1612 or after October 1, 1990, by an unlicensed contractor shall be  
1613 unenforceable in law or in equity by the unlicensed contractor.

1614 (a) For purposes of this section, an individual is  
1615 unlicensed if the individual does not have a license required by  
1616 this part concerning the scope of the work to be performed under  
1617 the contract. A business organization is unlicensed if the  
1618 business organization does not have a primary or secondary  
1619 qualifying agent in accordance with this part concerning the  
1620 scope of the work to be performed under the contract. For  
1621 purposes of this section, if a ~~no~~ state ~~or local~~ license is not  
1622 required for the scope of work to be performed under the  
1623 contract, the individual performing that work is ~~shall~~ not ~~be~~  
1624 considered unlicensed.



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1625 Section 42. Paragraph (b) of subsection (3) of section  
1626 489.537, Florida Statutes, is amended to read:

1627 489.537 Application of this part.—

1628 (3) Nothing in this act limits the power of a municipality  
1629 or county:

1630 (b) To collect fees for business tax receipts ~~occupational~~  
1631 ~~licenses~~ and inspections for engaging in contracting or  
1632 examination fees from persons who are registered with the local  
1633 boards pursuant to local examination requirements.

1634 Section 43. Section 509.233, Florida Statutes, is amended  
1635 to read:

1636 509.233 Public food service establishment requirements;  
1637 local exemption for dogs in designated outdoor portions; ~~pilot~~  
1638 ~~program.~~—

1639 ~~(1) INTENT.—It is the intent of the Legislature by this~~  
1640 ~~section to establish a 3-year pilot program for local~~  
1641 ~~governments to allow patrons' dogs within certain designated~~  
1642 ~~outdoor portions of public food service establishments.~~

1643 (1)(2) LOCAL EXEMPTION AUTHORIZED.—Notwithstanding s.  
1644 509.032(7), the governing body of a local government may  
1645 ~~participating in the pilot program is authorized to~~ establish,  
1646 by ordinance, a local exemption procedure to certain provisions  
1647 of the Food and Drug Administration Food Code, as currently  
1648 adopted by the division, in order to allow patrons' dogs within  
1649 certain designated outdoor portions of public food service  
1650 establishments.

1651 (2)(3) LOCAL DISCRETION; CODIFICATION.—

1652 (a) The adoption of the local exemption procedure shall be  
1653 at the sole discretion of the governing body of a participating

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1654 local government. Nothing in this section shall be construed to  
1655 require or compel a local governing body to adopt an ordinance  
1656 pursuant to this section.

1657 (b) Any ordinance adopted pursuant to this section shall  
1658 provide for codification within the land development code of a  
1659 participating local government.

1660 (3)~~(4)~~ LIMITATIONS ON EXEMPTION; PERMIT REQUIREMENTS.—

1661 (a) Any local exemption procedure adopted pursuant to this  
1662 section shall only provide a variance to those portions of the  
1663 currently adopted Food and Drug Administration Food Code in  
1664 order to allow patrons' dogs within certain designated outdoor  
1665 portions of public food service establishments.

1666 (b) In order to protect the health, safety, and general  
1667 welfare of the public, the local exemption procedure shall  
1668 require participating public food service establishments to  
1669 apply for and receive a permit from the governing body of the  
1670 local government before allowing patrons' dogs on their  
1671 premises. The local government shall require from the applicant  
1672 such information as the local government deems reasonably  
1673 necessary to enforce the provisions of this section, but shall  
1674 require, at a minimum, the following information:

1675 1. The name, location, and mailing address of the public  
1676 food service establishment.

1677 2. The name, mailing address, and telephone contact  
1678 information of the permit applicant.

1679 3. A diagram and description of the outdoor area to be  
1680 designated as available to patrons' dogs, including dimensions  
1681 of the designated area; a depiction of the number and placement  
1682 of tables, chairs, and restaurant equipment, if any; the

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1683 entryways and exits to the designated outdoor area; the  
1684 boundaries of the designated area and of other areas of outdoor  
1685 dining not available for patrons' dogs; any fences or other  
1686 barriers; surrounding property lines and public rights-of-way,  
1687 including sidewalks and common pathways; and such other  
1688 information reasonably required by the permitting authority. The  
1689 diagram or plan shall be accurate and to scale but need not be  
1690 prepared by a licensed design professional.

1691 4. A description of the days of the week and hours of  
1692 operation that patrons' dogs will be permitted in the designated  
1693 outdoor area.

1694 (c) In order to protect the health, safety, and general  
1695 welfare of the public, the local exemption ordinance shall  
1696 include such regulations and limitations as deemed necessary by  
1697 the participating local government and shall include, but not be  
1698 limited to, the following requirements:

1699 1. All public food service establishment employees shall  
1700 wash their hands promptly after touching, petting, or otherwise  
1701 handling dogs. Employees shall be prohibited from touching,  
1702 petting, or otherwise handling dogs while serving food or  
1703 beverages or handling tableware or before entering other parts  
1704 of the public food service establishment.

1705 2. Patrons in a designated outdoor area shall be advised  
1706 that they should wash their hands before eating. Waterless hand  
1707 sanitizer shall be provided at all tables in the designated  
1708 outdoor area.

1709 3. Employees and patrons shall be instructed that they  
1710 shall not allow dogs to come into contact with serving dishes,  
1711 utensils, tableware, linens, paper products, or any other items

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1712 involved in food service operations.

1713 4. Patrons shall keep their dogs on a leash at all times  
1714 and shall keep their dogs under reasonable control.

1715 5. Dogs shall not be allowed on chairs, tables, or other  
1716 furnishings.

1717 6. All table and chair surfaces shall be cleaned and  
1718 sanitized with an approved product between seating of patrons.  
1719 Spilled food and drink shall be removed from the floor or ground  
1720 between seating of patrons.

1721 7. Accidents involving dog waste shall be cleaned  
1722 immediately and the area sanitized with an approved product. A  
1723 kit with the appropriate materials for this purpose shall be  
1724 kept near the designated outdoor area.

1725 8. A sign or signs reminding employees of the applicable  
1726 rules shall be posted on premises in a manner and place as  
1727 determined by the local permitting authority.

1728 9. A sign or signs reminding patrons of the applicable  
1729 rules shall be posted on premises in a manner and place as  
1730 determined by the local permitting authority.

1731 10. A sign or signs shall be posted in a manner and place  
1732 as determined by the local permitting authority that places the  
1733 public on notice that the designated outdoor area is available  
1734 for the use of patrons and patrons' dogs.

1735 11. Dogs shall not be permitted to travel through indoor or  
1736 nondesignated outdoor portions of the public food service  
1737 establishment, and ingress and egress to the designated outdoor  
1738 portions of the public food service establishment must not  
1739 require entrance into or passage through any indoor area of the  
1740 food establishment.

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1741 (d) A permit issued pursuant to this section shall not be  
1742 transferred to a subsequent owner upon the sale of a public food  
1743 service establishment but shall expire automatically upon the  
1744 sale of the establishment. The subsequent owner shall be  
1745 required to reapply for a permit pursuant to this section if the  
1746 subsequent owner wishes to continue to accommodate patrons'  
1747 dogs.

1748 (4)~~(5)~~ POWERS; ENFORCEMENT.—Participating local governments  
1749 shall have such powers as are reasonably necessary to regulate  
1750 and enforce the provisions of this section.

1751 (5)~~(6)~~ STATE AND LOCAL COOPERATION.—The division shall  
1752 provide reasonable assistance to participating local governments  
1753 in the development of enforcement procedures and regulations,  
1754 and participating local governments shall monitor permitholders  
1755 for compliance in cooperation with the division. At a minimum,  
1756 participating local governments shall establish a procedure to  
1757 accept, document, and respond to complaints and to timely report  
1758 to the division all such complaints and the participating local  
1759 governments' enforcement responses to such complaints. A  
1760 participating local government shall provide the division with a  
1761 copy of all approved applications and permits issued, and the  
1762 participating local government shall require that all  
1763 applications, permits, and other related materials contain the  
1764 appropriate division-issued license number for each public food  
1765 service establishment.

1766 ~~(7) FUTURE REVIEW AND REPEAL.—This section shall expire~~  
1767 ~~July 1, 2009, unless reviewed and saved from repeal through~~  
1768 ~~reenactment by the Legislature.~~

1769 Section 44. Subsections (8) through (22) of section

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1770 548.002, Florida Statutes, are renumbered as subsections (9)  
1771 through (23), respectively, and a new subsection (8) is added to  
1772 that section, to read:

1773 548.002 Definitions.—As used in this chapter, the term:  
1774 (8) "Event" means one or more matches comprising a show.

1775 Section 45. Paragraph (k) of subsection (2) of section  
1776 548.003, Florida Statutes, is amended to read:

1777 548.003 Florida State Boxing Commission.—

1778 (2) The Florida State Boxing Commission, as created by  
1779 subsection (1), shall administer the provisions of this chapter.  
1780 The commission has authority to adopt rules pursuant to ss.  
1781 120.536(1) and 120.54 to implement the provisions of this  
1782 chapter and to implement each of the duties and responsibilities  
1783 conferred upon the commission, including, but not limited to:

1784 (k) Establishment of criteria for approval, disapproval,  
1785 suspension of approval, and revocation of approval of amateur  
1786 sanctioning organizations for amateur boxing, and kickboxing,  
1787 and mixed martial arts matches held in this state, including,  
1788 but not limited to, the health and safety standards the  
1789 organizations use before, during, and after the matches to  
1790 ensure the health, safety, and well-being of the amateurs  
1791 participating in the matches, including the qualifications and  
1792 numbers of health care personnel required to be present, the  
1793 qualifications required for referees, and other requirements  
1794 relating to the health, safety, and well-being of the amateurs  
1795 participating in the matches. The commission may adopt by rule,  
1796 or incorporate by reference into rule, the health and safety  
1797 standards of USA Boxing as the minimum health and safety  
1798 standards for an amateur boxing sanctioning organization, ~~and~~

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1799 the health and safety standards of the International Sport  
1800 Kickboxing Association as the minimum health and safety  
1801 standards for an amateur kickboxing sanctioning organization,  
1802 and the minimum health and safety standards for an amateur mixed  
1803 martial arts sanctioning organization. The commission shall  
1804 review its rules for necessary revision at least every 2 years  
1805 and may adopt by rule, or incorporate by reference into rule,  
1806 the then-existing current health and safety standards of USA  
1807 Boxing and the International Sport Kickboxing Association. The  
1808 commission may adopt emergency rules to administer this  
1809 paragraph.

1810 Section 46. For the purpose of incorporating the amendment  
1811 made by this act to subsection (1) of section 455.227, Florida  
1812 Statutes, in a reference thereto, paragraph (a) of subsection  
1813 (2) of section 468.436, Florida Statutes, is reenacted to read:  
1814 468.436 Disciplinary proceedings.—

1815 (2) The following acts constitute grounds for which the  
1816 disciplinary actions in subsection (4) may be taken:

1817 (a) Violation of any provision of s. 455.227(1).

1818 Section 47. For the purpose of incorporating the amendment  
1819 made by this act to subsection (1) of section 455.227, Florida  
1820 Statutes, in a reference thereto, paragraph (a) of subsection  
1821 (1) of section 468.832, Florida Statutes, is reenacted to read:  
1822 468.832 Disciplinary proceedings.—

1823 (1) The following acts constitute grounds for which the  
1824 disciplinary actions in subsection (2) may be taken:

1825 (a) Violation of any provision of this part or s.  
1826 455.227(1);

1827 Section 48. For the purpose of incorporating the amendment

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1828 made by this act to subsection (1) of section 455.227, Florida  
1829 Statutes, in a reference thereto, paragraph (a) of subsection  
1830 (1) of section 468.842, Florida Statutes, is reenacted to read:

1831 468.842 Disciplinary proceedings.—

1832 (1) The following acts constitute grounds for which the  
1833 disciplinary actions in subsection (2) may be taken:

1834 (a) Violation of any provision of this part or s.  
1835 455.227(1);

1836 Section 49. For the purpose of incorporating the amendment  
1837 made by this act to subsection (1) of section 455.227, Florida  
1838 Statutes, in a reference thereto, paragraph (a) of subsection  
1839 (1) of section 471.033, Florida Statutes, is reenacted to read:

1840 471.033 Disciplinary proceedings.—

1841 (1) The following acts constitute grounds for which the  
1842 disciplinary actions in subsection (3) may be taken:

1843 (a) Violating any provision of s. 455.227(1), s. 471.025,  
1844 or s. 471.031, or any other provision of this chapter or rule of  
1845 the board or department.

1846 Section 50. For the purpose of incorporating the amendment  
1847 made by this act to section (1) of section 455.227, Florida  
1848 Statutes, in a reference thereto, paragraph (a) of subsection  
1849 (1) of section 472.033, Florida Statutes, is reenacted to read:

1850 472.033 Disciplinary proceedings.—

1851 (1) The following acts constitute grounds for which the  
1852 disciplinary actions in subsection (2) may be taken:

1853 (a) Violation of any provision of s. 472.031 or s.  
1854 455.227(1);

1855 Section 51. For the purpose of incorporating the amendment  
1856 made by this act to subsection (1) of section 455.227, Florida



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1857 Statutes, in a reference thereto, paragraph (a) of subsection  
1858 (1) of section 473.323, Florida Statutes, is reenacted to read:  
1859 473.323 Disciplinary proceedings.—

1860 (1) The following acts constitute grounds for which the  
1861 disciplinary actions in subsection (3) may be taken:

1862 (a) Violation of any provision of s. 455.227(1) or any  
1863 other provision of this chapter.

1864 Section 52. For the purpose of incorporating the amendment  
1865 made by this act to subsection (1) of section 455.227, Florida  
1866 Statutes, in a reference thereto, paragraph (a) of subsection  
1867 (1) of section 475.25, Florida Statutes, is reenacted to read:

1868 475.25 Discipline.—

1869 (1) The commission may deny an application for licensure,  
1870 registration, or permit, or renewal thereof; may place a  
1871 licensee, registrant, or permittee on probation; may suspend a  
1872 license, registration, or permit for a period not exceeding 10  
1873 years; may revoke a license, registration, or permit; may impose  
1874 an administrative fine not to exceed \$5,000 for each count or  
1875 separate offense; and may issue a reprimand, and any or all of  
1876 the foregoing, if it finds that the licensee, registrant,  
1877 permittee, or applicant:

1878 (a) Has violated any provision of s. 455.227(1) or s.  
1879 475.42. However, licensees under this part are exempt from the  
1880 provisions of s. 455.227(1)(i).

1881 Section 53. For the purpose of incorporating the amendment  
1882 made by this act to subsection (1) of section 455.227, Florida  
1883 Statutes, in a reference thereto, subsection (1) of section  
1884 475.624, Florida Statutes, is reenacted to read:

1885 475.624 Discipline.—The board may deny an application for

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1886 registration or certification; may investigate the actions of  
1887 any appraiser registered, licensed, or certified under this  
1888 part; may reprimand or impose an administrative fine not to  
1889 exceed \$5,000 for each count or separate offense against any  
1890 such appraiser; and may revoke or suspend, for a period not to  
1891 exceed 10 years, the registration, license, or certification of  
1892 any such appraiser, or place any such appraiser on probation, if  
1893 it finds that the registered trainee, licensee, or  
1894 certificateholder:

1895 (1) Has violated any provisions of this part or s.  
1896 455.227(1); however, certificateholders, registrants, and  
1897 licensees under this part are exempt from the provisions of s.  
1898 455.227(1) (i).

1899 Section 54. For the purpose of incorporating the amendment  
1900 made by this act to subsection (1) of section 455.227, Florida  
1901 Statutes, in a reference thereto, paragraph (h) of subsection  
1902 (1) of section 476.204, Florida Statutes, is reenacted to read:  
1903 476.204 Penalties.—

1904 (1) It is unlawful for any person to:

1905 (h) Violate any provision of s. 455.227(1), s. 476.194, or  
1906 s. 476.214.

1907 Section 55. Paragraph (a) of subsection (1) of section  
1908 477.026, Florida Statutes, is amended to read  
1909 477.026 Fees; disposition.—

1910 (1) The board shall set fees according to the following  
1911 schedule:

1912 (a) For cosmetologists, fees for original licensing,  
1913 license renewal, and delinquent renewal shall not exceed \$50  
1914 ~~\$25~~.

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1915 Section 56. For the purpose of incorporating the amendment  
1916 made by this act to subsection (1) of section 455.227, Florida  
1917 Statutes, in a reference thereto, paragraph (h) of subsection  
1918 (1) of section 477.029, Florida Statutes, is reenacted to read:  
1919 477.029 Penalty.—

1920 (1) It is unlawful for any person to:

1921 (h) Violate any provision of s. 455.227(1), s. 477.0265, or  
1922 s. 477.028.

1923 Section 57. For the purpose of incorporating the amendment  
1924 made by this act to subsection (1) of section 455.227, Florida  
1925 Statutes, in a reference thereto, paragraph (a) of subsection  
1926 (1) of section 481.225, Florida Statutes, is reenacted to read:  
1927 481.225 Disciplinary proceedings against registered  
1928 architects.—

1929 (1) The following acts constitute grounds for which the  
1930 disciplinary actions in subsection (3) may be taken:

1931 (a) Violating any provision of s. 455.227(1), s. 481.221,  
1932 or s. 481.223, or any rule of the board or department lawfully  
1933 adopted pursuant to this part or chapter 455.

1934 Section 58. For the purpose of incorporating the amendment  
1935 made by this act to subsection (1) of section 455.227, Florida  
1936 Statutes, in a reference thereto, paragraph (a) of subsection  
1937 (1) of section 481.325, Florida Statutes, is reenacted to read:  
1938 481.325 Disciplinary proceedings.—

1939 (1) The following acts constitute grounds for which the  
1940 disciplinary actions in subsection (3) may be taken:

1941 (a) Violation of any provision of s. 455.227(1), s.  
1942 481.321, or s. 481.323.

1943 Section 59. Section 509.201, Florida Statutes, is repealed.

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1944           Section 60. Except as otherwise expressly provided in this  
1945 act and except for this section, which shall take effect upon  
1946 becoming a law, this act shall take effect July 1, 2009.