

By Senator Fasano

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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. 20.165, F.S.;
4 providing for certain professions or programs to be
5 established within the department; creating s.
6 49.0215, F.S.; authorizing the department to serve an
7 administrative complaint on a licensee of the
8 department by posting the complaint on the
9 department's website under certain circumstances;
10 amending s. 50.011, F.S.; clarifying the requirements
11 for publishing certain legal advertisements,
12 publications, and notices in a newspaper; creating an
13 exception to the requirements to publish such writings
14 in a newspaper; amending s. 120.60, F.S.; authorizing
15 the department to publish certain administrative
16 complaints on its website in lieu of publication of a
17 notice in a newspaper; amending s. 455.017, F.S.;
18 clarifying that ch. 455, F.S., applies to the Division
19 of Professions; amending s. 455.02, F.S.; providing
20 for the issuance of temporary licenses to the spouses
21 of members of the Armed Forces under specified
22 conditions; amending s. 455.213, F.S.; requiring a
23 licensee of the department to surrender his or her
24 license to the department if the license was issued in
25 error or is revoked; amending s. 455.217, F.S.;
26 designating the Division of Professions as the
27 division responsible for examinations relating to
28 regulated professions; limiting an applicant who has
29 failed an examination to reviewing the last

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30 examination taken by the applicant; amending s.
31 455.2175, F.S.; prohibiting an examinee whose
32 materials have been confiscated from taking another
33 examination during the pendency of any criminal
34 investigation or prosecution relating to the matter;
35 amending s. 455.227, F.S.; authorizing the department
36 to take disciplinary action against a licensee who
37 pleads guilty to a crime relating to the licensee's
38 profession; amending s. 455.228, F.S.; redesignating a
39 cease and desist order as a cease and desist notice;
40 amending s. 468.8311, F.S.; redefining the term "home
41 inspection services" to mandate the inspection of
42 certain items; amending s. 468.8312, F.S.; eliminating
43 the fee charged for a certificate of authorization to
44 conduct home inspections; amending s. 468.8313, F.S.;
45 requiring a person desiring to be licensed as a home
46 inspector to complete an examination before applying
47 for a license; requiring an applicant for an initial
48 license to submit electronic fingerprints to the
49 department for a background check and pay the costs of
50 the background check; amending s. 468.8318, F.S.;
51 deleting requirements for a certificate of
52 authorization for a corporation or partnership to
53 offer home inspection services; delaying the effective
54 date of provisions of s. 468.8319, F.S., which require
55 a license to conduct home inspections; amending s.
56 468.8319, F.S.; revising prohibited acts by home
57 inspectors and certain companies employing home
58 inspectors or controlled by such companies; amending

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59 s. 468.832, F.S.; authorizing the department to take
60 disciplinary action against a person for failing to
61 meet a standard of practice adopted by rule of the
62 department; amending s. 468.8324, F.S.; revising the
63 requirements for persons seeking licensure as a home
64 inspector under a grandfather clause; creating s.
65 468.8325, F.S.; requiring the department to adopt
66 rules to administer part XV of ch. 468, F.S.; amending
67 s. 468.8412, F.S.; deleting the fee for the renewal of
68 a certificate of authorization to conduct mold
69 assessment or mold remediation services; amending s.
70 468.8413, F.S.; requiring a person desiring to be
71 licensed as a mold assessor or mold remediator to
72 complete an examination before applying for a license;
73 revising the minimum amount of education required to
74 qualify as a mold assessor or mold remediator;
75 amending s. 468.8414, F.S.; requiring a person seeking
76 licensure by endorsement as a mold assessor or mold
77 remediator to possess liability insurance; amending s.
78 468.8418, F.S.; deleting requirements for a
79 certificate of authorization for a corporation or
80 partnership to offer mold assessment or mold
81 remediation services; delaying the effective date of
82 provisions of s. 468.8419, F.S., which require a
83 license to conduct mold assessment or mold remediation
84 services; amending s. 468.842, F.S.; authorizing the
85 department to take disciplinary action against a
86 person for failing to meet a standard of practice
87 adopted by rule of the department; amending s.

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88 468.8421, F.S.; specifying coverage requirements for
89 insurance that must be possessed by a mold assessor;
90 amending s. 468.8423, F.S.; revising the requirements
91 for persons seeking licensure as a mold assessor or
92 mold remediator under a grandfather clause; creating
93 468.8424, F.S.; requiring the department to adopt
94 rules to administer part XVI of ch. 468, F.S.;
95 amending s. 474.203, F.S.; expanding an exemption from
96 licensure as a veterinarian to include certain interns
97 or residents who are graduates of a school or college
98 recognized by a specified veterinary association;
99 amending s. 475.175, F.S.; requiring a person seeking
100 to take an examination for licensure as a real estate
101 broker or sales associate to submit fingerprints in a
102 digital format to the department; amending s. 475.613,
103 F.S.; deleting a provision excluding persons connected
104 with real estate brokerage or mortgage lending as
105 representatives of the general public on the Florida
106 Real Estate Appraisal Board; amending s. 477.019,
107 F.S.; deleting a provision that allows a person to
108 apply for the cosmetology licensure examination while
109 in training; amending s. 509.211, F.S.; deleting a
110 requirement that certain rooms containing a boiler in
111 a public lodging establishment be equipped with a
112 carbon monoxide sensor; creating s. 548.076, F.S.;
113 authorizing the department to issue a cease and desist
114 notice for certain conduct to persons who are not
115 licensed by the Florida Boxing Commission; amending s.
116 554.108, F.S.; requiring certain rooms in a public

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117 lodging establishment which contain a boiler to be
118 equipped with a carbon monoxide sensor; requiring
119 inspections of such boilers to include a determination
120 of compliance with the requirement for the carbon
121 monoxide sensor; amending s. 561.20, F.S.; authorizing
122 the department to issue a special beverage license to
123 a movie theater complex that meets certain
124 requirements; requiring food service to be available
125 when alcoholic beverages are served; requiring a
126 licensee to pay an annual license tax and maintain
127 certain records for a period of time; amending s.
128 561.17, F.S.; deleting a requirement to submit an
129 application in duplicate to the Division of Alcoholic
130 Beverages and Tobacco before engaging in the business
131 of manufacturing, bottling, distributing, selling, or
132 dealing in alcoholic beverages; reenacting ss.
133 468.436(2)(a), 468.832(1)(a), 468.842(1)(a),
134 471.033(1)(a), 473.323(1)(a), 475.25(1)(a),
135 475.624(1), 476.204(1)(h), 477.029(1)(h),
136 481.225(1)(a), and 481.325(1)(a), F.S., relating to
137 disciplinary proceedings for community association
138 managers, home inspectors, mold assessors, mold
139 remediators, engineers, certified public accountants,
140 real estate brokers and sales associates, real estate
141 appraisers, barbers, cosmetologists, architects, and
142 landscape architects, respectively, to incorporate the
143 amendment made to s. 455.227, F.S., in references
144 thereto; reenacting s. 468.8314(2), F.S., relating to
145 the licensure of home inspectors, to incorporate the

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146 amendment made to s. 468.832, F.S., in a reference
147 thereto; providing an effective date.

148

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

150

151 Section 1. Subsection (4) of section 20.165, Florida
152 Statutes, is amended to read:

153 20.165 Department of Business and Professional Regulation.—
154 There is created a Department of Business and Professional
155 Regulation.

156 (4) (a) The following boards or professions are established
157 within the Division of Professions:

158 1. Board of Architecture and Interior Design, created under
159 part I of chapter 481.

160 2. Florida Board of Auctioneers, created under part VI of
161 chapter 468.

162 3. Barbers' Board, created under chapter 476.

163 4. Florida Building Code Administrators and Inspectors
164 Board, created under part XII of chapter 468.

165 5. Construction Industry Licensing Board, created under
166 part I of chapter 489.

167 6. Board of Cosmetology, created under chapter 477.

168 7. Electrical Contractors' Licensing Board, created under
169 part II of chapter 489.

170 8. Board of Employee Leasing Companies, created under part
171 XI of chapter 468.

172 9. Board of Landscape Architecture, created under part II
173 of chapter 481.

174 10. Board of Pilot Commissioners, created under chapter

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175 310.

176 11. Board of Professional Engineers, created under chapter
177 471.

178 12. Board of Professional Geologists, created under chapter
179 492.

180 13. Board of Veterinary Medicine, created under chapter
181 474.

182 14. Home inspector licensing program, created under part XV
183 of chapter 468.

184 15 Mold-related services licensing program, created under
185 part XVI of chapter 468.

186 (b) The following board and commission are established
187 within the Division of Real Estate:

188 1. Florida Real Estate Appraisal Board, created under part
189 II of chapter 475.

190 2. Florida Real Estate Commission, created under part I of
191 chapter 475.

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

194 1. Board of Accountancy, created under chapter 473.

195 Section 2. Section 49.0215, Florida Statutes, is created to
196 read:

197 49.0215 Constructive service of process by posting an
198 administrative complaint on agency website.-

199 (1) The Department of Business and Professional Regulation
200 may serve an administrative complaint on a licensee of the
201 agency by posting the complaint on the agency's website in lieu
202 of notification in a local newspaper if:

203 (a) The licensee has a duty to provide a current address to

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204 the agency and to notify the agency of any address changes;

205 (b)1. The agency has attempted personal service of process
206 on the licensee at least once at the most recent address
207 provided by the licensee; or

208 2. The agency attempted to serve the administrative
209 complaint by certified mail, but the complaint was returned
210 undeliverable; and

211 (c) A copy of the process is sent to the licensee by first-
212 class mail at the most recent address provided by the licensee
213 to the agency.

214 (2) An administrative complaint posted pursuant to this
215 section must remain available on the agency's website at least
216 until the conclusion of the matter to which the administrative
217 complaint relates.

218 Section 3. Section 50.011, Florida Statutes, is amended to
219 read:

220 50.011 Where and in what language legal notices must ~~to~~ be
221 published.—

222 (1) An official or legal advertisement, publication, or
223 notice required or authorized by law, in lieu of personal
224 service of process or for the purpose of ~~Whenever by statute an~~
225 ~~official or legal advertisement or a publication, or notice in a~~
226 ~~newspaper has been or is directed or permitted in the nature of~~
227 ~~or in lieu of process, or for constructive service, or in~~
228 ~~initiating, assuming, reviewing, exercising, or enforcing~~
229 ~~jurisdiction or power, or for any other purpose~~ must be
230 published, including all legal notices and advertisements of
231 ~~sheriffs and tax collectors, the contemporaneous and continuous~~
232 ~~intent and meaning of such legislation all and singular,~~

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233 ~~existing or repealed, is and has been and is hereby declared to~~
 234 ~~be and to have been, and the rule of interpretation is and has~~
 235 ~~been, a publication in a newspaper that:~~

236 (a) Is printed and published periodically at least once a
 237 week; ~~or oftener, containing~~

238 (b) Contains at least 25 percent of its words in the
 239 English language;~~τ~~

240 (c) Is entered or qualified to be admitted and entered as
 241 periodicals matter at a post office in the county where
 242 published;~~τ~~

243 (d) Is for sale to the public generally; and~~τ~~

244 (e) Is available to the public generally for the
 245 publication of official or other notices, and customarily
 246 contains ~~containing~~ information of a public character or of
 247 interest or of value to the residents or owners of property in
 248 the county where published, or of interest or of value to the
 249 general public.

250 (2) This section does not apply to an administrative
 251 complaint that is published on the website of the Department of
 252 Business and Professional Regulation pursuant to s. 49.0215.

253 Section 4. Subsection (5) of section 120.60, Florida
 254 Statutes, is amended to read:

255 120.60 Licensing.—

256 (5) (a) No revocation, suspension, annulment, or withdrawal
 257 of any license is lawful unless, prior to the entry of a final
 258 order, the agency has served, by personal service or certified
 259 mail, an administrative complaint that ~~which~~ affords reasonable
 260 notice to the licensee of facts or conduct that ~~which~~ warrant
 261 the intended action and unless the licensee has been given an

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262 adequate opportunity to request a proceeding pursuant to ss.
263 120.569 and 120.57.

264 (b) ~~If~~ When personal service cannot be made and the
265 certified mail notice is returned undelivered, the agency shall
266 cause a short, plain notice to the licensee to be published once
267 each week for 4 consecutive weeks in a newspaper published in
268 the county of the licensee's last known address as it appears on
269 the records of the agency. If a ~~ne~~ newspaper is not published in
270 that county, the notice may be published in a newspaper of
271 general circulation in that county. If the address is in some
272 state other than this state or in a foreign territory or
273 country, the notice may be published in Leon County. However,
274 the Department of Business and Professional Regulation may post
275 an administrative complaint on the agency's website pursuant to
276 s. 49.0215 in lieu of publication of notice in a newspaper.

277 Section 5. Section 455.017, Florida Statutes, is amended to
278 read:

279 455.017 Applicability of this chapter.—The provisions of
280 this chapter apply only to the regulation by the Division
281 ~~department~~ of Professions.

282 Section 6. Section 455.02, Florida Statutes, is amended to
283 read:

284 455.02 Licensure of members of Armed Forces in good
285 standing with administrative boards and their spouses.—

286 (1) Any member of the Armed Forces of the United States now
287 or hereafter on active duty who, at the time of becoming such a
288 member, was in good standing with any administrative board of
289 the state and was entitled to practice or engage in his or her
290 profession or vocation in the state shall be kept in good

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291 standing by such administrative board, without registering,
292 paying dues or fees, or performing any other act on his or her
293 part to be performed, as long as he or she is a member of the
294 Armed Forces of the United States on active duty and for a
295 period of 6 months after discharge from active duty as a member
296 of the Armed Forces of the United States, provided he or she is
297 not engaged in his or her licensed profession or vocation in the
298 private sector for profit.

299 (2) The boards listed in s. 20.165 shall adopt ~~promulgate~~
300 rules exempting the spouses of members of the Armed Forces of
301 the United States from licensure renewal provisions, but only in
302 cases of absence from the state because of their spouses' duties
303 with the Armed Forces.

304 (3) (a) The department may issue a temporary professional
305 license to the spouse of an active duty member of the Armed
306 Forces of the United States if the spouse submits an application
307 to the department providing:

308 1. Proof that the servicemember has been assigned to a duty
309 station in Florida pursuant official active duty military
310 orders;

311 2. Proof of marriage to the servicemember;

312 3. Proof that the spouse holds a similar license in another
313 state or country and that the license is in good standing; and

314 4. A completed set of fingerprints in the form and manner
315 required by the department.

316 (b) The department shall submit the applicant's
317 fingerprints to the Department of Law Enforcement for state
318 processing, and the Department of Law Enforcement shall forward
319 them to the Federal Bureau of Investigation for a level 2

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320 background check pursuant to s. 435.04. The department shall and
321 the board may review the background results to determine if the
322 spouse of an active duty member of the Armed Forces of the
323 United States meets licensure requirements. The cost for the
324 fingerprint processing shall be borne by the applicant. These
325 fees shall be collected by the authorized agencies or vendors.
326 The authorized agencies or vendors shall pay the processing
327 costs to the Department of Law Enforcement.

328 (c) A temporary license expires 6 months after the date
329 issued and is not renewable.

330 (d) The department may charge a fee sufficient to cover the
331 cost of issuing the temporary license.

332 Section 7. Subsection (2) of section 455.213, Florida
333 Statutes, is amended to read:

334 455.213 General licensing provisions.-

335 (2) Before the issuance of a ~~any~~ license, the department
336 may charge an initial license fee as determined by rule of the
337 applicable board or, if no such board exists, by rule of the
338 department. Upon receipt of the appropriate license fee, except
339 as provided in subsection (3), the department shall issue a
340 license to any person certified by the appropriate board, or its
341 designee, or the department when there is no board, as having
342 met the applicable requirements imposed by law or rule. However,
343 an applicant who is not otherwise qualified for licensure is not
344 entitled to licensure solely based on a passing score on a
345 required examination. A licensee shall surrender his or her
346 license to the department if the applicable board, or the
347 department when there is no board, revokes the license or
348 determines that the license was issued in error.

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349 Section 8. Subsections (1) and (3) of section 455.217,
350 Florida Statutes, are amended to read:

351 455.217 Examinations.—This section shall be read in
352 conjunction with the appropriate practice act associated with
353 each regulated profession under this chapter.

354 (1) The Division of Professions ~~Service Operations~~ of the
355 Department of Business and Professional Regulation shall
356 provide, contract, or approve services for the development,
357 preparation, administration, scoring, score reporting, and
358 evaluation of all examinations. The division shall seek the
359 advice of the appropriate board in providing such services.

360 (a) The department, acting in conjunction with the Division
361 of Service Operations, the Division of Professions, and the
362 Division of Real Estate, as appropriate, shall ensure that
363 examinations adequately and reliably measure an applicant's
364 ability to practice the profession regulated by the department.
365 After an examination developed or approved by the department has
366 been administered, the board or department may reject any
367 question that ~~which~~ does not reliably measure the general areas
368 of competency specified in the rules of the board or department,
369 when there is no board. The department shall use qualified
370 outside testing vendors for the development, preparation, and
371 evaluation of examinations if, ~~when~~ such services are
372 economically and viably available and approved by the
373 department.

374 (b) For each examination developed by the department or
375 contracted vendor, to the extent not otherwise specified by
376 statute, the board or the department when there is no board,
377 shall by rule specify the general areas of competency to be

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378 covered by the examination, the relative weight to be assigned
379 in grading each area tested, the score necessary to achieve a
380 passing grade, and the fees, if ~~where~~ applicable, to cover the
381 actual cost for any purchase, development, and administration of
382 the required examination. However, statutory fee caps in each
383 practice act ~~shall~~ apply. This subsection does not apply to
384 national examinations approved and administered pursuant to
385 paragraph (d).

386 (c) If a practical examination is deemed to be necessary,
387 rules shall specify the criteria by which examiners are to be
388 selected, the grading criteria to be used by the examiner, the
389 relative weight to be assigned in grading each criterion, and
390 the score necessary to achieve a passing grade. If ~~When~~ a
391 mandatory standardization exercise for a practical examination
392 is required by law, the board may conduct such exercise.
393 Therefore, board members may serve as examiners at a practical
394 examination with the consent of the board.

395 (d) A board, or the department when there is no board, may
396 approve by rule the use of any national examination which the
397 department has certified as meeting requirements of national
398 examinations and generally accepted testing standards pursuant
399 to department rules. Providers of examinations, which may be
400 either profit or nonprofit entities, seeking certification by
401 the department shall pay the actual costs incurred by the
402 department in making a determination regarding the
403 certification. The department shall use any national examination
404 which is available, certified by the department, and approved by
405 the board. The name and number of a candidate may be provided to
406 a national contractor for the limited purpose of preparing the

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407 grade tape and information to be returned to the board or
408 department or, to the extent otherwise specified by rule, the
409 candidate may apply directly to the vendor of the national
410 examination. The department may delegate to the board the duty
411 to provide and administer the examination. Any national
412 examination approved by a board, or the department when there is
413 no board, prior to October 1, 1997, is deemed certified under
414 this paragraph. Any licensing or certification examination that
415 is not developed or administered by the department in-house or
416 provided as a national examination shall be competitively bid.

417 (e) The department shall adopt rules regarding the security
418 and monitoring of examinations. In order to maintain the
419 security of examinations, the department may employ the
420 procedures set forth in s. 455.228 to seek fines and injunctive
421 relief against an examinee who violates the provisions of s.
422 455.2175 or the rules adopted pursuant to this paragraph. The
423 department, or any agent thereof, may, for the purposes of
424 investigation, confiscate any written, photographic, or
425 recording material or device in the possession of the examinee
426 at the examination site which the department deems necessary to
427 enforce such provisions or rules.

428 (f) If the professional board with jurisdiction over an
429 examination concurs, the department may, for a fee, share with
430 any other state's licensing authority an examination developed
431 by or for the department unless prohibited by a contract entered
432 into by the department for development or purchase of the
433 examination. The department, with the concurrence of the
434 appropriate board, shall establish guidelines that ensure
435 security of a shared exam and shall require that any other

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436 state's licensing authority comply with those guidelines. Those
437 guidelines shall be approved by the appropriate professional
438 board. All fees paid by the user shall be applied to the
439 department's examination and development program for professions
440 regulated by this chapter. All fees paid by the user for
441 professions not regulated by this chapter shall be applied to
442 offset the fees for the development and administration of that
443 profession's examination. If both a written and a practical
444 examination are given, an applicant shall be required to retake
445 only the portion of the examination for which he or she failed
446 to achieve a passing grade, if he or she successfully passes
447 that portion within a reasonable time of his or her passing the
448 other portion.

449 (3) Except for national examinations approved and
450 administered pursuant to paragraph (1)(d), the department shall
451 provide procedures for applicants who have taken and failed an
452 examination developed by the department or a contracted vendor
453 to review the ~~their~~ examination questions, answers, papers,
454 grades, and grading key for the questions the candidate answered
455 incorrectly on his or her last examination or, if not feasible,
456 the parts of the examination failed. Applicants shall bear the
457 actual cost for the department to provide examination review
458 pursuant to this subsection. An applicant may waive in writing
459 the confidentiality of his or her examination grades.

460 Section 9. Section 455.2175, Florida Statutes, is amended
461 to read:

462 455.2175 Penalty for theft or reproduction of an
463 examination.—In addition to, or in lieu of, any other discipline
464 imposed pursuant to s. 455.227, the theft of an examination in

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465 whole or in part or the act of reproducing or copying any
466 examination administered by the department, whether such
467 examination is reproduced or copied in part or in whole and by
468 any means, constitutes a felony of the third degree, punishable
469 as provided in s. 775.082, s. 775.083, or s. 775.084. An
470 examinee whose examination materials have been confiscated upon
471 suspicion of a violation of this section may not participate in
472 another examination during the pendency of any criminal
473 investigation or prosecution relating to the matter.

474 Section 10. Paragraph (c) of subsection (1) of section
475 455.227, Florida Statutes, is amended to read:

476 455.227 Grounds for discipline; penalties; enforcement.—

477 (1) The following acts shall constitute grounds for which
478 the disciplinary actions specified in subsection (2) may be
479 taken:

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

484 Section 11. Subsection (1) of section 455.228, Florida
485 Statutes, is amended to read:

486 455.228 Unlicensed practice of a profession; cease and
487 desist notice; civil penalty; enforcement; citations; allocation
488 of moneys collected.—

489 (1) When the department has probable cause to believe that
490 a ~~any~~ person not licensed by the department, or the appropriate
491 regulatory board within the department, has violated any
492 provision of this chapter or any statute that relates to the
493 practice of a profession regulated by the department, or any

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494 rule adopted pursuant thereto, the department may issue and
495 deliver to such person a notice to cease and desist from such
496 violation. In addition, the department may issue and deliver a
497 notice to cease and desist to any person who aids and abets the
498 unlicensed practice of a profession by employing such unlicensed
499 person. The issuance of a notice to cease and desist does ~~shall~~
500 not constitute agency action for which a hearing under ss.
501 120.569 and 120.57 may be sought. For the purpose of enforcing a
502 cease and desist notice ~~order~~, the department may file a
503 proceeding in the name of the state seeking issuance of an
504 injunction or a writ of mandamus against any person who violates
505 any provisions of such notice ~~order~~. In addition to the
506 foregoing remedies, the department may impose an administrative
507 penalty not to exceed \$5,000 per incident pursuant to the
508 provisions of chapter 120 or may issue a citation pursuant to
509 the provisions of subsection (3). If the department is required
510 to seek enforcement of the order for a penalty pursuant to s.
511 120.569, it is ~~shall be~~ entitled to collect its attorney's fees
512 and costs, together with any cost of collection.

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

515 468.8311 Definitions.—As used in this part, the term:

516 (4) "Home inspection services" means a limited visual
517 examination of ~~one or more of~~ the following readily accessible
518 installed systems and components of a home: the structure,
519 electrical system, HVAC system, roof covering, plumbing system,
520 interior components, exterior components, and site conditions
521 that affect the structure, for the purposes of providing a
522 written professional opinion of the condition of the home.

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523 Section 13. Subsections (4), (5), (6), (7), and (8) of
524 section 468.8312, Florida Statutes, are amended to read:

525 468.8312 Fees.—

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

528 (4)~~(5)~~ The biennial renewal fee shall not exceed \$200.

529 (5)~~(6)~~ The fee for licensure by endorsement shall not
530 exceed \$200.

531 (6)~~(7)~~ The fee for application for inactive status or for
532 reactivation of an inactive license shall not exceed \$200.

533 (7)~~(8)~~ The fee for applications from providers of
534 continuing education may not exceed \$500.

535 Section 14. Section 468.8313, Florida Statutes, is amended
536 to read:

537 468.8313 Examinations.—

538 (1) A person desiring to be licensed as a home inspector
539 shall apply to the department after satisfying the examination
540 requirements of this part ~~to take a licensure examination.~~

541 (2) An applicant ~~shall be entitled to take the licensure~~
542 ~~examination for the purpose of determining whether he or she is~~
543 ~~qualified to practice in this state as a home inspector if the~~
544 ~~applicant~~ has passed the required examination, is of good moral
545 character, and has completed a course of study of at least ~~no~~
546 ~~less than~~ 120 hours which ~~that~~ covers all of the following
547 components of a home: structure, electrical system, HVAC system,
548 roof covering, plumbing system, interior components, exterior
549 components, and site conditions that affect the structure.

550 (3) The department shall review and approve courses of
551 study in home inspection.

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552 (4) The department may review and approve examinations by a
553 nationally recognized entity that offers programs or sets
554 standards that ensure competence as a home inspector.

555 (5) (a) "Good moral character" means a personal history of
556 honesty, fairness, and respect for the rights of others and for
557 the laws of this state and nation.

558 (b) The department may refuse to certify an applicant for
559 failure to satisfy this requirement only if:

560 1. There is a substantial connection between the lack of
561 good moral character of the applicant and the professional
562 responsibilities of a licensed home inspector; and

563 2. The finding by the department of lack of good moral
564 character is supported by clear and convincing evidence.

565 (c) When an applicant is found to be unqualified for a
566 license because of lack of good moral character, the department
567 shall furnish the applicant a statement containing the findings
568 of the department, a complete record of the evidence upon which
569 the determination was based, and a notice of the rights of the
570 applicant to a rehearing and appeal.

571 (6) An applicant for an initial license shall submit, along
572 with the application, a complete set of electronic fingerprints
573 in a form and manner required by the department. The
574 fingerprints shall be submitted to the Department of Law
575 Enforcement for state processing, and the Department of Law
576 Enforcement shall forward them to the Federal Bureau of
577 Investigation for a level 2 background check pursuant to s.
578 435.04. The department shall review the background results to
579 determine if an applicant meets the requirements for licensure.
580 The cost of the fingerprint processing shall be borne by the

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581 applicant. These fees shall be collected by the authorized
582 agencies or vendors. The authorized agencies or vendors shall
583 pay the processing costs to the Department of Law Enforcement.

584 (7)~~(6)~~ The department may adopt rules pursuant to ss.
585 120.536(1) and 120.54 to implement the provisions of this
586 section.

587 Section 15. Section 468.8318, Florida Statutes, is amended
588 to read:

589 468.8318 Certification of corporations and partnerships.-

590 ~~(1) The department shall issue a certificate of~~
591 ~~authorization to a corporation or partnership offering home~~
592 ~~inspection services to the public if the corporation or~~
593 ~~partnership satisfies all of the requirements of this part.~~

594 ~~(2)~~ The practice of or the offer to practice home
595 inspection services by licensees through a corporation or
596 partnership offering home inspection services to the public, or
597 by a corporation or partnership offering such services to the
598 public through licensees under this part as agents, employees,
599 officers, or partners, is permitted subject to the provisions of
600 this part, provided that all personnel of the corporation or
601 partnership who act in its behalf as home inspectors in this
602 state are licensed as provided by this part; ~~and further~~
603 ~~provided that the corporation or partnership has been issued a~~
604 ~~certificate of authorization by the department as provided in~~
605 ~~this section.~~ Nothing in this section shall be construed to
606 allow a corporation to hold a license to practice home
607 inspection services. No corporation or partnership shall be
608 relieved of responsibility for the conduct or acts of its
609 agents, employees, or officers by reason of its compliance with

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610 this section, nor shall any individual practicing home
611 inspection services be relieved of responsibility for
612 professional services performed by reason of his or her
613 employment or relationship with a corporation or partnership.

614 ~~(3) For the purposes of this section, a certificate of~~
615 ~~authorization shall be required for a corporation, partnership,~~
616 ~~association, or person practicing under a fictitious name and~~
617 ~~offering home inspection services to the public; however, when~~
618 ~~an individual is practicing home inspection services in his or~~
619 ~~her own given name, he or she shall not be required to register~~
620 ~~under this section.~~

621 ~~(4) Each certificate of authorization shall be renewed~~
622 ~~every 2 years. Each partnership and corporation certified under~~
623 ~~this section shall notify the department within 1 month of any~~
624 ~~change in the information contained in the application upon~~
625 ~~which the certification is based.~~

626 ~~(5) Disciplinary action against a corporation or~~
627 ~~partnership shall be administered in the same manner and on the~~
628 ~~same grounds as disciplinary action against a licensed home~~
629 ~~inspector.~~

630 Section 16. Notwithstanding section 4 of chapter 2007-235,
631 Laws of Florida, paragraphs (a) and (b) of subsection (1) of
632 section 468.8319, Florida Statutes, shall take effect July 1,
633 2011.

634 Section 17. Section 468.8319, Florida Statutes, is amended
635 to read:

636 468.8319 Prohibitions; penalties.—

637 (1) A home inspector, a company that employs a home
638 inspector, or a company that is controlled by a company that

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639 also has a financial interest in a company employing a home
640 inspector may not:

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

643 (b) Use the name or title "certified home inspector,"
644 "registered home inspector," "licensed home inspector," "home
645 inspector," "professional home inspector," or any combination
646 thereof unless the person has complied with the provisions of
647 this part;

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

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

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

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

659 (g) Inspect ~~for a fee~~ any property in which the inspector
660 or the inspector's company has any financial or transfer
661 interest;

662 (h) Offer or deliver any compensation, inducement, or
663 reward to any broker or agent therefor for the referral of the
664 owner of the inspected property to the inspector or the
665 inspection company; or

666 (i) Accept an engagement to make an omission or prepare a
667 report in which the inspection itself, or the fee payable for

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668 the inspection, is contingent upon either the conclusions in the
669 report, preestablished findings, or the close of escrow.

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

673 Section 18. Subsection (1) of section 468.832, Florida
674 Statutes, is amended to read:

675 468.832 Disciplinary proceedings.—

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

678 (a) Violation of any provision of this part or s.

679 455.227(1) ~~.~~

680 (b) Attempting to procure a license to practice home
681 inspection services by bribery or fraudulent misrepresentation ~~.~~

682 (c) Having a license to practice home inspection services
683 revoked, suspended, or otherwise acted against, including the
684 denial of licensure, by the licensing authority of another
685 state, territory, or country ~~.~~

686 (d) Being convicted or found guilty of, or entering a plea
687 of nolo contendere to, regardless of adjudication, a crime in
688 any jurisdiction that directly relates to the practice of home
689 inspection services or the ability to practice home inspection
690 services ~~.~~

691 (e) Making or filing a report or record that the licensee
692 knows to be false, willfully failing to file a report or record
693 required by state or federal law, willfully impeding or
694 obstructing such filing, or inducing another person to impede or
695 obstruct such filing. Such reports or records shall include only
696 those that are signed in the capacity of a licensed home

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697 inspector.~~†~~

698 (f) Advertising goods or services in a manner that is
699 fraudulent, false, deceptive, or misleading in form or content.~~†~~

700 (g) Engaging in fraud or deceit, or negligence,
701 incompetency, or misconduct, in the practice of home inspection
702 services.~~†~~

703 (h) Failing to perform any statutory or legal obligation
704 placed upon a licensed home inspector; violating any provision
705 of this chapter, a rule of the department, or a lawful order of
706 the department previously entered in a disciplinary hearing; or
707 failing to comply with a lawfully issued subpoena of the
708 department.~~†~~~~or~~

709 (i) Practicing on a revoked, suspended, inactive, or
710 delinquent license.

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

713 Section 19. Section 468.8324, Florida Statutes, is amended
714 to read:

715 468.8324 Grandfather clause.—A person who performs home
716 inspection services as defined in this part may qualify to be
717 licensed by the department as a home inspector if the person
718 submits an application to the department postmarked no later
719 than March 1, 2011, showing that the applicant:

720 (1) (a) Has been certified as a home inspector by a state or
721 national association that required successful completion of a
722 proctored examination on home inspection, as defined in this
723 part for certification, and has completed at least 14 hours of
724 verifiable education on home inspection; or

725 (b) Has at least 3 years' experience as a home inspector at

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726 the time of application and has completed 14 hours of verifiable
727 education on home inspection. Applicants must provide 120 home
728 inspection reports based on home inspections, as defined by this
729 part, to establish the 3 years of experience required by this
730 subsection. The department may conduct investigations regarding
731 the validity of home inspection reports submitted pursuant to
732 this section and take disciplinary action pursuant to s. 468.832
733 for the filing of false reports; and

734 (2) (a) Has not, within 5 years following the date of
735 application, had a home inspector license, or a license in a
736 related field, revoked, suspended, or assessed a fine in excess
737 of \$500. For purposes of this part, a license in a related field
738 includes, but is not limited to, licensure in real estate,
739 construction, mold remediation, mold assessment, or building
740 code administration or inspection;

741 (b) Submits to and is not disqualified by the results of
742 the criminal background check under s. 468.8313;

743 (c) Is of good moral character as defined in s. 468.8313;
744 and

745 (d) Has the general liability insurance required by s.
746 468.8322 ~~meets the licensure requirements of this part by July~~
747 1, 2010.

748 Section 20. Section 468.8325, Florida Statutes, is created
749 to read:

750 468.8325 Rulemaking authority.—The department shall adopt
751 rules to administer this part.

752 Section 21. Subsections (6), (7), (8), (9), and (10) of
753 section 468.8412, Florida Statutes, are amended to read:

754 468.8412 Fees.—

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

757 (6)~~(7)~~ The fee for licensure by endorsement shall not
758 exceed \$200.

759 (7)~~(8)~~ The fee for application for inactive status shall
760 not exceed \$100.

761 (8)~~(9)~~ The fee for reactivation of an inactive license
762 shall not exceed \$200.

763 (9)~~(10)~~ The fee for applications from providers of
764 continuing education may not exceed \$500.

765 Section 22. Subsections (1) and (2) of section 468.8413,
766 Florida Statutes, are amended to read:

767 468.8413 Examinations.—

768 (1) A person desiring to be licensed as a mold assessor or
769 mold remediator shall apply to the department after satisfying
770 the examination requirements of this part ~~to take a licensure~~
771 ~~examination.~~

772 (2) An applicant is qualified ~~shall be entitled to take the~~
773 ~~licensure examination~~ to practice in this state as a mold
774 assessor or mold remediator if the applicant has passed the
775 required examination, is of good moral character, and has
776 satisfied one of the following requirements:

777 (a)1. For a mold remediator, at least an associate of arts
778 ~~a 2-year~~ degree or an equivalent degree and the completion of at
779 least 30 semester hours in microbiology, engineering,
780 architecture, industrial hygiene, occupational safety, or a
781 related field of science from an accredited institution and a
782 minimum of 1 year of documented field experience in a field
783 related to mold remediation; or

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784 2. A high school diploma or the equivalent with a minimum
785 of 4 years of documented field experience in a field related to
786 mold remediation.

787 (b)1. For a mold assessor, at least an associate of arts a
788 2-year degree or an equivalent degree and the completion of at
789 least 30 semester hours in microbiology, engineering,
790 architecture, industrial hygiene, occupational safety, or a
791 related field of science from an accredited institution and a
792 minimum of 1 year of documented field experience in conducting
793 microbial sampling or investigations; or

794 2. A high school diploma or the equivalent with a minimum
795 of 4 years of documented field experience in conducting
796 microbial sampling or investigations.

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

799 468.8414 Licensure.—

800 (3) The department shall certify as qualified for a license
801 by endorsement an applicant who:

802 (a) Is of good moral character;

803 (b) Possesses the liability insurance required by s.

804 468.8421; and÷

805 (c)1.~~(a)~~ Is qualified to take the examination as set forth
806 in s. 468.8413 and has passed a certification examination
807 offered by a nationally recognized organization that certifies
808 persons in the specialty of mold assessment or mold remediation
809 that has been approved by the department as substantially
810 equivalent to the requirements of this part and s. 455.217; or

811 2.~~(b)~~ Holds a valid license to practice mold assessment or
812 mold remediation issued by another state or territory of the

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813 United States if the criteria for issuance of the license were
814 substantially the same as the licensure criteria that is
815 established by this part as determined by the department.

816 Section 24. Section 468.8418, Florida Statutes, is amended
817 to read:

818 468.8418 Certification of partnerships and corporations.—

819 ~~(1) The department shall issue a certificate of~~
820 ~~authorization to a corporation or partnership offering mold~~
821 ~~assessment or mold remediation services to the public if the~~
822 ~~corporation or partnership satisfies all of the requirements of~~
823 ~~this part.~~

824 ~~(2) The practice of or the offer to practice mold~~
825 ~~assessment or mold remediation by licensees through a~~
826 ~~corporation or partnership offering mold assessment or mold~~
827 ~~remediation to the public, or by a corporation or partnership~~
828 ~~offering such services to the public through licensees under~~
829 ~~this part as agents, employees, officers, or partners, is~~
830 ~~permitted subject to the provisions of this part, provided that~~
831 ~~the corporation or partnership has been issued a certificate of~~
832 ~~authorization by the department as provided in this section.~~
833 Nothing in this section shall be construed to allow a
834 corporation to hold a license to practice mold assessment or
835 mold remediation. No corporation or partnership shall be
836 relieved of responsibility for the conduct or acts of its
837 agents, employees, or officers by reason of its compliance with
838 this section, nor shall any individual practicing mold
839 assessment or mold remediation be relieved of responsibility for
840 professional services performed by reason of his or her
841 employment or relationship with a corporation or partnership.

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842 ~~(3) For the purposes of this section, a certificate of~~
843 ~~authorization shall be required for a corporation, partnership,~~
844 ~~association, or person practicing under a fictitious name,~~
845 ~~offering mold assessment or mold remediation; however, when an~~
846 ~~individual is practicing mold assessment or mold remediation~~
847 ~~under his or her own given name, he or she shall not be required~~
848 ~~to register under this section.~~

849 ~~(4) Each certificate of authorization shall be renewed~~
850 ~~every 2 years. Each partnership and corporation certified under~~
851 ~~this section shall notify the department within 1 month of any~~
852 ~~change in the information contained in the application upon~~
853 ~~which the certification is based.~~

854 ~~(5) Disciplinary action against a corporation or~~
855 ~~partnership shall be administered in the same manner and on the~~
856 ~~same grounds as disciplinary action against a licensed mold~~
857 ~~assessor or mold remediator.~~

858 Section 25. Notwithstanding section 4 of chapter 2007-235,
859 Laws of Florida, paragraphs (a) and (b) of subsection (1) of
860 section 468.8419, Florida Statutes, shall take effect July 1,
861 2011.

862 Section 26. Subsection (1) of section 468.842, Florida
863 Statutes, is amended to read:

864 468.842 Disciplinary proceedings.—

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

867 (a) Violation of any provision of this part or s.
868 455.227(1).~~†~~

869 (b) Attempting to procure a license to practice mold
870 assessment or mold remediation by bribery or fraudulent

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871 misrepresentations.†

872 (c) Having a license to practice mold assessment or mold
873 remediation revoked, suspended, or otherwise acted against,
874 including the denial of licensure, by the licensing authority of
875 another state, territory, or country.†

876 (d) Being convicted or found guilty of, or entering a plea
877 of nolo contendere to, regardless of adjudication, a crime in
878 any jurisdiction that directly relates to the practice of mold
879 assessment or mold remediation or the ability to practice mold
880 assessment or mold remediation.†

881 (e) Making or filing a report or record that the licensee
882 knows to be false, willfully failing to file a report or record
883 required by state or federal law, willfully impeding or
884 obstructing such filing, or inducing another person to impede or
885 obstruct such filing. Such reports or records shall include only
886 those that are signed in the capacity of a registered mold
887 assessor or mold remediator.†

888 (f) Advertising goods or services in a manner that is
889 fraudulent, false, deceptive, or misleading in form or content.†

890 (g) Engaging in fraud or deceit, or negligence,
891 incompetency, or misconduct, in the practice of mold assessment
892 or mold remediation.†

893 (h) Failing to perform any statutory or legal obligation
894 placed upon a licensed mold assessor or mold remediator;
895 violating any provision of this chapter, a rule of the
896 department, or a lawful order of the department previously
897 entered in a disciplinary hearing; or failing to comply with a
898 lawfully issued subpoena of the department.† ~~or~~

899 (i) Practicing on a revoked, suspended, inactive, or

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900 delinquent license.

901 (j) Failing to meet a standard of practice adopted by rule
902 of the department.

903 Section 27. Section 468.8421, Florida Statutes, is amended
904 to read:

905 468.8421 Insurance.—

906 (1) A mold assessor shall maintain general liability and
907 errors and omissions insurance coverage in an amount of not less
908 than \$1,000,000. The insurance must cover preliminary and
909 postremediation activities.

910 (2) A mold remediator shall maintain a general liability
911 insurance policy in an amount of not less than \$1,000,000 that
912 includes specific coverage for mold-related claims.

913 Section 28. Section 468.8423, Florida Statutes, is amended
914 to read:

915 468.8423 Grandfather clause.—A person who performs mold
916 assessment or mold remediation as defined in this part may
917 qualify to be licensed by the department as a mold assessor or
918 mold remediator if the person submits an application to the
919 department postmarked no later than March 1, 2011, showing that
920 the applicant:

921 (1) Has been certified as a mold assessor or mold
922 remediator by a state or national association that required
923 successful completion of a proctored examination for
924 certification and has completed at least 60 hours of education
925 for an assessor and 30 hours of education for a remediator; or

926 (2) Has at least 3 years' experience as a mold assessor or
927 mold remediator at the time of application. Applicants must
928 provide 40 invoices for mold assessments or mold remediations,

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929 as defined by this part, to establish the 3 years of experience
930 required by this subsection. The department may conduct
931 investigations regarding the validity of invoices for mold
932 assessments or mold remediations submitted pursuant to this
933 section and take disciplinary action pursuant to s. 468.842 for
934 submitting false information; and

935 (3) (a) Has not, within 5 years following the date of
936 application, had a mold assessor or mold remediator, or a
937 license in a related field, revoked, suspended, or assessed a
938 fine in excess of \$500. For purposes of this part, a license in
939 a related field includes, but is not limited to, licensure in
940 real estate, construction, home inspection, building code
941 administration or inspection, or indoor air quality; and

942 (b) Is of good moral character as defined in s. 468.8413;
943 and

944 (c) Has the general liability insurance required by s.
945 468.8421 meets the licensure requirements of this part by July
946 1, 2010.

947 Section 29. Section 468.8424, Florida Statutes, is created
948 to read:

949 468.8424 Rulemaking authority.—The department shall adopt
950 rules to administer this part.

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

953 474.203 Exemptions.—This chapter shall not apply to:

954 (2) A person practicing as an intern or resident
955 veterinarian who does not hold a valid license issued under this
956 chapter and who is a graduate in training at a school or college
957 of veterinary medicine located in this state and accredited by

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958 the American Veterinary Medical Association Council on Education
 959 or a school or college recognized by the American Veterinary
 960 Medical Association Commission for Foreign Veterinary Graduates.
 961 Such intern or resident must be a graduate of a school or
 962 college of veterinary medicine accredited by the American
 963 Veterinary Medical Association Council on Education or a school
 964 or college recognized by the American Veterinary Medical
 965 Association Commission for Foreign Veterinary Graduates. This
 966 exemption expires when such intern or resident completes or is
 967 terminated from such training. Each school or college at which
 968 such intern or resident is in training shall, on July 1 of each
 969 year, provide the board with a written list of all such interns
 970 or residents designated for this exemption, and the school or
 971 college shall also notify the board of any additions or
 972 deletions to the list. For the purposes of chapters 465 and 893,
 973 persons exempt pursuant to subsection (1), this subsection ~~(2)~~,
 974 or subsection (4) are deemed to be duly licensed practitioners
 975 authorized by the laws of this state to prescribe drugs or
 976 medicinal supplies.

977 Section 31. Paragraph (a) of subsection (1) of section
 978 475.175, Florida Statutes, is amended to read:

979 475.175 Examinations.—

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

982 (a) Submits to the department the appropriate
 983 electronically authenticated application and fee, and digital a
 984 fingerprint data card. The digital fingerprints ~~fingerpr~~~~int card~~
 985 shall be forwarded to the Division of Criminal Justice
 986 Information Systems within the Department of Law Enforcement for

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987 purposes of processing the fingerprint ~~card~~ to determine if the
988 applicant has a criminal history record. The fingerprints
989 ~~fingerprint card~~ shall also be forwarded to the Federal Bureau
990 of Investigation for purposes of processing ~~the fingerprint card~~
991 to determine whether ~~if~~ the applicant has a criminal history
992 record. The information obtained by the processing of the
993 fingerprints ~~fingerprint card~~ by the Florida Department of Law
994 Enforcement and the Federal Bureau of Investigation shall be
995 sent to the department for the purpose of determining if the
996 applicant is statutorily qualified for examination. ~~Effective~~
997 ~~July 1, 2006, an applicant shall provide fingerprints in~~
998 ~~electronic format.~~

999 Section 32. Subsection (1) of section 475.613, Florida
1000 Statutes, is amended to read:

1001 475.613 Florida Real Estate Appraisal Board.—

1002 (1) There is created the Florida Real Estate Appraisal
1003 Board, which shall consist of seven members appointed by the
1004 Governor, subject to confirmation by the Senate. Four members of
1005 the board must be real estate appraisers who have been engaged
1006 in the general practice of appraising real property in this
1007 state for at least 5 years immediately preceding appointment. In
1008 appointing real estate appraisers to the board, while not
1009 excluding other appraisers, the Governor shall give preference
1010 to real estate appraisers who are not primarily engaged in real
1011 estate brokerage or mortgage lending activities. One member of
1012 the board must represent organizations that use appraisals for
1013 the purpose of eminent domain proceedings, financial
1014 transactions, or mortgage insurance. Two members of the board
1015 shall be representatives of the general public and shall not be

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1016 connected in any way with the practice of real estate appraisal,
1017 ~~real estate brokerage, or mortgage lending~~. The appraiser
1018 members shall be as representative of the entire industry as
1019 possible, and membership in a nationally recognized or state-
1020 recognized appraisal organization shall not be a prerequisite to
1021 membership on the board. To the extent possible, no more than
1022 two members of the board shall be primarily affiliated with any
1023 one particular national or state appraisal association. Two of
1024 the members must be licensed or certified residential real
1025 estate appraisers and two of the members must be certified
1026 general real estate appraisers at the time of their appointment.

1027 (a) Members of the board shall be appointed for 4-year
1028 terms. Any vacancy occurring in the membership of the board
1029 shall be filled by appointment by the Governor for the unexpired
1030 term. Upon expiration of her or his term, a member of the board
1031 shall continue to hold office until the appointment and
1032 qualification of the member's successor. A member may not be
1033 appointed for more than two consecutive terms. The Governor may
1034 remove any member for cause.

1035 (b) The headquarters for the board shall be in Orlando.

1036 (c) The board shall meet at least once each calendar
1037 quarter to conduct its business.

1038 (d) The members of the board shall elect a chairperson at
1039 the first meeting each year.

1040 (e) Each member of the board is entitled to per diem and
1041 travel expenses as set by legislative appropriation for each day
1042 that the member engages in the business of the board.

1043 Section 33. Subsections (3) through (8) of section 477.019,
1044 Florida Statutes, are amended to read:

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1045 477.019 Cosmetologists; qualifications; licensure;
1046 supervised practice; license renewal; endorsement; continuing
1047 education.—

1048 ~~(3) An application for the licensure examination for any~~
1049 ~~license under this section may be submitted for examination~~
1050 ~~approval in the last 100 hours of training by a pregraduate of a~~
1051 ~~licensed cosmetology school or a program within the public~~
1052 ~~school system, which school or program is certified by the~~
1053 ~~Department of Education with fees as required in paragraph~~
1054 ~~(2)(b). Upon approval, the applicant may schedule the~~
1055 ~~examination on a date when the training hours are completed. An~~
1056 ~~applicant shall have 6 months from the date of approval to take~~
1057 ~~the examination. After the 6 months have passed, if the~~
1058 ~~applicant failed to take the examination, the applicant must~~
1059 ~~reapply. The board shall establish by rule the procedures for~~
1060 ~~the pregraduate application process.~~

1061 (3)~~(4)~~ Upon an applicant receiving a passing grade, as
1062 established by board rule, on the examination and paying the
1063 initial licensing fee, the department shall issue a license to
1064 practice cosmetology.

1065 (4)~~(5)~~ If an applicant passes all parts of the examination
1066 for licensure as a cosmetologist, he or she may practice in the
1067 time between passing the examination and receiving a physical
1068 copy of his or her license if he or she practices under the
1069 supervision of a licensed cosmetologist in a licensed salon. An
1070 applicant who fails any part of the examination may not practice
1071 as a cosmetologist and may immediately apply for reexamination.

1072 (5)~~(6)~~ Renewal of license registration shall be
1073 accomplished pursuant to rules adopted by the board.

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1074 (6)~~(7)~~ The board shall adopt rules specifying procedures
1075 for the licensure by endorsement of practitioners desiring to be
1076 licensed in this state who hold a current active license in
1077 another state and who have met qualifications substantially
1078 similar to, equivalent to, or greater than the qualifications
1079 required of applicants from this state.

1080 (7)~~(8)~~(a) The board shall prescribe by rule continuing
1081 education requirements intended to ensure protection of the
1082 public through updated training of licensees and registered
1083 specialists, not to exceed 16 hours biennially, as a condition
1084 for renewal of a license or registration as a specialist under
1085 this chapter. Continuing education courses shall include, but
1086 not be limited to, the following subjects as they relate to the
1087 practice of cosmetology: human immunodeficiency virus and
1088 acquired immune deficiency syndrome; Occupational Safety and
1089 Health Administration regulations; workers' compensation issues;
1090 state and federal laws and rules as they pertain to
1091 cosmetologists, cosmetology, salons, specialists, specialty
1092 salons, and booth renters; chemical makeup as it pertains to
1093 hair, skin, and nails; and environmental issues. Courses given
1094 at cosmetology conferences may be counted toward the number of
1095 continuing education hours required if approved by the board.

1096 (b) Any person whose occupation or practice is confined
1097 solely to hair braiding, hair wrapping, or body wrapping is
1098 exempt from the continuing education requirements of this
1099 subsection.

1100 (c) The board may, by rule, require any licensee in
1101 violation of a continuing education requirement to take a
1102 refresher course or refresher course and examination in addition

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1103 to any other penalty. The number of hours for the refresher
1104 course may not exceed 48 hours.

1105 Section 34. Section 509.211, Florida Statutes, is amended
1106 to read:

1107 509.211 Safety regulations.—

1108 (1) Each bedroom or apartment in each public lodging
1109 establishment shall be equipped with an approved locking device
1110 on each door opening to the outside, to an adjoining room or
1111 apartment, or to a hallway.

1112 (2) (a) It is unlawful for any person to use within any
1113 public lodging establishment or public food service
1114 establishment any fuel-burning wick-type equipment for space
1115 heating unless such equipment is vented so as to prevent the
1116 accumulation of toxic or injurious gases or liquids.

1117 (b) Any person who violates the provisions of paragraph (a)
1118 commits a misdemeanor of the second degree, punishable as
1119 provided in s. 775.082 or s. 775.083.

1120 (3) Each public lodging establishment that is three or more
1121 stories in height must have safe and secure railings on all
1122 balconies, platforms, and stairways, and all such railings must
1123 be properly maintained and repaired. The division may impose
1124 administrative sanctions for violations of this subsection
1125 pursuant to s. 509.261.

1126 ~~(4) Every enclosed space or room that contains a boiler~~
1127 ~~regulated under chapter 554 which is fired by the direct~~
1128 ~~application of energy from the combustion of fuels and that is~~
1129 ~~located in any portion of a public lodging establishment that~~
1130 ~~also contains sleeping rooms shall be equipped with one or more~~
1131 ~~carbon monoxide sensor devices that bear the label of a~~

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1132 ~~nationally recognized testing laboratory and have been tested~~
1133 ~~and listed as complying with the most recent Underwriters~~
1134 ~~Laboratories, Inc., Standard 2034, or its equivalent, unless it~~
1135 ~~is determined that carbon monoxide hazards have otherwise been~~
1136 ~~adequately mitigated as determined by the division. Such devices~~
1137 ~~shall be integrated with the public lodging establishment's fire~~
1138 ~~detection system. Any such installation or determination shall~~
1139 ~~be made in accordance with rules adopted by the division.~~

1140 Section 35. Section 548.076, Florida Statutes, is created
1141 to read:

1142 548.076 Cease and desist notices.—When the department has
1143 probable cause to believe that any person not licensed by the
1144 commission has violated any provision of this chapter, or any
1145 rule adopted pursuant thereto, the department may issue and
1146 deliver to such person a notice to cease and desist from such
1147 violation pursuant to s. 455.228.

1148 Section 36. Present subsections (4) and (5) of section
1149 554.108, Florida Statutes, are renumbered as subsections (5) and
1150 (6), respectively, and a new subsection (4) is added to that
1151 section, to read:

1152 554.108 Inspection.—

1153 (4) A boiler that is fired by the direct application of
1154 energy from the combustion of fuels and that is located within a
1155 portion of a public lodging establishment containing sleeping
1156 rooms shall be equipped with one or more carbon monoxide sensor
1157 devices that bear the label of a nationally recognized testing
1158 laboratory and have been tested and listed as complying with the
1159 most recent Underwriters Laboratories, Inc., Standard 2034, or
1160 its equivalent, unless the department determines that carbon

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1161 monoxide hazards have otherwise been adequately mitigated. Such
1162 devices shall be integrated with the public lodging
1163 establishment's fire detection system. Any such installation or
1164 determination shall be made in accordance with rules adopted by
1165 the department. An inspector who inspects a boiler pursuant to
1166 this section shall also determine whether the location
1167 containing the boiler contains the carbon monoxide detectors
1168 required by this subsection.

1169 Section 37. Subsection (1) of section 561.17, Florida
1170 Statutes, is amended to read:

1171 561.17 License and registration applications; approved
1172 person.—

1173 (1) Any person, before engaging in the business of
1174 manufacturing, bottling, distributing, selling, or in any way
1175 dealing in alcoholic beverages, shall file, with the district
1176 licensing personnel of the district of the division in which the
1177 place of business for which a license is sought is located, a
1178 sworn application ~~in duplicate~~ on forms provided to the district
1179 licensing personnel by the division. The applicant must be a
1180 legal or business entity, person, or persons and must include
1181 all persons, officers, shareholders, and directors of such legal
1182 or business entity that have a direct or indirect interest in
1183 the business seeking to be licensed under this part. However,
1184 the applicant does not include any person who ~~that~~ derives
1185 revenue from the license solely through a contractual
1186 relationship with the licensee, the substance of which
1187 contractual relationship is not related to the control of the
1188 sale of alcoholic beverages. Before ~~Prior to~~ any application
1189 being approved, the division may require the applicant to file a

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1190 set of fingerprints on regular United States Department of
 1191 Justice forms for herself or himself and for any person or
 1192 persons interested directly or indirectly with the applicant in
 1193 the business for which the license is being sought, when so
 1194 required by the division. If the applicant or any person who is
 1195 interested with the applicant either directly or indirectly in
 1196 the business or who has a security interest in the license being
 1197 sought or has a right to a percentage payment from the proceeds
 1198 of the business, either by lease or otherwise, is not qualified,
 1199 the application shall be denied by the division. However, any
 1200 company regularly traded on a national securities exchange and
 1201 not over the counter; any insurer, as defined in the Florida
 1202 Insurance Code; or any bank or savings and loan association
 1203 chartered by this state, another state, or the United States
 1204 which has an interest, directly or indirectly, in an alcoholic
 1205 beverage license shall not be required to obtain division
 1206 approval of its officers, directors, or stockholders or any
 1207 change of such positions or interests. A shopping center having
 1208 ~~with~~ five or more stores, one or more of which has an alcoholic
 1209 beverage license and is required under a lease common to all
 1210 shopping center tenants to pay no more than 10 percent of the
 1211 gross proceeds of the business holding the license to the
 1212 shopping center, is ~~shall~~ not ~~be~~ considered as having an
 1213 interest, directly or indirectly, in the license.

1214 Section 38. Section 561.20, Florida Statutes, is amended to
 1215 read:

1216 561.20 Limitation upon number of licenses issued.—

1217 (1) The number of licenses issued in a county ~~No license~~
 1218 under s. 565.02(1)(a)-(f) may not exceed, inclusive, ~~shall be~~

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1219 ~~issued so that the number of such licenses within the limits of~~
 1220 ~~the territory of any county exceeds one such license per to each~~
 1221 ~~7,500 residents within such county.~~ Regardless of the number of
 1222 quota licenses issued before ~~prior to~~ October 1, 2000, ~~on and~~
 1223 ~~after that date,~~ a new license under s. 565.02(1)(a)-(f) issued
 1224 on or after that date, ~~inclusive,~~ shall be issued for each
 1225 population increase of 7,500 residents above the number of
 1226 residents who resided in the county according to the April 1,
 1227 1999, Florida Estimate of Population as published by the Bureau
 1228 of Economic and Business Research at the University of Florida,
 1229 and, thereafter, based on the last regular population estimate
 1230 prepared pursuant to s. 186.901, ~~for such county.~~ These ~~Such~~
 1231 population estimates ~~are~~ ~~shall be~~ the basis for annual license
 1232 issuance regardless of any local acts to the contrary. However,
 1233 notwithstanding the population-based limits, at least three
 1234 licenses may be issued ~~such limitation shall not prohibit the~~
 1235 ~~issuance of at least three licenses in any county that approves~~
 1236 ~~may approve~~ the sale of intoxicating liquors ~~in such county.~~

1237 (2)(a) Population-based limits on the number of licenses do
 1238 not ~~No such limitation of the number of licenses as herein~~
 1239 ~~provided shall henceforth~~ prohibit the issuance of a special
 1240 license to:

1241 1.a. Any bona fide hotel, motel, or motor court having at
 1242 least ~~of not fewer than~~ 80 guest rooms in any county having a
 1243 population of fewer ~~less~~ than 50,000 residents, and at least ~~of~~
 1244 ~~not fewer than~~ 100 guest rooms in any county having a population
 1245 of 50,000 residents or greater; or

1246 b. Any bona fide hotel or motel located in a historic
 1247 structure, as defined in s. 561.01(21), which has ~~with~~ fewer

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1248 than 100 guest rooms, ~~which~~ derives at least 51 percent of its
1249 gross revenue from the rental of hotel or motel rooms, and ~~which~~
1250 is licensed as a public lodging establishment by the Division of
1251 Hotels and Restaurants. ~~;~~ ~~provided,~~ However, ~~that~~ a bona fide
1252 hotel or motel that has ~~with no fewer than 10 to and no more~~
1253 ~~than 25~~ guest rooms, ~~which~~ is a historic structure, as defined
1254 in s. 561.01(21), is located in a municipality that on May 26,
1255 1999, had the effective date of this act has a population of of
1256 25,000 to 35,000 residents, according to the University of
1257 Florida's Bureau of Economic and Business Research Estimates of
1258 Population for 1998, ~~of no fewer than 25,000 and no more than~~
1259 ~~35,000 residents~~ and is ~~that is~~ within a constitutionally
1260 chartered county may be issued a special license. This special
1261 license allows ~~shall allow~~ the sale and consumption of alcoholic
1262 beverages only on the licensed premises of the hotel or motel.
1263 In addition, the hotel or motel must derive at least 60 percent
1264 of its gross revenue from the rental of hotel or motel rooms and
1265 the sale of food and nonalcoholic beverages. ~~;~~ ~~provided that the~~
1266 ~~provisions of This~~ sub-subparagraph supersedes ~~subparagraph~~
1267 ~~shall supersede~~ local laws requiring a greater number of hotel
1268 rooms;

1269 2. Any condominium accommodation in ~~of~~ which at least no
1270 ~~fewer than~~ 100 condominium units are wholly rentable to
1271 transients and which is licensed under the provisions of chapter
1272 509, except that the license shall be issued only to the person
1273 or corporation that ~~which~~ operates the hotel or motel operation
1274 and not to the association of condominium owners;

1275 3. Any condominium accommodation of which no fewer than 50
1276 condominium units are wholly rentable to transients, which is

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1277 licensed under ~~the provisions of~~ chapter 509, and which is
1278 located in any county having home rule under s. 10 or s. 11,
1279 Art. VIII of the State Constitution of 1885, as amended, and
1280 incorporated by reference in s. 6(e), Art. VIII of the State
1281 Constitution, except that the license shall be issued only to
1282 the person or corporation that ~~which~~ operates the hotel or motel
1283 operation and not to the association of condominium owners;

1284 4. Any restaurant having 2,500 square feet of service area,
1285 and equipped to serve 150 persons full course meals at tables at
1286 one time, and deriving at least 51 percent of its gross revenue
1287 from the sale of food and nonalcoholic beverages. However, a ~~no~~
1288 restaurant granted a special license on or after January 1,
1289 1958, pursuant to general or special law may not ~~shall~~ operate
1290 as a package store or sell, ~~nor shall~~ intoxicating beverages ~~be~~
1291 ~~sold~~ under such license after the hours of serving food ~~have~~
1292 ~~elapsed; or~~

1293 5. Any caterer, deriving at least 51 percent of its gross
1294 revenue from the sale of food and nonalcoholic beverages,
1295 licensed by the Division of Hotels and Restaurants under chapter
1296 509. Notwithstanding any other ~~provision of~~ law to the contrary,
1297 a licensee under this subparagraph may ~~shall~~ sell or serve
1298 alcoholic beverages only for consumption on the premises of a
1299 catered event at which the licensee is also providing prepared
1300 food. The caterer, ~~and~~ shall prominently display its license at
1301 any catered event at which the caterer is selling or serving
1302 alcoholic beverages. A licensee under this subparagraph must
1303 ~~shall~~ purchase all alcoholic beverages it sells or serves at a
1304 catered event from a vendor licensed under s. 563.02(1) or ~~s.~~
1305 564.02(1), or licensed under s. 565.02(1) subject to the

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1306 limitation imposed in subsection (1), ~~as appropriate~~. A licensee
1307 under this subparagraph may not store ~~any~~ alcoholic beverages to
1308 be sold or served at a catered event. Any alcoholic beverages
1309 purchased by a licensee under this subparagraph for a catered
1310 event which ~~that~~ are not used at that event must remain with the
1311 customer. However, ~~provided that~~ if the vendor accepts unopened
1312 alcoholic beverages, the licensee may return such alcoholic
1313 beverages to the vendor for a credit or reimbursement.
1314 Regardless of the county or counties in which the licensee
1315 operates, a licensee under this subparagraph shall pay the
1316 annual state license tax pursuant to ~~set forth in~~ s.
1317 565.02(1)(b). A licensee under this subparagraph must maintain
1318 for a period of 3 years all records required by ~~the~~ department
1319 ~~by~~ rule to demonstrate compliance with the requirements of this
1320 subparagraph, including licensed vendor receipts for the
1321 purchase of alcoholic beverages and records identifying each
1322 customer and the location and date of each catered event.
1323 Notwithstanding any ~~provision of~~ law to the contrary, any vendor
1324 licensed under s. 565.02(1) which is subject to the limitation
1325 imposed in subsection (1), ~~may~~, without any additional licensure
1326 under this subparagraph, serve or sell alcoholic beverages for
1327 consumption on the premises of a catered event at which prepared
1328 food is provided by a caterer licensed under chapter 509. If a
1329 licensee under this subparagraph also possesses any other
1330 license under the Beverage Law, the license issued under this
1331 subparagraph does ~~shall~~ not authorize the holder to conduct
1332 activities on the premises to which the other license or
1333 licenses apply which ~~that~~ would otherwise be prohibited by the
1334 terms of that license or the Beverage Law. ~~Nothing in This~~

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1335 section does not ~~shall~~ permit the licensee to conduct activities
1336 that are otherwise prohibited by the Beverage Law or local law.
1337 The Division of Alcoholic Beverages and Tobacco may ~~is hereby~~
1338 ~~authorized to~~ adopt rules to administer the license created in
1339 this subparagraph, to include rules governing licensure,
1340 recordkeeping, and enforcement. The first \$300,000 in fees
1341 collected by the division each fiscal year pursuant to this
1342 subparagraph shall be deposited in the Department of Children
1343 and Family Services' Operations and Maintenance Trust Fund to be
1344 used only for alcohol and drug abuse education, treatment, and
1345 prevention programs. The remainder of the fees collected shall
1346 be deposited into the Hotel and Restaurant Trust Fund created
1347 pursuant to s. 509.072;—

1348 6.a. A movie theater complex holding a seating license
1349 issued by the Division of Hotels and Restaurants under chapter
1350 509 which:

1351 (I) Has at least five operating screens that show first-run
1352 feature films that open on the scheduled national release dates.

1353 (II) Prepares on premises, serves, and has a menu featuring
1354 full-course meals; has the capacity to serve such meals to at
1355 least 200 patrons at seats, tables, seats equipped with a tray
1356 or table top, or a food-service counter, each of which must
1357 accommodate a full-course meal to be counted. As used in this
1358 subparagraph, the term "full-course meal" means a multi-course
1359 meal, including appetizers, entrees with side dishes, and
1360 desserts. The term does not include prepackaged meals that must
1361 be heated.

1362 (III) Derives at least 51 percent of its gross revenues
1363 from the sale of theater tickets, food, and nonalcoholic

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1364 beverages.

1365 b. A licensee under this subparagraph must provide food
1366 service at all times alcoholic beverages are offered for sale.

1367 c. Notwithstanding any law to the contrary, a licensee
1368 under this subparagraph may sell or serve alcoholic beverages
1369 only for consumption on the premises in areas that are
1370 designated for the service of full-course meals as defined in
1371 this subparagraph and at seats as described in this
1372 subparagraph, and alcoholic beverages may not be sold more than
1373 1 hour before the start of the first show or 1 hour after the
1374 final show is concluded.

1375 d. Regardless of the county or counties in which the
1376 licensee operates, a licensee under this subparagraph shall pay
1377 the annual state license tax under s. 565.02(1)(b).

1378 e. A licensee under this subparagraph shall maintain all
1379 records required by department rule for at least 3 years.

1380
1381 However, any license heretofore issued to a any such hotel,
1382 motel, motor court, ~~or restaurant,~~ or hereafter issued to any
1383 ~~such hotel, motel, or motor court,~~ including a condominium
1384 accommodation, or movie theater complex under the general law
1385 may shall not be transferred ~~moved~~ to a new location, ~~such~~
1386 ~~license being valid only on the premises of such hotel, motel,~~
1387 ~~motor court, or restaurant. Licenses issued to hotels, motels,~~
1388 ~~motor courts, or restaurants under the general law and held by~~
1389 ~~such hotels, motels, motor courts, or restaurants on May 24,~~
1390 ~~1947, shall be counted in the quota limitation contained in~~
1391 ~~subsection (1).~~ Any license issued for a any hotel, motel, ~~or~~
1392 ~~motor court,~~ or movie theater complex under ~~the provisions of~~

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1393 this section ~~law~~ shall be issued only to the owner of the hotel,
1394 motel, ~~or~~ motor court, or movie theater complex or, in the event
1395 the hotel, motel, ~~or~~ motor court, or movie theater complex is
1396 leased, only to the lessee of the hotel, motel, ~~or~~ motor court,
1397 or movie theater complex. ~~and~~ The license shall remain in the
1398 name of the owner or lessee of the facility as ~~so~~ long as the
1399 license is in effect ~~existence~~. ~~Any special license now in~~
1400 ~~existence heretofore issued under the provisions of this law~~
1401 ~~cannot be renewed except in the name of the owner of the hotel,~~
1402 ~~motel, motor court, or restaurant or, in the event the hotel,~~
1403 ~~motel, motor court, or restaurant is leased, in the name of the~~
1404 ~~lessee of the hotel, motel, motor court, or restaurant in which~~
1405 ~~the license is located and must remain in the name of the owner~~
1406 ~~or lessee so long as the license is in existence.~~ Any license
1407 issued under this section shall be marked "Special.7" This
1408 section does not ~~and nothing herein provided shall~~ limit,
1409 restrict, or prevent the issuance of a special license to a ~~for~~
1410 any restaurant or motel that ~~which shall~~ hereafter meets ~~meet~~
1411 the requirements of the law existing immediately prior to the
1412 effective date of this act, if construction of such restaurant
1413 has commenced prior to the effective date of this act and is
1414 completed within 30 days thereafter, or if an application is on
1415 file for such special license at the time this act takes effect;
1416 and any such licenses issued under this provision ~~provision~~ may be
1417 annually renewed as now provided by law. This section does not
1418 prohibit ~~Nothing herein prevents~~ an application for transfer of
1419 a license to a bona fide purchaser of any hotel, motel, motor
1420 court, ~~or~~ restaurant, or movie theater complex by the purchaser
1421 of such facility or the transfer of such license pursuant to

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1422 law.

1423 (b) Any county in which special licenses were issued under
1424 ~~the provisions of s. 561.20(2) (b) before in effect prior to~~ the
1425 effective date of this act shall continue to qualify for such
1426 licenses pursuant to those provisions in effect before ~~prior to~~
1427 the effective date of this act, and are ~~shall~~ not be affected by
1428 the provisions of paragraph (a). However, any restaurant located
1429 in a specialty center built on governmentally owned land, ~~except~~
1430 ~~that in such counties is, any restaurant located in a specialty~~
1431 ~~center built on governmentally owned land shall be subject to~~
1432 ~~the provisions of paragraph (a).~~

1433 1. A specialty center means any development having at least
1434 50,000 square feet of leasable area, containing restaurants,
1435 entertainment facilities, and specialty shops, and located
1436 adjacent to a navigable water body. Alcoholic beverages sold for
1437 consumption on the premises by a vendor in a specialty center
1438 may be consumed within the specialty center but may not be
1439 removed from the ~~such~~ premises.

1440 2. A specialty center also means an ~~any~~ enclosed
1441 development that has at least 170,000 square feet of leasable
1442 area that is under the dominion and physical control of the
1443 owner or manager of the enclosed development, containing
1444 restaurants, entertainment facilities, specialty shops, and a
1445 movie theater with at least 18 operating screens. Alcoholic
1446 beverages sold for consumption on the premises by a vendor in a
1447 specialty center may be consumed only in areas designated
1448 pursuant to s. 561.01(11) and may not be removed from the
1449 designated area.

1450 (c) In addition to any special licenses that may be issued

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1451 under the provisions of paragraph (a), the division may ~~is~~
 1452 ~~authorized to~~ issue special licenses to qualified applicants who
 1453 own or lease bowling establishments having 12 or more lanes and
 1454 all necessary equipment to operate them. Any license issued for
 1455 a ~~any~~ bowling establishment under ~~the provisions of this~~
 1456 paragraph shall be issued only to the owner of the bowling
 1457 establishment or, in the event the bowling establishment is
 1458 leased, to the lessee of the bowling establishment. ~~;~~ and The
 1459 license shall remain in the name of the owner or lessee as ~~so~~
 1460 long as the license is in effect ~~existence~~. A ~~Any such~~ license
 1461 issued under this paragraph may ~~shall~~ not be transferred ~~moved~~
 1462 to a new location. A ~~No~~ license issued pursuant to this
 1463 paragraph does not ~~shall~~ permit the licensee to sell alcoholic
 1464 beverages by the package for off-the-premises consumption. ~~The~~
 1465 ~~provisions of~~ This paragraph does ~~do~~ not preclude any bowling
 1466 establishment from holding a beverage license issued pursuant to
 1467 any other provision of this section.

1468 (d) A ~~Any~~ board of county commissioners may be issued a
 1469 special license ~~which shall be issued in the name of the county~~
 1470 ~~and be applicable only in and~~ for facilities that ~~which~~ are
 1471 owned and operated by the county and in which the sale and
 1472 consumption of alcoholic beverages are not otherwise prohibited.
 1473 The license may be transferred from one qualified county
 1474 facility to another upon written notification to the department.

1475 (e) The owner of a hotel, motel, or motor court may lease
 1476 his or her restaurant operation to another corporation,
 1477 individual, or business association that, upon meeting the
 1478 requirements for a restaurant license under ~~set forth in~~ this
 1479 chapter, may operate independently of the hotel, motel, or motor

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1480 court and be permitted to provide room service for alcoholic and
1481 intoxicating beverages within such hotel, motel, or motor court
1482 in which the restaurant is located.

1483 (f) In addition to the exceptions set forth in this
1484 subsection, the population-based limits on no such limitation of
1485 the number of licenses do not apply to as herein provided shall
1486 ~~prohibit~~ the issuance of special airport licenses, as defined in
1487 s. 561.01(12), or to restaurants that are a part of, or serve,
1488 publicly owned or leased airports. The special airport license
1489 authorized by this paragraph allows provided for herein shall
1490 ~~allow for~~ consumption within designated areas of the airport
1491 terminal as defined in s. 561.01(13). A Any holder of such
1492 special license located at a publicly owned and operated airport
1493 may sell and serve alcoholic beverages to the general public for
1494 consumption in not more than four places or locations on the
1495 premises that are in control of the licensee ~~on the premises to~~
1496 ~~the general public under such license in not more than four~~
1497 ~~places or locations in control of the holder of such license.~~
1498 The special Any license ~~so issued~~ may not be transferred to a
1499 new location, except that a vendor operating a place of business
1500 under a special license may transfer such license when the
1501 publicly owned or leased airport at which the vendor operates a
1502 place of business under a special license moves its terminal
1503 facilities on the same airport premises, or when the airport is
1504 required by law to move its entire operation to a new location.
1505 The special license entitles Any license ~~so issued shall entitle~~
1506 the vendor operating a place of business under such license to
1507 sell to airlines vinous beverages and distilled spirits in
1508 sealed miniature containers and other alcoholic beverages for

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1509 consumption on the aircraft using the facility, but only for
1510 consumption by the passengers of the aircraft when such aircraft
1511 is airborne.

1512 (g) In addition to any special licenses issued under the
1513 Beverage Law, the division may issue a special license for
1514 consumption on the premises only to any public fair or
1515 exposition that ~~which~~ is organized in accordance with chapter
1516 616. A ~~No~~ licensee under this special license may not ~~shall~~
1517 enter into any exclusive contract for its use. The special
1518 license may not be used in connection with any youth
1519 agricultural activity or during any regularly scheduled public
1520 fair or exposition, and such license may be used only in
1521 connection with special events held on the premises of the
1522 fairgrounds, which premises are considered to be licensed
1523 premises under the dominion and control of the public fair or
1524 exposition authority at all times. This special license is not
1525 transferable.

1526 (h) In addition to any special licenses issued under the
1527 Beverage Law, the division may issue a special license for
1528 consumption on the premises only to any civic center authority
1529 or sports arena authority that ~~which~~ is authorized by state law
1530 or by a local government ordinance or ~~which~~ civic center or
1531 sports arena that is otherwise owned by a political subdivision
1532 of this state. The license may be transferred to a qualified
1533 applicant authorized by contract with the authority to provide
1534 food service for the facility. The license shall at all times
1535 remain the exclusive property of the authority, and upon
1536 termination by any manner of the contract between the authority
1537 and the applicant concerning the furnishing of food service, the

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1538 license shall revert to the authority by operation of law.

1539 (i) The division may ~~shall~~ not charge a fee in excess of
1540 \$250 for the license authorized by paragraph (g) or paragraph
1541 (h).

1542 (j) In addition to any special licenses issued under the
1543 Beverage Law, the division may issue a special license for
1544 consumption on the premises only to a performing arts center. r
1545 ~~provided that~~ Any consumption of alcoholic beverages under this
1546 license, except as part of food and beverage service for
1547 banquets or receptions, may occur only in conjunction with an
1548 artistic, educational, cultural, promotional, civic, or
1549 charitable event occurring on the premises under the
1550 authorization of or offered directly by the performing arts
1551 center. The license may be transferred to a qualified applicant
1552 authorized by contract with the performing arts center to
1553 provide food and beverage service for the center. The license is
1554 ~~shall at all times remain~~ the exclusive property of the
1555 performing arts center, and upon termination by any manner of
1556 the contract between the performing arts center and the
1557 applicant concerning the furnishing of food and beverage
1558 service, the license shall revert to the performing arts center
1559 by operation of law. The division may ~~shall~~ not charge a fee in
1560 excess of \$400 for the license authorized by this paragraph.

1561 (3) The population-based limits on limitation upon the
1562 number of ~~such~~ licenses that may ~~to~~ be issued under this section
1563 do as herein provided does not apply to existing licenses or to
1564 the renewal or transfer of such licenses. However, ; but upon the
1565 limits apply after a license is revoked ~~revocation of any~~
1566 ~~existing license, no renewal thereof or new license therefor~~

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1567 ~~shall be issued contrary to the limitation herein prescribed.~~

1568 (4) The population-based limits on the number of licenses
1569 that may be issued under this section do ~~limitations herein~~
1570 ~~prescribed shall not affect or repeal any existing or future~~
1571 ~~local or special acts~~ act relating to population-based limits
1572 ~~the limitation by population~~ and exceptions or exemptions from
1573 such limits ~~limitation by population of such licenses~~ within any
1574 incorporated city or town or county which ~~that~~ may be in
1575 conflict with the population-based limits in this section
1576 ~~herewith~~. Any license issued under a local or special act
1577 relating to the limitation by population is ~~shall be~~ subject to
1578 all requirements and restrictions contained in the Beverage Law
1579 which ~~that~~ are applicable to licenses issued under subsection
1580 (1).

1581 (5) Provisions of subsections (2) and (4) as amended by
1582 chapter 57-773, Laws of Florida, ~~shall take effect January 1,~~
1583 ~~1958, and shall apply only to those places of business licensed~~
1584 ~~to operate after January 1, 1958, and~~ do not ~~shall in no manner~~
1585 ~~repeal or nullify any license issued under provisions of law~~
1586 ~~which are now operating or will operate prior to that the~~
1587 ~~effective date if January 1, 1958; and all such places of~~
1588 ~~business shall be exempt from the provisions of this law so long~~
1589 ~~as they are in continuous operation.~~

1590 (6) If ~~When~~ additional licenses become available as the
1591 result ~~by reason~~ of an increase in population or because ~~by~~
1592 ~~reason of~~ a county repeals a prohibition on permitting the sale
1593 of intoxicating beverages ~~when such sale has been prohibited,~~
1594 the number of licenses that may be issued by the division shall
1595 be based on ~~may issue the number of new licenses that become~~

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1596 ~~available by reason of~~ the last regular population estimate.~~†~~
 1597 However, ~~a in no event shall any~~ person, firm, or corporation
 1598 licensed as a vendor under subsection (1) may not have an
 1599 interest, directly or indirectly, in more than 30 percent of the
 1600 number of licenses authorized for issuance in the ~~such~~ county.
 1601 Notwithstanding the foregoing ~~limitation~~, a any licensed vendor
 1602 having an interest, directly or indirectly, in more than 30
 1603 percent of the licenses authorized for issuance in any one
 1604 county on July 1, 1981, may continue to qualify for such
 1605 licenses.

1606 (7) (a) ~~There shall be no limitation as to~~ The number of
 1607 licenses issued pursuant to s. 565.02(4) is not limited.
 1608 However, ~~any~~ licenses issued under this section are ~~shall be~~
 1609 limited to:

- 1610 1. Subordinate lodges or clubs of national fraternal or
 1611 benevolent associations;
- 1612 2. Golf clubs, tennis clubs, and beach or cabana clubs that
 1613 ~~which~~ are municipally or privately owned or leased;
- 1614 3. Nonprofit corporations or clubs devoted to promoting
 1615 community, municipal, or county development or any phase of
 1616 community, municipal, or county development;
- 1617 4. Clubs fostering and promoting the general welfare and
 1618 prosperity of members of showmen and amusement enterprises;
- 1619 5. Clubs assisting, promoting, and developing subordinate
 1620 lodges or clubs of national fraternal or benevolent
 1621 associations; and
- 1622 6. Clubs promoting, developing, and maintaining cultural
 1623 relations of people of the same nationality.

1624 (b) A Any corporation, partnership, or individual operating

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1625 a club owning or leasing and maintaining any bona fide regular,
1626 standard golf course consisting of at least nine holes, with
1627 clubhouse, locker rooms, and attendant golf facilities and
1628 comprising in all at least 35 acres of land owned or leased by
1629 such club may be issued a license under s. 565.02(4). However,
1630 ~~the, but~~ failure of the ~~such~~ club to maintain the golf course
1631 and golf facilities is ~~shall be~~ grounds for revocation of the
1632 license.

1633 (c) A ~~Any~~ corporation, partnership, or individual operating
1634 a club owning or leasing and maintaining any bona fide tennis
1635 club or four-wall indoor racquetball club consisting of at least
1636 ~~not fewer than~~ 10 regulation-size tennis courts or 10
1637 regulation-size four-wall indoor racquetball courts, or a
1638 combination of such courts totaling in the aggregate at least
1639 ~~not fewer than~~ 10 courts, or a combination of 8 such courts and
1640 exercise facilities that ~~which~~ in square footage total at least
1641 ~~not fewer than~~ the aggregate square foot equivalent of 10
1642 regulation-size courts with clubhouse facilities, pro shop,
1643 locker rooms, and attendant tennis or racquetball facilities,
1644 all located on a contiguous tract of land owned or leased by
1645 such club, may be issued a license under s. 565.02(4). However,
1646 ~~the, but~~ failure of the ~~such~~ club to maintain the ~~such~~ courts
1647 and facilities is ~~shall be~~ grounds for revocation of the ~~any~~
1648 ~~such~~ license ~~so issued~~. A ~~Any~~ racquetball or tennis club that
1649 ~~was which has been~~ constructed and completed on or before July
1650 1, 1980, and that ~~which~~ contains the requisite number of courts
1651 of proper size and attendant facilities may be granted a license
1652 without receiving ~~the necessity of securing additional~~ approval
1653 from the incorporated municipality or county in which the

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1654 racquetball or tennis club facility is located. ~~It is intended~~
 1655 ~~that~~ This subsection is ~~be~~ an exception to s. 562.45(2) and
 1656 preempts ~~preempting~~ the zoning power of local government to the
 1657 state only in instances involving tennis and racquetball clubs
 1658 constructed and completed on or before July 1, 1980. ~~Nothing in~~
 1659 This paragraph does not, ~~however, shall be construed to~~ limit
 1660 the power of incorporated municipalities or counties to enact
 1661 ordinances regulating hours of business and prescribing sanitary
 1662 regulations for such racquetball or tennis club facilities.

1663 (d) A ~~Any~~ corporation, partnership, or individual operating
 1664 a club that ~~which~~ owns or leases and that ~~which~~ maintains any
 1665 bona fide beach or cabana club consisting of beach facilities,
 1666 swimming pool, locker rooms with facilities for at least 100
 1667 persons, and a restaurant with seats at tables for at least 100
 1668 persons, comprising in all an area of at least 5,000 square feet
 1669 located on a contiguous tract of land of in excess of 1 acre may
 1670 be issued a license under s. 565.02(4). The failure of such club
 1671 to maintain the facilities is ~~shall be~~ a ground for revocation
 1672 of the license.

1673 (8) In addition to any licenses that may be issued to
 1674 restaurants under ~~the provisions of~~ this section, the division
 1675 is authorized to issue special licenses to qualified applicants
 1676 whose applications have been approved by the Inter-American
 1677 Center Authority for use within the confines of the Inter-
 1678 American Cultural and Trade Center. ~~+~~ However, any such license
 1679 issued pursuant to this subsection does ~~shall~~ not permit the
 1680 licensee to sell alcoholic beverages by the package for off-
 1681 premises consumption.

1682 (9) In addition to any licenses that may be issued under

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1683 ~~the provisions of~~ this chapter, the division may ~~is authorized~~
1684 ~~to~~ issue special licenses to any county that ~~which~~ has a
1685 population of at least 1 million persons according to the latest
1686 federal census and that ~~which~~ owns and operates airport
1687 facilities pursuant to chapters 125 and 332, for transfer to
1688 qualified applicants who have secured approval from the board of
1689 county commissioners of such county for use within the confines
1690 of such airport facilities. Such licenses are ~~shall~~ not be valid
1691 ~~in any location~~ beyond the confines of the terminal facilities
1692 of the airport. If a license is revoked or expires ~~In the event~~
1693 ~~of expiration or revocation of such licenses,~~ the license
1694 automatically reverts ~~such licenses shall revert~~ to the board of
1695 county commissioners ~~automatically,~~ by operation of law.

1696 However, a ~~no~~ special license issued pursuant to this subsection
1697 does not ~~shall~~ permit the county or its transferee to sell
1698 alcoholic beverages by the package for off-premises consumption.

1699 (10) In addition to any licenses that may be issued under
1700 ~~the provisions of~~ this chapter, the division may ~~is authorized~~
1701 ~~to~~ issue a special license to a ~~any~~ marketing association of
1702 horse breeders organized under the laws of the state. Such
1703 license applies ~~shall be applicable~~ only in and for facilities
1704 used by the association for public auction of its products. A ~~No~~
1705 license issued pursuant to this subsection does not ~~shall~~ permit
1706 the licensee to sell alcoholic beverages by the package for off-
1707 premises consumption. ~~The provisions of~~ This subsection does ~~de~~
1708 not preclude any cooperative marketing association of horse
1709 breeders from holding a license issued pursuant to any other
1710 provision of this chapter.

1711 (11) In addition to any licenses that may be issued under

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1712 ~~the provisions of~~ this chapter, the division may ~~is authorized~~
 1713 ~~to~~ issue a special license to historic American Legion Posts in
 1714 Florida which were chartered before ~~prior to~~ September 16, 1919,
 1715 ~~the date on which the United States Congress issued the National~~
 1716 ~~Charter for the American Legion.~~ A Any holder of a license
 1717 issued pursuant to this subsection shall, at its option, be
 1718 permitted to sell alcoholic beverages to ~~resident guests as well~~
 1719 ~~as~~ members and ~~nonresident~~ guests for consumption on the
 1720 premises only. Revenue from the sale of such alcoholic beverages
 1721 must be used to operate, maintain, or improve the ~~said~~ American
 1722 Legion Post facilities, grounds, or activities and to maintain
 1723 an emergency fund not to exceed the costs of operation of the
 1724 American Legion Post for the prior calendar year. Any remaining
 1725 revenue from the sale of alcoholic beverages shall be donated
 1726 annually to local nonprofit charitable organizations ~~on an annual~~
 1727 ~~basis~~. Posts exercising their option under this subsection shall
 1728 pay an annual license fee of \$500. This section does ~~shall~~ not
 1729 apply to any county that ~~which~~ has held an election under s.
 1730 567.01 and whose electors have voted to prohibit the sale of
 1731 alcoholic beverages for consumption on the licensed premises.

1732 (12) (a) In addition to any other licenses issued under ~~the~~
 1733 ~~provisions of~~ this chapter, the division may ~~is authorized to~~
 1734 issue a special license to a person or to an organization for
 1735 the purpose of authorizing:

- 1736 1. A sale pursuant to a levy and execution;
- 1737 2. A sale by an insurance company in possession of
 1738 alcoholic beverages;
- 1739 3. A bankruptcy sale;
- 1740 4. A sale resulting from a license suspension or

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1741 revocation;

1742 5. A sale of damaged goods by a common carrier;

1743 6. A sale by a bona fide wine collector; or

1744 7. A sale of packaged alcoholic beverages pursuant to part
1745 V of chapter 679.

1746 (b) A special license shall be issued under this subsection
1747 upon filing an application at the district office and paying a
1748 \$25 fee. Such fee shall be deposited in the Alcoholic Beverages
1749 and Tobacco Trust Fund.

1750 (c) A special license is valid for 3 days after the
1751 effective date and ~~time of its effective date and time as~~ set by
1752 the division. A license issued under ~~pursuant to~~ this subsection
1753 does not permit the licensee to sell alcoholic beverages for
1754 consumption on the premises.

1755 (d) A distributor may purchase packaged alcoholic beverages
1756 at any sale specified in paragraph (a).

1757 (13) Notwithstanding any other provision of law, any
1758 license to sell or serve alcoholic beverages issued to a port
1759 authority, as defined in s. 315.02, entitles that port
1760 authority, or its ~~the~~ lessee or lessees ~~which it may choose,~~ to
1761 sell and serve alcoholic beverages at any terminal within the
1762 port jurisdictional boundaries upon ~~annual~~ payment of an annual
1763 fee to the division ~~of an annual fee~~ equivalent to the annual
1764 license fee for each sales or service location. However, any
1765 lessees chosen by the port authority must ~~shall~~ meet the
1766 criteria for licensure for sales and service of alcoholic
1767 beverages.

1768 Section 39. For the purpose of incorporating the amendment
1769 made by this act to section 455.227, Florida Statutes, in a

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1770 reference thereto, paragraph (a) of subsection (2) of section
1771 468.436, Florida Statutes, is reenacted to read:

1772 468.436 Disciplinary proceedings.—

1773 (2) The following acts constitute grounds for which the
1774 disciplinary actions in subsection (4) may be taken:

1775 (a) Violation of any provision of s. 455.227(1).

1776 Section 40. For the purpose of incorporating the amendment
1777 made by this act to section 455.227, Florida Statutes, in a
1778 reference thereto, subsection (1) of section 468.832, Florida
1779 Statutes, is reenacted to read:

1780 468.832 Disciplinary proceedings.—

1781 (1) The following acts constitute grounds for which the
1782 disciplinary actions in subsection (2) may be taken:

1783 (a) Violation of any provision of this part or s.
1784 455.227(1);

1785 (b) Attempting to procure a license to practice home
1786 inspection services by bribery or fraudulent misrepresentation;

1787 (c) Having a license to practice home inspection services
1788 revoked, suspended, or otherwise acted against, including the
1789 denial of licensure, by the licensing authority of another
1790 state, territory, or country;

1791 (d) Being convicted or found guilty of, or entering a plea
1792 of nolo contendere to, regardless of adjudication, a crime in
1793 any jurisdiction that directly relates to the practice of home
1794 inspection services or the ability to practice home inspection
1795 services;

1796 (e) Making or filing a report or record that the licensee
1797 knows to be false, willfully failing to file a report or record
1798 required by state or federal law, willfully impeding or

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1799 obstructing such filing, or inducing another person to impede or
1800 obstruct such filing. Such reports or records shall include only
1801 those that are signed in the capacity of a licensed home
1802 inspector;

1803 (f) Advertising goods or services in a manner that is
1804 fraudulent, false, deceptive, or misleading in form or content;

1805 (g) Engaging in fraud or deceit, or negligence,
1806 incompetency, or misconduct, in the practice of home inspection
1807 services;

1808 (h) Failing to perform any statutory or legal obligation
1809 placed upon a licensed home inspector; violating any provision
1810 of this chapter, a rule of the department, or a lawful order of
1811 the department previously entered in a disciplinary hearing; or
1812 failing to comply with a lawfully issued subpoena of the
1813 department; or

1814 (i) Practicing on a revoked, suspended, inactive, or
1815 delinquent license.

1816 Section 41. For the purpose of incorporating the amendment
1817 made by this act to section 455.227, Florida Statutes, in a
1818 reference thereto, subsection (1) of section 468.842, Florida
1819 Statutes, is reenacted to read:

1820 468.842 Disciplinary proceedings.—

1821 (1) The following acts constitute grounds for which the
1822 disciplinary actions in subsection (2) may be taken:

1823 (a) Violation of any provision of this part or s.
1824 455.227(1);

1825 (b) Attempting to procure a license to practice mold
1826 assessment or mold remediation by bribery or fraudulent
1827 misrepresentations;

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1828 (c) Having a license to practice mold assessment or mold
1829 remediation revoked, suspended, or otherwise acted against,
1830 including the denial of licensure, by the licensing authority of
1831 another state, territory, or country;

1832 (d) Being convicted or found guilty of, or entering a plea
1833 of nolo contendere to, regardless of adjudication, a crime in
1834 any jurisdiction that directly relates to the practice of mold
1835 assessment or mold remediation or the ability to practice mold
1836 assessment or mold remediation;

1837 (e) Making or filing a report or record that the licensee
1838 knows to be false, willfully failing to file a report or record
1839 required by state or federal law, willfully impeding or
1840 obstructing such filing, or inducing another person to impede or
1841 obstruct such filing. Such reports or records shall include only
1842 those that are signed in the capacity of a registered mold
1843 assessor or mold remediator;

1844 (f) Advertising goods or services in a manner that is
1845 fraudulent, false, deceptive, or misleading in form or content;

1846 (g) Engaging in fraud or deceit, or negligence,
1847 incompetency, or misconduct, in the practice of mold assessment
1848 or mold remediation;

1849 (h) Failing to perform any statutory or legal obligation
1850 placed upon a licensed mold assessor or mold remediator;
1851 violating any provision of this chapter, a rule of the
1852 department, or a lawful order of the department previously
1853 entered in a disciplinary hearing; or failing to comply with a
1854 lawfully issued subpoena of the department; or

1855 (i) Practicing on a revoked, suspended, inactive, or
1856 delinquent license.

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1857 Section 42. For the purpose of incorporating the amendment
1858 made by this act to section 455.227, Florida Statutes, in a
1859 reference thereto, paragraph (a) of subsection (1) of section
1860 471.033, Florida Statutes, is reenacted to read:

1861 471.033 Disciplinary proceedings.—

1862 (1) The following acts constitute grounds for which the
1863 disciplinary actions in subsection (3) may be taken:

1864 (a) Violating any provision of s. 455.227(1), s. 471.025,
1865 or s. 471.031, or any other provision of this chapter or rule of
1866 the board or department.

1867 Section 43. For the purpose of incorporating the amendment
1868 made by this act to section 455.227, Florida Statutes, in a
1869 reference thereto, paragraph (a) of subsection (1) of section
1870 473.323, Florida Statutes, is reenacted to read:

1871 473.323 Disciplinary proceedings.—

1872 (1) The following acts constitute grounds for which the
1873 disciplinary actions in subsection (3) may be taken:

1874 (a) Violation of any provision of s. 455.227(1) or any
1875 other provision of this chapter.

1876 Section 44. For the purpose of incorporating the amendment
1877 made by this act to section 455.227, Florida Statutes, in a
1878 reference thereto, paragraph (a) of subsection (1) of section
1879 475.25, Florida Statutes, is reenacted to read:

1880 475.25 Discipline.—

1881 (1) The commission may deny an application for licensure,
1882 registration, or permit, or renewal thereof; may place a
1883 licensee, registrant, or permittee on probation; may suspend a
1884 license, registration, or permit for a period not exceeding 10
1885 years; may revoke a license, registration, or permit; may impose

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1886 an administrative fine not to exceed \$5,000 for each count or
1887 separate offense; and may issue a reprimand, and any or all of
1888 the foregoing, if it finds that the licensee, registrant,
1889 permittee, or applicant:

1890 (a) Has violated any provision of s. 455.227(1) or s.
1891 475.42. However, licensees under this part are exempt from the
1892 provisions of s. 455.227(1)(i).

1893 Section 45. For the purpose of incorporating the amendment
1894 made by this act to section 455.227, Florida Statutes, in a
1895 reference thereto, subsection (1) of section 475.624, Florida
1896 Statutes, is reenacted to read:

1897 475.624 Discipline.—The board may deny an application for
1898 registration or certification; may investigate the actions of
1899 any appraiser registered, licensed, or certified under this
1900 part; may reprimand or impose an administrative fine not to
1901 exceed \$5,000 for each count or separate offense against any
1902 such appraiser; and may revoke or suspend, for a period not to
1903 exceed 10 years, the registration, license, or certification of
1904 any such appraiser, or place any such appraiser on probation, if
1905 it finds that the registered trainee, licensee, or
1906 certificateholder:

1907 (1) Has violated any provisions of this part or s.
1908 455.227(1); however, certificateholders, registrants, and
1909 licensees under this part are exempt from the provisions of s.
1910 455.227(1)(i).

1911 Section 46. For the purpose of incorporating the amendment
1912 made by this act to section 455.227, Florida Statutes, in a
1913 reference thereto, paragraph (h) of subsection (1) of section
1914 476.204, Florida Statutes, is reenacted to read:

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1915 476.204 Penalties.—

1916 (1) It is unlawful for any person to:

1917 (h) Violate any provision of s. 455.227(1), s. 476.194, or
1918 s. 476.214.

1919 Section 47. For the purpose of incorporating the amendment
1920 made by this act to section 455.227, Florida Statutes, in a
1921 reference thereto, paragraph (h) of subsection (1) of section
1922 477.029, Florida Statutes, is reenacted to read:

1923 477.029 Penalty.—

1924 (1) It is unlawful for any person to:

1925 (h) Violate any provision of s. 455.227(1), s. 477.0265, or
1926 s. 477.028.

1927 Section 48. For the purpose of incorporating the amendment
1928 made by this act to section 455.227, Florida Statutes, in a
1929 reference thereto, paragraph (a) of subsection (1) of section
1930 481.225, Florida Statutes, is reenacted to read:

1931 481.225 Disciplinary proceedings against registered
1932 architects.—

1933 (1) The following acts constitute grounds for which the
1934 disciplinary actions in subsection (3) may be taken:

1935 (a) Violating any provision of s. 455.227(1), s. 481.221,
1936 or s. 481.223, or any rule of the board or department lawfully
1937 adopted pursuant to this part or chapter 455.

1938 Section 49. For the purpose of incorporating the amendment
1939 made by this act to section 455.227, Florida Statutes, in a
1940 reference thereto, paragraph (a) of subsection (1) of section
1941 481.325, Florida Statutes, is reenacted to read:

1942 481.325 Disciplinary proceedings.—

1943 (1) The following acts constitute grounds for which the

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1944 disciplinary actions in subsection (3) may be taken:

1945 (a) Violation of any provision of s. 455.227(1), s.
1946 481.321, or s. 481.323.

1947 Section 50. For the purpose of incorporating the amendment
1948 made by this act to section 468.832, Florida Statutes, in a
1949 reference thereto, subsection (2) of section 468.8314, Florida
1950 Statutes, is reenacted to read:

1951 468.8314 Licensure.—

1952 (2) The department shall certify for licensure any
1953 applicant who satisfies the requirements of s. 468.8313 and who
1954 has passed the licensing examination. The department may refuse
1955 to certify any applicant who has violated any of the provisions
1956 of s. 468.832.

1957 Section 51. This act shall take effect July 1, 2010.