

Council Substitute for Committee Substitute for
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House Bill No. 425

An act relating to the Department of Business and Professional Regulation; amending s. 455.213, F.S.; deleting signature notarization from the information that the department may require in documents submitted for the issuance or renewal of a license; prescribing when an application is received for purposes of certain requirements of the Administrative Procedure Act; amending s. 455.227, F.S.; establishing additional grounds for discipline of professions subject to regulation; prohibiting the failure to report criminal convictions and pleas; prohibiting the failure to complete certain treatment programs; providing penalties; creating s. 455.2274, F.S.; authorizing the department's representative to appear in criminal proceedings under certain circumstances and provide certain assistance to the court; amending s. 468.402, F.S.; providing for certain disciplinary action against a talent agency for revocation, suspension, or denial of the agency's license in any jurisdiction; amending s. 468.403, F.S.; prohibiting certain acts by persons who are not licensed as a talent agency; amending s. 468.409, F.S.; requiring certain records kept by a talent agency to be readily available for inspection by the department; requiring copies of the records to be provided to the department in a specified manner; amending s. 468.410, F.S.; specifying the time by which a talent agency must give an applicant for the agency's registration or employment services a copy of the contract for those services; amending s. 468.412, F.S.; requiring a talent agency to advise an artist, in writing, of certain rights relating to contracts for employment; specifying that an engagement procured by a talent agency during a specified period remains commissionable to the agency; limiting a prohibition against division of fees by a talent agency to circumstances in which the artist does not give written consent; providing a definition; authorizing a talent agency to assign an engagement contract to another agency under certain circumstances; amending s. 468.413, F.S.; increasing the penalty that the department may assess against a talent agency that violates certain provisions of law; amending s. 468.609, F.S.; deleting a requirement that applicants for building code administrator certification complete a certain core curriculum before taking the certification examination; amending ss. 468.627 and 471.0195, F.S.; deleting provisions requiring building code administrator and inspector certificateholders and engineer licensees to complete a certain core curriculum or pass an equivalency test of the Florida Building Code Compliance and Mitigation Program; amending s. 473.305, F.S.; deleting an examination late filing fee applicable to certified public accountant examinees; amending s. 473.311, F.S.; deleting a provision requiring passage of a rules examination for renewal of license as a certified public accountant; amending s. 473.313, F.S.; deleting a provision requiring passage of an examination as a condition for

reactivation of an inactive license as a certified public accountant; amending s. 475.175, F.S.; deleting the option to submit a notarized application for a real estate broker or sales associate license; amending s. 475.451, F.S.; limiting the attorney exemption from continuing education requirements to attorneys in good standing with The Florida Bar; amending s. 475.615, F.S.; deleting a requirement that an application for a real estate appraiser certification be notarized; amending ss. 476.134 and 476.144, F.S.; requiring a written examination for a barbering license; deleting provisions for a practical examination for barbering license applicants; amending s. 477.026, F.S.; increasing maximum fees for cosmetology licenses; amending ss. 481.215 and 481.313, F.S.; deleting provisions requiring architect, interior designer, and landscape architect licensees to complete a certain core curriculum or pass an equivalency test of the Florida Building Code Compliance and Mitigation Program; amending s. 481.229, F.S.; exempting certain persons or entities engaged in the manufacture, sale, or installation of commercial food service equipment from provisions regulating architecture and interior design under certain circumstances; amending s. 489.103, F.S.; revising a disclosure statement that a local permitting agency must provide to property owners who apply for building permits and claim certain exemptions from provisions regulating construction contracting; amending s. 489.105, F.S.; revising the term "specialty contractor" to require that the scope of work and responsibility of a specialty contractor be established in a category of construction contracting adopted by rule of the Construction Industry Licensing Board; amending s. 489.109, F.S.; increasing maximum fees for construction contractor certifications; establishing fees for registration or certification to qualify a business organization for contracting; deleting provisions relating to a business organization's certificate of authority to conform to changes made by the act; amending s. 489.114, F.S.; deleting provisions relating to a business organization's certificate of authority to conform to changes made by the act; amending s. 489.115, F.S.; deleting provisions requiring construction contractor certificateholders and registrants to complete a certain core curriculum or pass an equivalency test of the Florida Building Code Compliance and Mitigation Program; amending s. 489.117, F.S.; revising requirements for the registration of certain contractors; deleting provisions requiring a contractor applicant to submit proof of a local occupational license; specifying circumstances under which a specialty contractor holding a local license is not required to register with the board; deleting provisions for the issuance of tracking registrations to certain contractors who are not eligible for registration as specialty contractors; limiting the licensing and disciplinary actions that local jurisdictions must report to the board to certain actions of registered contractors; deleting provisions requiring the board to establish uniform job scopes for any construction contracting license category; amending s. 489.119, F.S.; deleting provisions for the issuance of a certificate of authority to a business organization for contracting; requiring a contractor to apply for registration or certification to qualify a business organization as the

qualifying agent; authorizing the board to deny a registration or certification to qualify a business organization under certain circumstances; providing application procedures and requirements for the issuance of a business tax receipt to a business organization; deleting provisions for the issuance of an occupational license to a business organization; authorizing a local government to impose fines against certified or registered contractors under certain circumstances; requiring the qualifying agent of a business organization to present certain evidence to the board; providing that the board has discretion to approve a business organization; amending s. 489.127, F.S.; deleting provisions relating to a business organization's certificate of authority for contracting to conform to changes made by the act; amending s. 489.128, F.S.; revising the circumstances under which a person is considered an unlicensed contractor; deleting provisions relating to a business organization's certificate of authority for contracting to conform to changes made by the act; amending ss. 489.129 and 489.132, F.S.; deleting provisions relating to a business organization's certificate of authority for contracting to conform to changes made by the act; amending s. 489.1455, F.S.; deleting provisions requiring certain journeymen licensees to complete a certain core curriculum or pass an equivalency test of the Florida Building Code Compliance and Mitigation Program; amending s. 489.505, F.S.; revising the term "specialty contractor" to require that the scope of practice of a specialty contractor be established in a category of electrical or alarm system contracting adopted by rule of the Electrical Contractors' Licensing Board; amending s. 489.513, F.S.; deleting a requirement that the local license required for an electrical or alarm system contractor be an occupational license; limiting the licensing and disciplinary actions that local jurisdictions must report to the board to certain actions of registered contractors; deleting provisions requiring the board to establish uniform job scopes for any electrical and alarm system contracting license category; amending s. 489.516, F.S.; authorizing local officials to require a contractor to obtain a business tax receipt; deleting provisions requiring a contractor to pay an occupational license fee; amending s. 489.517, F.S.; deleting provisions requiring electrical and alarm system contractor certificateholders and registrants to complete a certain core curriculum or pass an equivalency test of the Florida Building Code Compliance and Mitigation Program; amending s. 489.521, F.S.; providing application procedures and requirements for the issuance of a business tax receipt to a business organization; deleting provisions for the issuance of an occupational license to a business organization; amending s. 489.5315, F.S.; specifying that certain electrical or alarm system contractors are not required to obtain a business tax receipt; deleting a provision exempting certain contractors from requirements for an occupational license to conform to changes made by the act; amending s. 489.532, F.S.; revising the circumstances under which a person is considered an unlicensed electrical or alarm system contractor; amending s. 489.537, F.S.; authorizing a county or municipality to collect fees for business tax receipts from electrical and alarm system contractors; deleting a

provision authorizing the collection of occupational license fees; amending s. 509.233, F.S.; authorizing local governments to establish, by ordinance, local exemption procedures to allow patrons' dogs within certain designated outdoor portions of public food service establishments; deleting provisions for a pilot program that limits the authority for such local exemption procedures to a specified time; deleting a provision that provides for the future review and repeal of such pilot program; amending s. 509.302, F.S.; defining the term "hospitality industry"; revising the purpose of the program to focus on certain training and transition programs; requiring a statewide nonprofit organization that receives the program's grant funding to represent a hospitality industry in the state; requiring the Division of Hotels and Restaurants of the Department of Business and Professional Regulation to use a portion of certain annual licenses fees for programs directed to careers in the restaurant industry and a portion of the fees for programs directed to careers in the lodging industry; authorizing the division to use a portion of the fees for administration of the program; deleting provisions related to the allocation of the funds to various programs; revising the criteria for the award of grants to conform to changes made by the act; removing an expired provision that authorized administrative fines to be used for the program; amending s. 548.002, F.S.; defining the term "event" for regulation of pugilistic exhibitions; amending s. 548.003, F.S.; authorizing the Florida State Boxing Commission to adopt criteria for the approval of certain amateur sanctioning organizations; authorizing the commission to adopt health and safety standards for amateur mixed martial arts; reenacting ss. 468.436(2)(a), 468.832(1)(a), 468.842(1)(a), 471.033(1)(a), 472.033(1)(a), 473.323(1)(a), 475.25(1)(a), 475.624(1), 476.204(1)(h), 477.029(1)(h), 481.225(1)(a), and 481.325(1)(a), F.S., relating to the discipline of community association managers or firms, home inspectors, mold assessors and remediators, engineers, surveyors and mappers, certified public accountants and accounting firms, real estate brokers and sales associates, real estate appraisers, barbers, cosmetologists, architects, and landscape architects, to incorporate the amendment made to s. 455.227, F.S., in references thereto; amending s. 20.165, F.S.; creating the Division of Service Operations of the department; amending s. 455.217, F.S.; conforming provisions and transferring to the Division of Service Operations from the Division of Technology certain responsibilities related to examinations; revising certain requirements for the department concerning the use of outside vendors for the development, preparation, and evaluation of examinations; amending s. 471.003, F.S.; revises the types of construction projects for which certain contractors are exempt from licensure as an engineer; requiring that the Office of Program Policy Analysis and Government Accountability perform a study and make certain recommendations to the Legislature by a specified date regarding the enactment of laws to provide for protection and remedies from certain online poker activities; providing for retroactive application; repealing s. 509.201, F.S., relating to posting and advertising the room rates of a public lodging establishment and related penalties; providing effective dates.

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

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

455.213 General licensing provisions.—

(1) Any person desiring to be licensed shall apply to the department in writing. The application for licensure shall be submitted ~~made~~ on a form ~~prescribed prepared and furnished~~ by the department and must include the applicant's social security number. Notwithstanding any other provision of law, the department is the sole authority for determining the contents of any documents to be submitted for initial licensure and licensure renewal. Such documents may contain information including, as appropriate: demographics, education, work history, personal background, criminal history, finances, business information, complaints, inspections, investigations, discipline, bonding, ~~signature notarization~~, photographs, performance periods, reciprocity, local government approvals, supporting documentation, periodic reporting requirements, fingerprint requirements, continuing education requirements, and ongoing education monitoring. The application shall be supplemented as needed to reflect any material change in any circumstance or condition stated in the application which takes place between the initial filing of the application and the final grant or denial of the license and which might affect the decision of the department. In order to further the economic development goals of the state, and notwithstanding any law to the contrary, the department may enter into an agreement with the county tax collector for the purpose of appointing the county tax collector as the department's agent to accept applications for licenses and applications for renewals of licenses. The agreement must specify the time within which the tax collector must forward any applications and accompanying application fees to the department. In cases where a person applies or schedules directly with a national examination organization or examination vendor to take an examination required for licensure, any organization- or vendor-related fees associated with the examination may be paid directly to the organization or vendor. An application is received for purposes of s. 120.60 upon the department's receipt of the application submitted in the format prescribed by the department; the application fee set by the board or, if there is no board, set by the department; and any other fee required by law or rule to be remitted with the application.

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

455.227 Grounds for discipline; penalties; enforcement.—

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

(t) Failing to report in writing to the board or, if there is no board, to the department within 30 days after the licensee is convicted or found guilty of, or entered a plea of nolo contendere or guilty to, regardless of adjudication, a crime in any jurisdiction. A licensee must report a conviction, finding of

guilt, plea, or adjudication entered before the effective date of this paragraph within 30 days after the effective date of this paragraph.

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

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

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

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

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

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

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

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

468.403 License requirements.—

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

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

468.409 Records required to be kept.—Each talent agency shall keep on file the application, registration, or contract of each artist. In addition, such file must include the name and address of each artist, the amount of the

compensation received, and all attempts to procure engagements for the artist. No such agency or employee thereof shall knowingly make any false entry in applicant files or receipt files. Each card or document in such files shall be preserved for a period of 1 year after the date of the last entry thereon. Records required under this section shall be readily available for inspection by the department during reasonable business hours at the talent agency's principal office. A talent agency must provide the department with true copies of the records in the manner prescribed by the department.

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

468.410 Prohibition against registration fees; referral.—

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

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

468.412 Talent agency regulations; prohibited acts.—

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

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

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

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

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

468.413 Legal requirements; penalties.—

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

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

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

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

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

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

468.627 Application; examination; renewal; fees.—

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

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

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

board when design documents are submitted for building construction permits by persons who are not in compliance with this section. The board shall take appropriate action as provided by its rules when such noncompliance is determined to exist.

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

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

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

473.311 Renewal of license.—

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

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

473.313 Inactive status.—

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

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

475.175 Examinations.—

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

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

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

475.451 Schools teaching real estate practice.—

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

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

475.615 Qualifications for registration or certification.—

(5) At the time of filing an ~~a notarized~~ application for registration or certification, the applicant must sign a pledge to comply with the Uniform

Standards of Professional Appraisal Practice upon registration or certification and must indicate in writing that she or he understands the types of misconduct for which disciplinary proceedings may be initiated. The application shall expire 1 year after the date received.

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

476.134 Examinations.—

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

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

476.144 Licensure.—

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

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

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

Section 21. Paragraph (a) of subsection (1) of section 477.026, Florida Statutes, is amended to read:

477.026 Fees; disposition.—

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

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

Section 22. Subsection (6) of section 481.215, Florida Statutes, is renumbered as subsection (5), and present subsection (5) of that section is amended to read:

481.215 Renewal of license.—

(5) ~~Each licensee shall provide to the board proof of completion of the core curriculum courses, or passing the equivalency test of the Building Code~~

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

Section 23. Subsection (6) of section 481.313, Florida Statutes, is renumbered as subsection (5), and present subsection (5) of that section is amended to read:

481.313 Renewal of license.—

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

Section 24. Subsection (8) is added to section 481.229, Florida Statutes, to read:

481.229 Exceptions; exemptions from licensure.—

(8) A manufacturer of commercial food service equipment or the manufacturer's representative, distributor, or dealer or an employee thereof, who prepares designs, specifications, or layouts for the sale or installation of such equipment is exempt from licensure as an architect or interior designer, if:

(a) The designs, specifications, or layouts are not used for construction or installation that may affect structural, mechanical, plumbing, heating, air conditioning, ventilating, electrical, or vertical transportation systems.

(b) The designs, specifications, or layouts do not materially affect life-safety systems pertaining to firesafety protection, smoke evacuation and compartmentalization, and emergency ingress or egress systems.

(c) Each design, specification, or layout document prepared by a person or entity exempt under this subsection contains a statement on each page of the document that the designs, specifications, or layouts are not architectural, interior design, or engineering designs, specifications, or layouts and not used for construction unless reviewed and approved by a licensed architect or engineer.

Section 25. Subsection (7) of section 489.103, Florida Statutes, is amended to read:

489.103 Exemptions.—This part does not apply to:

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

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

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

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

DISCLOSURE STATEMENT

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

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

3. I understand that, as an owner-builder, I am the responsible party of record on a permit. I understand that I may protect myself from potential financial risk by hiring a licensed contractor and having the permit filed in his or her name instead of my own name. I also under-

stand that a contractor is required by law to be licensed in Florida and to list his or her license numbers on permits and contracts.

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

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

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

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

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

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

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

11. I am aware of, and consent to, an owner-builder building permit applied for in my name and understand that I am the party legally and

financially responsible for the proposed construction activity at the following address: ...(address of property)...

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

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

Before a building permit can be issued, this disclosure statement must be completed and signed by the property owner and returned to the local permitting agency responsible for issuing the permit. A copy of the property owner's driver license, the notarized signature of the property owner, or other type of verification acceptable to the local permitting agency is required when the permit is issued.

Signature: ...(signature of property owner)...

Date: ...(date)...

~~State law requires construction to be done by licensed contractors. You have applied for a permit under an exemption to that law. The exemption allows you, as the owner of your property, to act as your own contractor with certain restrictions even though you do not have a license. You must provide direct, onsite supervision of the construction yourself. You may build or improve a one-family or two-family residence or a farm outbuilding. You may also build or improve a commercial building, provided your costs do not exceed \$75,000. The building or residence must be for your own use or occupancy. It may not be built or substantially improved for sale or lease. If you sell or lease a building you have built or substantially improved yourself within 1 year after the construction is complete, the law will presume that you built or substantially improved it for sale or lease, which is a violation of this exemption. You may not hire an unlicensed person to act as your contractor or to supervise people working on your building. It is your responsibility to make sure that people employed by you have licenses required by state law and by county or municipal licensing ordinances. You may not delegate the responsibility for supervising work to a licensed contractor who is not licensed to perform the work being done. Any person working on your building who is not licensed must work under your direct supervision and must be employed by you, which means that you must deduct F.I.C.A. and withholding tax and provide workers' compensation for that employee, all as pre-~~

scribed by law. Your construction must comply with all applicable laws, ordinances, building codes, and zoning regulations.

Section 26. Paragraph (q) of subsection (3) of section 489.105, Florida Statutes, is amended to read:

489.105 Definitions.—As used in this part:

(3) “Contractor” means the person who is qualified for, and shall only be responsible for, the project contracted for and means, except as exempted in this part, the person who, for compensation, undertakes to, submits a bid to, or does himself or herself or by others construct, repair, alter, remodel, add to, demolish, subtract from, or improve any building or structure, including related improvements to real estate, for others or for resale to others; and whose job scope is substantially similar to the job scope described in one of the subsequent paragraphs of this subsection. For the purposes of regulation under this part, “demolish” applies only to demolition of steel tanks over 50 feet in height; towers over 50 feet in height; other structures over 50 feet in height, other than buildings or residences over three stories tall; and buildings or residences over three stories tall. Contractors are subdivided into two divisions, Division I, consisting of those contractors defined in paragraphs (a)-(c), and Division II, consisting of those contractors defined in paragraphs (d)-(q):

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

Section 27. Paragraphs (a) and (d) of subsection (1) of section 489.109, Florida Statutes, are amended to read:

489.109 Fees.—

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

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

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

Section 28. Section 489.114, Florida Statutes, is amended to read:

489.114 Evidence of workers' compensation coverage.—Except as provided in s. 489.115(5)(d), any person, business organization, or qualifying agent engaged in the business of contracting in this state and certified or registered under this part shall, as a condition precedent to the issuance or renewal of a certificate or, registration, ~~or certificate of authority~~ of the contractor, provide to the Construction Industry Licensing Board, as provided by board rule, evidence of workers' compensation coverage pursuant to chapter 440. In the event that the Division of Workers' Compensation of the Department of Financial Services receives notice of the cancellation of a policy of workers' compensation insurance insuring a person or entity governed by this section, the Division of Workers' Compensation shall certify and identify all persons or entities by certification or registration license number to the department after verification is made by the Division of Workers' Compensation that persons or entities governed by this section are no longer covered by workers' compensation insurance. Such certification and verification by the Division of Workers' Compensation may result from records furnished to the Division of Workers' Compensation by the persons or entities governed by this section or an investigation completed by the Division of Workers' Compensation. The department shall notify the persons or entities governed by this section who have been determined to be in noncompliance with chapter 440, and the persons or entities notified shall provide certification of compliance with chapter 440 to the department and pay an administrative fine in the amount of \$500. The failure to maintain workers' compensation coverage as required by law shall be grounds for the board to revoke, suspend, or deny the issuance or renewal of a certificate or, registration, ~~or certificate of authority~~ of the contractor under the provisions of s. 489.129.

Section 29. Paragraph (b) of subsection (4) of section 489.115, Florida Statutes, is amended to read:

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

(4)

(b)1. Each certificateholder or registrant shall provide proof, in a form established by rule of the board, that the certificateholder or registrant has completed at least 14 classroom hours of at least 50 minutes each of continuing education courses during each biennium since the issuance or renewal of the certificate or registration. The board shall establish by rule that a portion of the required 14 hours must deal with the subject of workers' compensation, business practices, workplace safety, and, for applicable licensure categories, wind mitigation methodologies, and 1 hour of which must deal with laws and rules. The board shall by rule establish criteria for the approval of continuing education courses and providers, including requirements relating to the content of courses and standards for approval of providers, and may by rule establish criteria for accepting alternative non-classroom continuing education on an hour-for-hour basis. The board shall prescribe by rule the continuing education, if any, which is required during

the first biennium of initial licensure. A person who has been licensed for less than an entire biennium must not be required to complete the full 14 hours of continuing education.

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

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

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

Section 30. Paragraph (a) of subsection (1) and subsections (4) and (5) of section 489.117, Florida Statutes, are amended to read:

489.117 Registration; specialty contractors.—

(1)(a) Any person engaged in the business of a contractor as defined in s. 489.105(3)(a)-(o) must in the state shall be registered in the proper classification, unless he or she is certified. ~~Any person entering the business of a contractor shall be registered before prior to engaging in business as a contractor in this state, unless he or she is certified. To be initially registered, the applicant shall submit the required fee and file evidence, in a form provided by the department, of holding a current local occupational license required by any municipality, county, or development district, if any, for the type of work for which registration is desired and evidence of successful compliance with the local examination and licensing requirements, if any, in the area for which registration is desired. An No examination is not shall be required for registration.~~

(4)(a) A person holding a local license whose job scope does not substantially correspond to either the job scope of one of the contractor categories defined in s. 489.105(3)(a)-(o), or the job scope of one of the certified specialty

contractor categories ~~previously established by board rule as of the effective date of this provision, is~~ shall not be required to register with the board to perform contracting activities within the scope of such specialty license.

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

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

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

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

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

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

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

Section 31. Section 489.119, Florida Statutes, is amended to read:

489.119 Business organizations; qualifying agents.—

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

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

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

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

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

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

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

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

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

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

(3)(a) ~~A~~ The qualifying agent ~~must shall~~ be certified or registered under this part in order for the business organization to ~~operate~~ be issued a certificate of authority in the category of contracting in the business conducted for which the qualifying agent is certified or registered. If any qualifying agent ceases to be affiliated with a ~~such~~ business organization, he or she shall ~~so~~ inform the department. In addition, if ~~the such~~ qualifying agent is the only certified or registered contractor affiliated with the business organization, the business organization shall notify the department of the termination of the qualifying agent and shall have 60 days from the termination of the qualifying agent's affiliation with the business organization in which to employ another qualifying agent. The business organization may not engage in contracting until a qualifying agent is employed, unless the executive director or chair of the board has granted a temporary nonrenewable certificate or registration to the financially responsible officer, the president, a partner, or, in the case of a limited partnership, the general partner, who assumes all responsibilities of a primary qualifying agent for the business organization entity. This temporary certificate or registration shall only allow the business organization entity to proceed with incomplete contracts. For the purposes of this paragraph, an incomplete contract is one which has been awarded to, or entered into by, the business organization prior to the cessation of affiliation of the qualifying agent with the business organization or one on which the business organization was the low bidder and the contract is subsequently awarded, regardless of whether any actual work has commenced under the contract prior to the qualifying agent ceasing to be affiliated with the business organization.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Section 32. Subsection (1) of section 489.127, Florida Statutes, is amended to read:

489.127 Prohibitions; penalties.—

(1) No person shall:

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

(b) Falsely impersonate a certificateholder or registrant;

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

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

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

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

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

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

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

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

Section 33. Effective upon this act becoming a law, paragraph (a) of subsection (1) of section 489.128, Florida Statutes, is amended to read:

489.128 Contracts entered into by unlicensed contractors unenforceable.—

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

(a) For purposes of this section, an individual is unlicensed if the individual does not have a license required by this part concerning the scope of the

work to be performed under the contract. A business organization is unlicensed if the business organization does not have a primary or secondary qualifying agent in accordance with this part concerning the scope of the work to be performed under the contract. For purposes of this section, if a ~~no state or local~~ license is not required for the scope of work to be performed under the contract, the individual performing that work is ~~shall~~ not be considered unlicensed.

Section 34. Paragraph (b) of subsection (1) of section 489.128, Florida Statutes, is amended to read:

489.128 Contracts entered into by unlicensed contractors unenforceable.—

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

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

Section 35. Subsections (1), (5), and (7) of section 489.129, Florida Statutes, are amended to read:

489.129 Disciplinary proceedings.—

(1) The board may take any of the following actions against any certificateholder or registrant: place on probation or reprimand the licensee, revoke, suspend, or deny the issuance or renewal of the certificate or, registration, ~~or certificate of authority~~, require financial restitution to a consumer for financial harm directly related to a violation of a provision of this part, impose an administrative fine not to exceed \$10,000 per violation, require continuing education, or assess costs associated with investigation and prosecution, if the contractor, financially responsible officer, or business organization for which the contractor is a primary qualifying agent, a financially responsible officer, or a secondary qualifying agent responsible under s. 489.1195 is found guilty of any of the following acts:

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

(b) Being convicted or found guilty of, or entering a plea of nolo contendere to, regardless of adjudication, a crime in any jurisdiction which

directly relates to the practice of contracting or the ability to practice contracting.

(c) Violating any provision of chapter 455.

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

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

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

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

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

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

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

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

- (i) Failing in any material respect to comply with the provisions of this part or violating a rule or lawful order of the board.
- (j) Abandoning a construction project in which the contractor is engaged or under contract as a contractor. A project may be presumed abandoned after 90 days if the contractor terminates the project without just cause or without proper notification to the owner, including the reason for termination, or fails to perform work without just cause for 90 consecutive days.
- (k) Signing a statement with respect to a project or contract falsely indicating that the work is bonded; falsely indicating that payment has been made for all subcontracted work, labor, and materials which results in a financial loss to the owner, purchaser, or contractor; or falsely indicating that workers' compensation and public liability insurance are provided.
- (l) Committing fraud or deceit in the practice of contracting.
- (m) Committing incompetency or misconduct in the practice of contracting.
- (n) Committing gross negligence, repeated negligence, or negligence resulting in a significant danger to life or property.
- (o) Proceeding on any job without obtaining applicable local building department permits and inspections.
- (p) Intimidating, threatening, coercing, or otherwise discouraging the service of a notice to owner under part I of chapter 713 or a notice to contractor under chapter 255 or part I of chapter 713.
- (q) Failing to satisfy within a reasonable time, the terms of a civil judgment obtained against the licensee, or the business organization qualified by the licensee, relating to the practice of the licensee's profession.

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

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

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

Section 36. Subsection (5) of section 489.132, Florida Statutes, is amended to read:

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

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

Section 37. Subsection (1) of section 489.1455, Florida Statutes, is amended to read:

489.1455 Journeyman; reciprocity; standards.—

(1) An individual who holds a valid, active journeyman license in the plumbing/pipe fitting, mechanical, or HVAC trades issued by any county or municipality in this state may work as a journeyman in the trade in which he or she is licensed in any county or municipality of this state without taking an additional examination or paying an additional license fee, if he or she:

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

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

(c) Has satisfactorily completed specialized and advanced module coursework approved by the Florida Building Commission, as part of the Building Code Training Program established in s. 553.841, specific to the discipline, ~~and successfully completed the program's core curriculum courses or passed an equivalency test in lieu of taking the core curriculum courses and provided proof of completion of such curriculum courses or examination and obtained a certificate from the board pursuant to this part or, pursuant to~~

authorization by the certifying authority, provides proof of completion of such ~~curriculum~~ or coursework within 6 months after such certification; and

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

Section 38. Subsection (19) of section 489.505, Florida Statutes, is amended to read:

489.505 Definitions.—As used in this part:

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

Section 39. Subsections (5), (6), and (7) of section 489.513, Florida Statutes, are amended to read:

489.513 Registration; application; requirements.—

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

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

(a) Licensure information,⁷

(b) Code violation information pursuant to s. 553.781,⁷ ~~and~~

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

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

~~(7) In order to establish uniformity among the job scopes established by local jurisdictions, the board shall, by rule, establish the job scope for any~~

licensure category registered by the board under this part. The board shall not arbitrarily limit such scopes and shall restrict the job scopes only to the minimum extent necessary to ensure uniformity.

Section 40. Subsection (3) of section 489.516, Florida Statutes, is amended to read:

489.516 Qualifications to practice; restrictions; prerequisites.—

(3) When a certificateholder desires to engage in contracting in any area of the state, as a prerequisite therefor, he or she shall only be required to exhibit to the local building official, tax collector, or other authorized person in charge of the issuance of licenses and building or electrical permits in the area evidence of holding a current certificate and a current business tax receipt issued by the jurisdiction in which the certificateholder's principal place of business is located, and having paid to pay the fee for the ~~occupational license and permit~~ required of other persons. However, a local construction regulation board may deny the issuance of an electrical permit to a certified contractor, or issue a permit with specific conditions, if the local construction regulation board has found such contractor, through the public hearing process, to be guilty of fraud or a willful building code violation within the county or municipality that the local construction regulation board represents, or if the local construction regulation board has proof that such contractor, through the public hearing process, has been found guilty, in another county or municipality within the past 12 months, of fraud or a willful building code violation and finds, after providing notice to the contractor, that such fraud or violation would have been fraud or a violation if committed in the county or municipality that the local construction board represents. Notification of and information concerning such permit denial shall be submitted to the Department of Business and Professional Regulation within 15 days after the local construction regulation board decides to deny the permit.

Section 41. Subsection (3) of section 489.517, Florida Statutes, is amended to read:

489.517 Renewal of certificate or registration; continuing education.—

(3)(a) Each certificateholder or registrant shall provide proof, in a form established by rule of the board, that the certificateholder or registrant has completed at least 14 classroom hours of at least 50 minutes each of continuing education courses during each biennium since the issuance or renewal of the certificate or registration. The board shall by rule establish criteria for the approval of continuing education courses and providers and may by rule establish criteria for accepting alternative nonclassroom continuing education on an hour-for-hour basis.

~~(b) Each certificateholder or registrant shall provide to the board proof of completion of the core curriculum courses or passing the equivalency test of the Building Code Training Program established under s. 553.841, specific to the licensing category sought, within 2 years after commencement of the program or of initial certification or registration, whichever is later. Classroom hours spent taking core curriculum courses shall count toward~~

the number required for renewal of certificate or registration. A certificate-holder or registrant who passes the equivalency test in lieu of taking the core curriculum courses shall receive full credit for core curriculum course hours.

Section 42. Subsection (6) of section 489.521, Florida Statutes, is amended to read:

489.521 Business organizations; qualifying agents.—

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

Section 43. Section 489.5315, Florida Statutes, is amended to read:

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

Section 44. Effective upon this act becoming a law, paragraph (a) of subsection (1) of section 489.532, Florida Statutes, is amended to read:

489.532 Contracts entered into by unlicensed contractors unenforceable.—

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

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

Section 45. Paragraph (b) of subsection (3) of section 489.537, Florida Statutes, is amended to read:

489.537 Application of this part.—

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

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

Section 46. Section 509.233, Florida Statutes, is amended to read:

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

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

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

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

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

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

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

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

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

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

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

3. A diagram and description of the outdoor area to be designated as available to patrons' dogs, including dimensions of the designated area; a depiction of the number and placement of tables, chairs, and restaurant equipment, if any; the entryways and exits to the designated outdoor area; the boundaries of the designated area and of other areas of outdoor dining not available for patrons' dogs; any fences or other barriers; surrounding property lines and public rights-of-way, including sidewalks and common pathways; and such other information reasonably required by the permitting authority. The diagram or plan shall be accurate and to scale but need not be prepared by a licensed design professional.

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

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

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

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

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

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

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

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

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

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

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

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

11. Dogs shall not be permitted to travel through indoor or non-designated outdoor portions of the public food service establishment, and ingress and egress to the designated outdoor portions of the public food service establishment must not require entrance into or passage through any indoor area of the food establishment.

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

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

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

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

Section 47. Section 509.302, Florida Statutes, is amended to read:

509.302 Hospitality Education Program.—

(1)(a) The division shall administer an educational program, designated the “Hospitality Education Program,” offered for the benefit of the hospitality restaurant and lodging industries of this state. As used in this section, the term “hospitality industry” means the restaurant industry or the lodging industry.

~~(b) The This~~ program may affiliate with Florida State University, Florida International University, and the University of Central Florida. The program may also affiliate with any other member of the State University System or Florida Community College System, or with any privately funded college or university, which offers a program of hospitality administration and management.

~~(c) The purpose primary goal of the this program is to provide, support, and enhance instruct and train all individuals and businesses licensed under this chapter, in cooperation with recognized associations that represent the licensees, in the application of state and federal laws and rules. Such programs shall also include:~~

~~(a) Management training.~~

~~(b) Inservice continuing education programs.~~

~~(c) Awareness of food recovery programs, as promoted in s. 570.0725.~~

~~(d) Enhancement of school-to-career training and transition programs for students interested in pursuing careers in a hospitality the food service or lodging industry.~~

~~(d) The training and transition programs shall be funded provided through the public school system using a nationally recognized curriculum approved by the division, with the enhancements funded under this section provided by grants to one or more from nonprofit statewide organizations that represent a in the hospitality industry of this state. The training and transition programs shall be delivered through the public school system using a nationally recognized curriculum approved by the division. The division shall administer the services field, and the application process for the grants shall be administered by the division.~~

~~(e) Such other programs as may be deemed appropriate by the director and the advisory council.~~

(2)(a) All public lodging establishments and all public food service establishments licensed under this chapter shall pay an annual fee of no more than \$10, which shall be included in the annual license fee and used for the sole purpose of funding the Hospitality Education Program.

~~(b) The division shall use at least 68 percent of the funds collected under paragraph (a) for programs directed to careers in the restaurant industry and at least 14 percent of the funds for programs directed to careers in the lodging industry. If the division does not receive a sufficient number of grant applications, which are submitted timely and comply with the division's requirements, to use all of the funds reserved for programs directed to careers in one of the industries, the division may use the remaining funds for programs directed to careers in the other industry.~~

~~(c) The division may use up to 10 percent of the funds collected under paragraph (a) for administration of the program.~~

(3) Notwithstanding any other provision of law to the contrary, grant funding under this section ~~for the services described in paragraph (1)(d)~~ shall include all expenses related incident to providing the programs ~~those services~~, including the cost of staff support; student scholarships; compensation to program instructors for time spent in relevant training; special events or competitive events; and a reasonable stipend for travel, lodging, and meals for instructors and students participating in training or in related special events. All of an applicant's such expenses must shall be consistent in accordance with the budget submitted by the applicant in the grant application and approved by the division. The expenditure of all funds distributed under this section is shall be subject to audit by the division.

(4) The director shall develop ~~formulate~~ an annual budget, programs, and activities to accomplish the purposes of this section, in accordance with and subject to the advice and recommendations of the advisory council.

(a) The annual budget of the Hospitality Education Program must show that the total fees estimated to be collected during the next fiscal year under this section will be dedicated solely to the estimated cost of funding the Hospitality Education Program, less any trust fund service charge imposed by s. 215.20. If the estimated cost of funding the Hospitality Education Program in any fiscal year is less than the total fees estimated to be collected during that year, the director shall submit a report to the advisory council demonstrating why the amount of the such fee should not be immediately reduced to eliminate the projected surplus. The director shall also submit this report to the Secretary of Business and Professional Regulation as part of the division's annual budget request.

(b) Both the secretary's legislative budget requests submitted under pursuant to ss. 216.023 and 216.031 and the Governor's recommended budget submitted under pursuant to s. 216.163 must also show that the total fees estimated to be collected during the next fiscal year under this section will be dedicated solely to funding the Hospitality Education Program, less any trust fund service charge imposed by s. 215.20. If the estimated cost of funding the Hospitality Education Program in any fiscal year is less than the total fees estimated to be collected during that year, the secretary shall submit a report demonstrating why the amount of the such fee should not be immediately reduced to eliminate the projected surplus.

~~(5) The director, with the consent of the advisory council, may designate funds, not to exceed \$250,000 annually, to support school-to-career transition programs available through statewide organizations in the hospitality services field. Such programs shall be designed to prepare students for progressive careers in the hospitality industry. The director, with the consent of the advisory council, may also designate funds, not to exceed \$50,000 annually, to support food safety training programs available through statewide organizations in the hospitality services field, and not to exceed \$50,000 annually, to support nontransient public lodging training programs available through statewide organizations in the public lodging services field.~~

~~(5)(6)~~ The director shall supervise ~~have supervision over~~ the administration of the programs set forth in this section ~~subsection~~ and shall report the

status of the programs at all meetings of the advisory council and at such other times as are prescribed by the advisory council.

~~(6)~~(7) The division shall adopt rules providing the criteria for grant approval and the procedures for processing grant applications. The criteria and procedures must ~~shall~~ be approved by the advisory council. The criteria shall give primary consideration to the experience and history of the applicant in representing a hospitality ~~the food service or lodging~~ industry in the state, the applicant's prior commitment to school-to-career transition programs in a hospitality ~~the food service or lodging~~ industry, and the applicant's demonstrated ability to provide services statewide with industry support and participation. Grants awarded under this section shall be for a term of 4 years, with funding provided on an annual basis.

~~(8) Revenue from administrative fines may be used to support this section. This subsection expires July 1, 2008.~~

Section 48. Subsections (8) through (22) of section 548.002, Florida Statutes, are renumbered as subsections (9) through (23), respectively, and a new subsection (8) is added to that section, to read:

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

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

Section 49. Paragraph (k) of subsection (2) of section 548.003, Florida Statutes, is amended to read:

548.003 Florida State Boxing Commission.—

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

(k) Establishment of criteria for approval, disapproval, suspension of approval, and revocation of approval of amateur sanctioning organizations for amateur boxing, and kickboxing, and mixed martial arts matches held in this state, including, but not limited to, the health and safety standards the organizations use before, during, and after the matches to ensure the health, safety, and well-being of the amateurs participating in the matches, including the qualifications and numbers of health care personnel required to be present, the qualifications required for referees, and other requirements relating to the health, safety, and well-being of the amateurs participating in the matches. The commission may adopt by rule, or incorporate by reference into rule, the health and safety standards of USA Boxing as the minimum health and safety standards for an amateur boxing sanctioning organization, and the health and safety standards of the International Sport Kickboxing Association as the minimum health and safety standards for an amateur kickboxing sanctioning organization, and the minimum health and safety standards for an amateur mixed martial arts sanctioning organization. The commission shall review its rules for necessary revision at least

every 2 years and may adopt by rule, or incorporate by reference into rule, the then-existing current health and safety standards of USA Boxing and the International Sport Kickboxing Association. The commission may adopt emergency rules to administer this paragraph.

Section 50. For the purpose of incorporating the amendment made by this act to subsection (1) of section 455.227, Florida Statutes, in a reference thereto, paragraph (a) of subsection (2) of section 468.436, Florida Statutes, is reenacted to read:

468.436 Disciplinary proceedings.—

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

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

Section 51. For the purpose of incorporating the amendment made by this act to subsection (1) of section 455.227, Florida Statutes, in a reference thereto, paragraph (a) of subsection (1) of section 468.832, Florida Statutes, is reenacted to read:

468.832 Disciplinary proceedings.—

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

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

Section 52. For the purpose of incorporating the amendment made by this act to subsection (1) of section 455.227, Florida Statutes, in a reference thereto, paragraph (a) of subsection (1) of section 468.842, Florida Statutes, is reenacted to read:

468.842 Disciplinary proceedings.—

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

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

Section 53. For the purpose of incorporating the amendment made by this act to subsection (1) of section 455.227, Florida Statutes, in a reference thereto, paragraph (a) of subsection (1) of section 471.033, Florida Statutes, is reenacted to read:

471.033 Disciplinary proceedings.—

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

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

Section 54. For the purpose of incorporating the amendment made by this act to section (1) of section 455.227, Florida Statutes, in a reference thereto, paragraph (a) of subsection (1) of section 472.033, Florida Statutes, is reenacted to read:

472.033 Disciplinary proceedings.—

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

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

Section 55. For the purpose of incorporating the amendment made by this act to subsection (1) of section 455.227, Florida Statutes, in a reference thereto, paragraph (a) of subsection (1) of section 473.323, Florida Statutes, is reenacted to read:

473.323 Disciplinary proceedings.—

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

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

Section 56. For the purpose of incorporating the amendment made by this act to subsection (1) of section 455.227, Florida Statutes, in a reference thereto, paragraph (a) of subsection (1) of section 475.25, Florida Statutes, is reenacted to read:

475.25 Discipline.—

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

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

Section 57. For the purpose of incorporating the amendment made by this act to subsection (1) of section 455.227, Florida Statutes, in a reference thereto, subsection (1) of section 475.624, Florida Statutes, is reenacted to read:

475.624 Discipline.—The board may deny an application for registration or certification; may investigate the actions of any appraiser registered, licensed, or certified under this part; may reprimand or impose an administrative fine not to exceed \$5,000 for each count or separate offense against any such appraiser; and may revoke or suspend, for a period not to exceed 10 years, the registration, license, or certification of any such appraiser, or

place any such appraiser on probation, if it finds that the registered trainee, licensee, or certificateholder:

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

Section 58. For the purpose of incorporating the amendment made by this act to subsection (1) of section 455.227, Florida Statutes, in a reference thereto, paragraph (h) of subsection (1) of section 476.204, Florida Statutes, is reenacted to read:

476.204 Penalties.—

(1) It is unlawful for any person to:

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

Section 59. For the purpose of incorporating the amendment made by this act to subsection (1) of section 455.227, Florida Statutes, in a reference thereto, paragraph (h) of subsection (1) of section 477.029, Florida Statutes, is reenacted to read:

477.029 Penalty.—

(1) It is unlawful for any person to:

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

Section 60. For the purpose of incorporating the amendment made by this act to subsection (1) of section 455.227, Florida Statutes, in a reference thereto, paragraph (a) of subsection (1) of section 481.225, Florida Statutes, is reenacted to read:

481.225 Disciplinary proceedings against registered architects.—

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

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

Section 61. For the purpose of incorporating the amendment made by this act to subsection (1) of section 455.227, Florida Statutes, in a reference thereto, paragraph (a) of subsection (1) of section 481.325, Florida Statutes, is reenacted to read:

481.325 Disciplinary proceedings.—

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

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

Section 62. Paragraph (k) is added to subsection (2) of section 20.165, Florida Statutes, to read:

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

(2) The following divisions of the Department of Business and Professional Regulation are established:

(k) Division of Service Operations.

Section 63. Paragraph (a) of subsection (1) of section 455.217, Florida Statutes, is amended to read:

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

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

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

Section 64. Paragraph (h) of subsection (2) of section 471.003, Florida Statutes, is amended to read:

471.003 Qualifications for practice; exemptions.—

(2) The following persons are not required to be licensed under the provisions of this chapter as a licensed engineer:

(h) Any electrical, plumbing, air-conditioning, or mechanical contractor whose practice includes the design and fabrication of electrical, plumbing, air-conditioning, or mechanical systems, respectively, which she or he installs by virtue of a license issued under chapter 489, under part I of chapter 553, or under any special act or ordinance when working on any construction project which:

1. Requires an electrical or plumbing or air-conditioning and refrigeration system with a value of \$125,000 ~~\$50,000~~ or less; and

2.a. Requires an aggregate service capacity of 600 amperes (240 volts) or less on a residential electrical system or 800 amperes (240 volts) or less on a commercial or industrial electrical system;

b. Requires a plumbing system with fewer than 250 fixture units; or

c. Requires a heating, ventilation, and air-conditioning system not to exceed a 15-ton-per-system capacity, or if the project is designed to accommodate 100 or fewer persons.

Section 65. The Office of Program Policy Analysis and Government Accountability shall perform a study and make recommendations to the Legislature by December 1, 2009, regarding the enactment of laws to provide for protection and remedies from existing and unregulated online poker activities, which currently lack oversight and consumer protection under s. 849.086, Florida Statutes.

Section 66. Effective upon this act becoming a law, the amendments made by this act to ss. 489.128(1)(a) and 489.532(1)(a), Florida Statutes, shall apply retroactively to contracts entered into on or after October 1, 2000, and shall apply retroactively to all actions pending when this act becomes a law.

Section 67. Section 509.201, Florida Statutes, is repealed.

Section 68. Except as otherwise expressly provided in this act, this act shall take effect October 1, 2009.

Approved by the Governor June 16, 2009.

Filed in Office Secretary of State June 16, 2009.