

## CHAPTER 2010-106

### Council Substitute for Committee Substitute for Committee Substitute for House Bill No. 713

An act relating to the Department of Business and Professional Regulation; amending s. 20.165, F.S.; assigning certain programs to regulation by the department's Division of Professions; amending ss. 215.37 and 455.017, F.S.; specifying that the department is responsible for the regulation of certain professions; amending s. 322.142, F.S.; authorizing the Department of Highway Safety and Motor Vehicles to issue reproductions of driver's licenses to the Department Business and Professional Regulation pursuant to an interagency agreement for a specified purpose; amending s. 455.02, F.S.; authorizing the temporary professional licensure of the spouses of active duty members of the United States Armed Forces under certain circumstances; providing application requirements; requiring criminal history checks and fees; creating s. 455.2122, F.S.; authorizing distance learning courses to satisfy certain licensing education requirements for community association managers and real estate brokers and sales associates; prohibiting requirements for centralized examinations to complete such education requirements; amending s. 455.2123, F.S.; authorizing distance learning courses to satisfy certain continuing education requirements for community association managers, home inspectors, mold assessors and remediators, and real estate brokers, sales associates, and appraisers; prohibiting requirements for centralized examinations to complete such education requirements; amending s. 455.213, F.S.; requiring a licensee to surrender his or her license under certain circumstances; amending s. 455.217, F.S.; revising the departmental unit responsible for administration of certain examinations; limiting an applicant's review of failed examination questions; amending s. 455.2175, F.S.; prohibiting an examinee whose examination materials are confiscated from taking another examination under certain circumstances; repealing s. 455.2226, F.S., relating to continuing education courses on HIV and AIDS required for licensees and certificateholders under the Florida Funeral, Cemetery, and Consumer Services Act; amending s. 455.227, F.S.; revising grounds for the discipline of professional licensees; providing penalties; amending s. 455.228, F.S.; revising terminology for cease and desist notices; amending s. 455.275, F.S.; providing for the service of administrative complaints on certain licensees and publication of certain notices; amending s. 468.83, F.S.; creating the home inspection services licensing program within the department; amending s. 468.8311, F.S.; revising the definition of the term "home inspection services" for purposes of provisions regulating home inspectors; amending s. 468.8312, F.S.; deleting limits on fees for certificates of authorization to conform to changes made by the act; amending s. 468.8313, F.S.; requiring home inspector license applicants to satisfy certain examination requirements before application for licensure; requiring criminal history checks and fees; amending s. 468.8318, F.S.; deleting requirements for certificates of

authorization for corporations or partnerships offering home inspection services; amending s. 468.8319, F.S.; prohibiting certain acts relating to home inspection services; delaying implementation of certain prohibited acts; providing penalties; providing an exemption for certain certified contractors; authorizing the department to require certain disclosures on contracts for home repairs performed by such contractors; exempting from punishment certain unlicensed activity occurring before a specified date; amending s. 468.832, F.S.; providing an additional ground for discipline of licensed home inspectors; amending s. 468.8324, F.S.; extending the time for licensure of home inspectors under certain grandfather provisions; revising the licensing criteria for such provisions; authorizing the department to investigate the validity of home inspection reports submitted for licensure under the grandfather provisions; providing penalties for the submission of false reports; creating s. 468.8325, F.S.; requiring the department to adopt rules; amending s. 468.84, F.S.; creating the mold-related services licensing program within the department; amending s. 468.8412, F.S.; deleting limits on fees for certificates of authorization to conform to changes made by the act; amending s. 468.8413, F.S.; requiring mold assessor and mold remediator license applicants to satisfy certain examination requirements before application for licensure; revising the educational requirements for licensure as a mold assessor or mold remediator; requiring criminal history checks and fees; amending s. 468.8414, F.S.; specifying that certain insurance coverage is required for licensure by endorsement; amending s. 468.8418, F.S.; deleting requirements for certificates of authorization for corporations or partnerships offering mold-related services; amending s. 468.8419, F.S.; prohibiting certain acts relating to mold assessment and remediation; delaying implementation of certain prohibited acts; providing penalties; providing exemptions for certain certified contractors; authorizing the department to require certain disclosures on contracts for mold-related services performed by such contractors; exempting from punishment certain unlicensed activity occurring before a specified date; amending s. 468.842, F.S.; providing an additional ground for discipline of licensed mold assessors and mold remediators; amending s. 468.8421, F.S.; revising insurance coverage requirements for mold assessors; amending s. 468.8423, F.S.; extending the time for licensure of mold assessors and mold remediators under certain grandfather provisions; revising the licensing criteria for such provisions; authorizing the department to investigate the validity of mold assessments and remediation invoices submitted for licensure under the grandfather provisions; providing penalties for the submission of false assessments or invoices; creating s. 468.8424, F.S.; requiring the department to adopt rules; amending s. 474.203, F.S.; revising certain exemptions from regulation of veterinary medical practice; amending s. 475.02, F.S.; authorizing certain members of the Florida Real Estate Commission to offer, conduct, and teach courses prescribed or approved by the commission or the department; amending s. 475.175, F.S.; revising the application and fingerprint requirements for real estate broker and sales associate licenses; deleting a requirement that license applicants provide fingerprints in an electronic format; amending s. 475.613, F.S.; revising

qualifications of members of the Florida Real Estate Appraisal Board; authorizing certain board members to offer, conduct, and teach courses prescribed or approved by the board or the department; amending s. 477.019, F.S.; deleting time limits for cosmetology license applicants to take the licensure examination; conforming a cross-reference; amending s. 509.211, F.S.; assigning responsibility for the regulation of carbon monoxide hazards in certain public lodging establishments to the Division of State Fire Marshal of the Department of Financial Services; creating s. 548.076, F.S.; authorizing the Department of Business and Professional Regulation to issue and enforce notices to cease and desist from violations of provisions regulating pugilistic exhibitions; providing penalties; amending s. 561.17, F.S.; revising application requirements for alcoholic beverage licenses; reenacting ss. 468.436(2)(a), 468.832(1)(a), 468.842(1)(a), 471.033(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 disciplinary proceedings for community association managers, home inspectors, mold assessors, mold remediators, engineers, certified public accountants, 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; reenacting s. 468.8314(2), F.S., relating to the licensure of home inspectors, to incorporate the amendment made to s. 468.832, F.S., in a reference thereto; providing an effective date.

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

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

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

(4)(a) The following boards and programs are established within the Division of Professions:

1. Board of Architecture and Interior Design, created under part I of chapter 481.
2. Florida Board of Auctioneers, created under part VI of chapter 468.
3. Barbers' Board, created under chapter 476.
4. Florida Building Code Administrators and Inspectors Board, created under part XII of chapter 468.
5. Construction Industry Licensing Board, created under part I of chapter 489.
6. Board of Cosmetology, created under chapter 477.

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

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

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

10. Board of Pilot Commissioners, created under chapter 310.

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

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

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

14. Home inspection services licensing program, created under part XV of chapter 468.

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

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

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

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

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

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

Section 2. Subsection (2) of section 215.37, Florida Statutes, is amended to read:

215.37 Department of Business and Professional Regulation and the boards to be financed from fees collected; deposit of funds; service charge; appropriation.—

(2) ~~The regulation by the department of professions, as defined in s. 455.01 chapter 455, by the department~~ shall be financed solely from revenue collected by it from fees and other charges and deposited in the Professional Regulation Trust Fund, and all such revenue is hereby appropriated to the department. However, it is legislative intent that each profession shall operate within its anticipated fees.

Section 3. Subsection (4) of section 322.142, Florida Statutes, is amended to read:

## 322.142 Color photographic or digital imaged licenses.—

(4) The department may maintain a film negative or print file. The department shall maintain a record of the digital image and signature of the licensees, together with other data required by the department for identification and retrieval. Reproductions from the file or digital record are exempt from the provisions of s. 119.07(1) and shall be made and issued only for departmental administrative purposes; for the issuance of duplicate licenses; in response to law enforcement agency requests; to the Department of Business and Professional Regulation pursuant to an interagency agreement for the purpose of accessing digital images for reproduction of licenses issued by the Department of Business and Professional Regulation; to the Department of State pursuant to an interagency agreement to facilitate determinations of eligibility of voter registration applicants and registered voters in accordance with ss. 98.045 and 98.075; to the Department of Revenue pursuant to an interagency agreement for use in establishing paternity and establishing, modifying, or enforcing support obligations in Title IV-D cases; to the Department of Children and Family Services pursuant to an interagency agreement to conduct protective investigations under part III of chapter 39; or to the Department of Financial Services pursuant to an interagency agreement to facilitate the location of owners of unclaimed property, the validation of unclaimed property claims, and the identification of fraudulent or false claims.

Section 4. Section 455.017, Florida Statutes, is amended to read:

455.017 Applicability of this chapter.—~~The provisions of This chapter applies apply~~ only to the regulation ~~by the department of professions by the department.~~

Section 5. Section 455.02, Florida Statutes, is amended to read:

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

(1) Any member of the Armed Forces of the United States now or hereafter on active duty who, at the time of becoming such a member, was in good standing with any administrative board of the state and was entitled to practice or engage in his or her profession or vocation in the state shall be kept in good standing by such administrative board, without registering, paying dues or fees, or performing any other act on his or her part to be performed, as long as he or she is a member of the Armed Forces of the United States on active duty and for a period of 6 months after discharge from active duty as a member of the Armed Forces of the United States, ~~if provided~~ he or she is not engaged in his or her licensed profession or vocation in the private sector for profit.

(2) The boards listed in s. 20.165 shall ~~adopt promulgate~~ rules ~~that exempt exempting~~ the ~~spouse spouses of a member members~~ of the Armed Forces of the United States from licensure renewal provisions, but only in

cases of his or her absence from the state because of his or her spouse's their spouses' duties with the Armed Forces.

(3)(a) The department may issue a temporary professional license to the spouse of an active duty member of the Armed Forces of the United States if the spouse applies to the department in the format prescribed by the department. An application must include:

1. Proof that the applicant is married to a member of the Armed Forces of the United States who is on active duty.

2. Proof that the applicant holds a valid license for the profession issued by another state, the District of Columbia, any possession or territory of the United States, or any foreign jurisdiction.

3. Proof that the applicant's spouse is assigned to a duty station in this state and that the applicant is also assigned to a duty station in this state pursuant to the member's official active duty military orders.

4. Proof that a complete set of the applicant's fingerprints are submitted to the Department of Law Enforcement for a statewide criminal history check. The Department of Law Enforcement shall forward the fingerprints to the Federal Bureau of Investigation for a national criminal history check. The department shall, and the board may, review the results of the criminal history checks according to the level 2 screening standards in s. 435.04 and determine whether the applicant meets the licensure requirements. The costs of fingerprint processing shall be borne by the applicant. If the applicant's fingerprints are submitted through an authorized agency or vendor, the agency or vendor shall collect the required processing fees and remit the fees to the Department of Law Enforcement.

(b) An application must be accompanied by an application fee prescribed by the department that is sufficient to cover the cost of issuance of the temporary license.

(c) A temporary license expires 6 months after the date of issuance and is not renewable.

Section 6. Section 455.2122, Florida Statutes, is created to read:

455.2122 Education.—A board, or the department when there is no board, shall approve distance learning courses as an alternative to classroom courses to satisfy prelicensure or postlicensure education requirements in part VIII of chapter 468 or part I of chapter 475. A board, or the department when there is no board, may not require centralized examinations for completion of prelicensure or postlicensure education requirements for professions licensed under part VIII of chapter 468 or part I of chapter 475.

Section 7. Section 455.2123, Florida Statutes, is amended to read:

455.2123 Continuing education.—A board, or the department when there is no board, may provide by rule that distance learning may be used to satisfy continuing education requirements. A board, or the department when there is no board, shall approve distance learning courses as an alternative to classroom courses to satisfy continuing education requirements in part VIII, part XV, or part XVI of chapter 468 or part I or part II of chapter 475 and may not require centralized examinations for completion of continuing education requirements for the professions licensed under part VIII, part XV, or part XVI of chapter 468 or part I or part II of chapter 475.

Section 8. Subsection (2) of section 455.213, Florida Statutes, is amended to read:

455.213 General licensing provisions.—

(2) Before the issuance of any license, the department may charge an initial license fee as determined by rule of the applicable board or, if no such board exists, by rule of the department. Upon receipt of the appropriate license fee, except as provided in subsection (3), the department shall issue a license to any person certified by the appropriate board, or its designee, or the department when there is no board, as having met the applicable requirements imposed by law or rule. However, an applicant who is not otherwise qualified for licensure is not entitled to licensure solely based on a passing score on a required examination. Upon a determination by the department that it erroneously issued a license, or upon the revocation of a license by the applicable board, or by the department when there is no board, the licensee must surrender his or her license to the department.

Section 9. Subsections (1) and (3) of section 455.217, Florida Statutes, are 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 ~~Professions Service Operations~~ 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, ~~the Division of Professions~~, 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 testing vendors for the development, preparation,

and evaluation of examinations, when such services are economically and viably available and approved by the department.

(b) For each examination developed by the department or contracted vendor, to the extent not otherwise specified by statute, the board or the department when there is no board, shall by rule specify the general areas of competency to be covered by the examination, the relative weight to be assigned in grading each area tested, the score necessary to achieve a passing grade, and the fees, where applicable, to cover the actual cost for any purchase, development, and administration of the required examination. However, statutory fee caps in each practice act shall apply. This subsection does not apply to national examinations approved and administered pursuant to paragraph (d).

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

(d) A board, or the department when there is no board, may approve by rule the use of any national examination which the department has certified as meeting requirements of national examinations and generally accepted testing standards pursuant to department rules. Providers of examinations, which may be either profit or nonprofit entities, seeking certification by the department shall pay the actual costs incurred by the department in making a determination regarding the certification. The department shall use any national examination which is available, certified by the department, and approved by the board. The name and number of a candidate may be provided to a national contractor for the limited purpose of preparing the grade tape and information to be returned to the board or department or, to the extent otherwise specified by rule, the candidate may apply directly to the vendor of the national examination. The department may delegate to the board the duty to provide and administer the examination. Any national examination approved by a board, or the department when there is no board, prior to October 1, 1997, is deemed certified under this paragraph. Any licensing or certification examination that is not developed or administered by the department in-house or provided as a national examination shall be competitively bid.

(e) The department shall adopt rules regarding the security and monitoring of examinations. In order to maintain the security of examinations, the department may employ the procedures set forth in s. 455.228 to seek fines and injunctive relief against an examinee who violates the provisions of s. 455.2175 or the rules adopted pursuant to this paragraph. The department, or any agent thereof, may, for the purposes of investigation, confiscate any written, photographic, or recording material or device in the

possession of the examinee at the examination site which the department deems necessary to enforce such provisions or rules.

(f) If the professional board with jurisdiction over an examination concurs, the department may, for a fee, share with any other state's licensing authority an examination developed by or for the department unless prohibited by a contract entered into by the department for development or purchase of the examination. The department, with the concurrence of the appropriate board, shall establish guidelines that ensure security of a shared exam and shall require that any other state's licensing authority comply with those guidelines. Those guidelines shall be approved by the appropriate professional board. All fees paid by the user shall be applied to the department's examination and development program for professions regulated by this chapter. All fees paid by the user for professions not regulated by this chapter shall be applied to offset the fees for the development and administration of that profession's examination. If both a written and a practical examination are given, an applicant shall be required to retake only the portion of the examination for which he or she failed to achieve a passing grade, if he or she successfully passes that portion within a reasonable time of his or her passing the other portion.

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

Section 10. Section 455.2175, Florida Statutes, is amended to read:

455.2175 Penalty for theft or reproduction of an examination.—In addition to, or in lieu of, any other discipline imposed pursuant to s. 455.227, the theft of an examination in whole or in part or the act of reproducing or copying any examination administered by the department, whether such examination is reproduced or copied in part or in whole and by any means, constitutes a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084. An examinee whose examination materials are confiscated is not permitted to take another examination until the criminal investigation reveals that the examinee did not violate this section.

Section 11. Section 455.2226, Florida Statutes, is repealed.

Section 12. Paragraph (c) of subsection (1) of section 455.227, Florida Statutes, is amended 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:

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

Section 13. Subsection (1) of section 455.228, Florida Statutes, is amended to read:

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

(1) When the department has probable cause to believe that any person not licensed by the department, or the appropriate regulatory board within the department, has violated any provision of this chapter or any statute that relates to the practice of a profession regulated by the department, or any rule adopted pursuant thereto, the department may issue and deliver to such person a notice to cease and desist from such violation. In addition, the department may issue and deliver a notice to cease and desist to any person who aids and abets the unlicensed practice of a profession by employing such unlicensed person. The issuance of a notice to cease and desist shall not constitute agency action for which a hearing under ss. 120.569 and 120.57 may be sought. For the purpose of enforcing a cease and desist ~~notice order~~, the department may file a proceeding in the name of the state seeking issuance of an injunction or a writ of mandamus against any person who violates any provisions of such ~~notice order~~. In addition to the foregoing remedies, the department may impose an administrative penalty not to exceed \$5,000 per incident pursuant to the provisions of chapter 120 or may issue a citation pursuant to the provisions of subsection (3). If the department is required to seek enforcement of the ~~notice order~~ for a penalty pursuant to s. 120.569, it shall be entitled to collect its attorney's fees and costs, together with any cost of collection.

Section 14. Subsection (3) is added to section 455.275, Florida Statutes, to read:

455.275 Address of record.—

(3)(a) Notwithstanding any provision of law, when an administrative complaint is served on a licensee of the department, the department shall provide service by regular mail to the licensee's last known address of record, by certified mail to the last known address of record, and, if possible, by e-mail.

(b) If service, as provided in paragraph (a), does not provide the department with proof of service, the department shall call the last known telephone number of record and cause a short, plain notice to the licensee to be published once each week for 4 consecutive weeks in a newspaper

published in the county of the licensee’s last known address of record. If a newspaper is not published in the county, the administrative complaint may be published in a newspaper of general circulation in the county. If the licensee’s last known address is located in another state or in a foreign jurisdiction, the administrative complaint may be published in Leon County pursuant to s. 120.60(5).

Section 15. Section 468.83, Florida Statutes, is amended to read:

468.83 Home inspection services licensing program; purpose.—

(1) There is created within the department the home inspection services licensing program.

(2) The Legislature recognizes that there is a need to require the licensing of home inspectors and to ensure that consumers of home inspection services can rely on the competence of home inspectors, as determined by educational and experience requirements and testing. Therefore, the Legislature deems it necessary in the interest of the public welfare to regulate home inspectors in this state.

Section 16. Subsection (4) of section 468.8311, Florida Statutes, is amended to read:

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

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

Section 17. Subsections (5) through (8) of section 468.8312, Florida Statutes, are renumbered as subsections (4) through (7), respectively, and present subsection (4) of that section is amended to read:

468.8312 Fees.—

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

Section 18. Subsections (1) and (2) of section 468.8313, Florida Statutes, are amended, and paragraph (d) is added to subsection (5) of that section, to read:

468.8313 Examinations.—

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

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

(5)

(d) An applicant for a license shall submit, together with the application, a complete set of electronic fingerprints to the department. The department shall submit the fingerprints to the Department of Law Enforcement for state processing, and the Department of Law Enforcement shall forward the fingerprints to the Federal Bureau of Investigation for national processing, to determine whether the applicant has a criminal history record. The department shall review the background results to determine whether the applicant meets licensure requirements. The applicant is responsible for the costs associated with processing the fingerprints. The authorized agencies or vendors shall collect such fees and pay for the processing costs due to the Department of Law Enforcement.

Section 19. Section 468.8318, Florida Statutes, is amended to read:

468.8318 Certification of corporations and partnerships.—

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

(2) The practice of or the offer to practice home inspection services by licensees through a corporation or partnership offering home inspection services to the public, or by a corporation or partnership offering such services to the public through licensees under this part as agents, employees, officers, or partners, is permitted subject to the provisions of this part, provided that all personnel of the corporation or partnership who act in its behalf as home inspectors in this state are licensed as provided by this part; ~~and further provided that the corporation or partnership has been issued a certificate of authorization by the department as provided in this section.~~ Nothing in this section shall be construed to allow a corporation to hold a license to practice home inspection services. No corporation or partnership shall be relieved of responsibility for the conduct or acts of its agents, employees, or officers by reason of its compliance with this section, nor shall any individual practicing home inspection services be relieved of responsibility for professional services performed by reason of his or her employment or relationship with a corporation or partnership.

~~(3) For the purposes of this section, a certificate of authorization shall be required for a corporation, partnership, association, or person practicing~~

~~under a fictitious name and offering home inspection services to the public; however, when an individual is practicing home inspection services in his or her own given name, he or she shall not be required to register under this section.~~

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

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

Section 20. Section 468.8319, Florida Statutes, is amended to read:

468.8319 Prohibitions; penalties.—

(1) ~~A person home inspector, a company that employs a home inspector, or a company that is controlled by a company that also has a financial interest in a company employing a home inspector may not:~~

~~(a) Effective July 1, 2011, practice or offer to practice home inspection services unless the person has complied with the provisions of this part.;~~

~~(b) Effective July 1, 2011, use the name or title “certified home inspector,” “registered home inspector,” “licensed home inspector,” “home inspector,” “professional home inspector,” or any combination thereof unless the person has complied with the provisions of this part.;~~

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

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

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

~~(f) Perform or offer to perform, prior to closing, for any additional fee, any repairs to a home on which the inspector or the inspector’s company has prepared a home inspection report. This paragraph does not apply to:~~

~~1. A home warranty company that is affiliated with or retains a home inspector to perform repairs pursuant to a claim made under a home warranty contract.~~

~~2. A certified contractor who is classified in s. 489.105(3) as a Division I contractor. However, the department may adopt rules requiring that, if such contractor performs the home inspection and offers to perform the repairs, the contract for repairs provided to the homeowner disclose that he or she has the right to request competitive bids.~~

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

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

(i) Accept an engagement to make an omission or prepare a report in which the inspection itself, or the fee payable for the inspection, is contingent upon either the conclusions in the report, preestablished findings, or the close of escrow.

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

(3) This section does not apply to unlicensed activity as described in paragraph (1)(a), paragraph (1)(b), or s. 455.228 that occurs before July 1, 2011.

Section 21. Paragraph (j) is added to subsection (1) of section 468.832, Florida Statutes, to read:

468.832 Disciplinary proceedings.—

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

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

Section 22. Section 468.8324, Florida Statutes, is amended to read:

468.8324 Grandfather clause.—

(1) A person who performs home inspection services as defined in this part may qualify for licensure to be licensed by the department as a home inspector if the person submits his or her application to the department by March 1, 2011, whether postmarked or delivered by that date, and if the person: meets the licensure requirements of this part by July 1, 2010:

(a) Is certified as a home inspector by a state or national association that requires, for such certification, successful completion of a proctored examination on home inspection services and completes at least 14 hours of verifiable education on such services; or

(b) At the time of application, has at least 3 years of experience as a home inspector and completes at least 14 hours of verifiable education on home inspection services. To establish the 3 years of experience, an applicant must submit at least 120 home inspection reports prepared by the applicant.

(2) The department may investigate the validity of a home inspection report submitted under paragraph (1)(b) and, if the applicant submits a false report, may take disciplinary action against the applicant under s. 468.832(1)(e) or (g).

(3) An applicant may not qualify for licensure under this section if he or she has had a home inspector license or a license in any related field revoked at any time or suspended within the previous 5 years or has been assessed a fine that exceeds \$500 within the previous 5 years. For purposes of this subsection, a license in a related field includes, but is not limited to, licensure in real estate, construction, mold-related services, or building code administration or inspection.

(4) An applicant for licensure under this section must comply with the criminal history, good moral character, and insurance requirements of this part.

Section 23. Section 468.8325, Florida Statutes, is created to read:

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

Section 24. Section 468.84, Florida Statutes, is amended to read:

468.84 Mold-related services licensing program; legislative purpose.—

(1) There is created within the department the mold-related services licensing program.

(2) The Legislature finds it necessary in the interest of the public safety and welfare, to prevent damage to real and personal property, to avert economic injury to the residents of this state, and to regulate persons and companies that hold themselves out to the public as qualified to perform mold-related services.

Section 25. Subsections (7) through (10) of section 468.8412, Florida Statutes, are renumbered as subsections (6) through (9), respectively, and present subsection (6) of that section is amended to read:

468.8412 Fees.—

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

Section 26. Subsections (1) and (2) of section 468.8413, Florida Statutes, are amended, and paragraph (d) is added to subsection (4) of that section, to read:

468.8413 Examinations.—

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

(2) An applicant may shall be entitled to take the licensure examination to practice in this state as a mold assessor or mold remediator if he or she passes the required examination, the applicant is of good moral character, and completes has satisfied one of the following requirements:

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

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

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

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

(4)

(d) An applicant for a license shall submit, together with the application, a complete set of electronic fingerprints to the department. The department shall submit the fingerprints to the Department of Law Enforcement for state processing, and the Department of Law Enforcement shall forward the fingerprints to the Federal Bureau of Investigation for national processing, to determine whether the applicant has a criminal history record. The department shall review the background results to determine whether the applicant meets licensure requirements. The applicant is responsible for the costs associated with processing the fingerprints. The authorized agencies or vendors shall collect such fees and pay for the processing costs due to the Department of Law Enforcement.

Section 27. Subsection (3) of section 468.8414, Florida Statutes, is amended to read:

468.8414 Licensure.—

(3) The department shall certify as qualified for a license by endorsement an applicant who is of good moral character, who has the insurance coverage required under s. 468.8421, and who:

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

(b) Holds a valid license to practice mold assessment or mold remediation issued by another state or territory of the United States if the criteria for issuance of the license were substantially the same as the licensure criteria that is established by this part as determined by the department.

Section 28. Section 468.8418, Florida Statutes, is amended to read:

468.8418 Certification of partnerships and corporations.—

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

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

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

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

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

Section 29. Section 468.8419, Florida Statutes, is amended to read:

468.8419 Prohibitions; penalties.—

(1) A person mold assessor, a company that employs a mold assessor, or a company that is controlled by a company that also has a financial interest in a company employing a mold assessor may not:

(a) Effective July 1, 2011, perform or offer to perform any mold assessment unless the mold assessor has documented training in water, mold, and respiratory protection under s. 468.8414(2).

(b) Effective July 1, 2011, perform or offer to perform any mold assessment unless the person has complied with the provisions of this part.

(c) Use the name or title “certified mold assessor,” “registered mold assessor,” “licensed mold assessor,” “mold assessor,” “professional mold assessor,” or any combination thereof unless the person has complied with the provisions of this part.

(d) Perform or offer to perform any mold remediation to a structure on which the mold assessor or the mold assessor’s company provided a mold assessment within the last 12 months. This paragraph does not apply to a certified contractor who is classified in s. 489.105(3) as a Division I contractor. However, the department may adopt rules requiring that, if such contractor performs the mold assessment and offers to perform the mold remediation, the contract for mold remediation provided to the homeowner disclose that he or she has the right to request competitive bids.

(e) Inspect for a fee any property in which the assessor or the assessor’s company has any financial or transfer interest.

(f) Accept any compensation, inducement, or reward from a mold remediator or mold remediator’s company for the referral of any business to the mold remediator or the mold remediator’s company.

(g) Offer any compensation, inducement, or reward to a mold remediator or mold remediator’s company for the referral of any business from the mold remediator or the mold remediator’s company.

(h) Accept an engagement to make an omission of the assessment or conduct an assessment in which the assessment itself, or the fee payable for the assessment, is contingent upon the conclusions of the assessment.

(2) A mold remediator, a company that employs a mold remediator, or a company that is controlled by a company that also has a financial interest in a company employing a mold remediator may not:

(a) Perform or offer to perform any mold remediation unless the remediator has documented training in water, mold, and respiratory protection under s. 468.8414(2).

(b) Perform or offer to perform any mold remediation unless the person has complied with the provisions of this part.

(c) Use the name or title “certified mold remediator,” “registered mold remediator,” “licensed mold remediator,” “mold remediator,” “professional mold remediator,” or any combination thereof unless the person has complied with the provisions of this part.

(d) Perform or offer to perform any mold assessment to a structure on which the mold remediator or the mold remediator’s company provided a mold remediation within the last 12 months. This paragraph does not apply to a certified contractor who is classified in s. 489.105(3) as a Division I contractor. However, the department may adopt rules requiring that, if such contractor performs the mold remediation and offers to perform the mold assessment, the contract for mold assessment provided to the homeowner disclose that he or she has the right to request competitive bids.

(e) Remediate for a fee any property in which the mold remediator or the mold remediator’s company has any financial or transfer interest.

(f) Accept any compensation, inducement, or reward from a mold assessor or mold assessor’s company for the referral of any business from the mold assessor or the mold assessor’s company.

(g) Offer any compensation, inducement, or reward to a mold assessor or mold assessor’s company for the referral of any business from the mold assessor or the mold assessor’s company.

(3) Any person who violates any provision of this section commits:

(a) A misdemeanor of the second degree for a first violation, punishable as provided in s. 775.082 or s. 775.083.

(b) A misdemeanor of the first degree for a second violation, punishable as provided in s. 775.082 or s. 775.083.

(c) A felony of the third degree for a third or subsequent violation, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(4) This section does not apply to unlicensed activity as described in paragraphs (1)(a)-(d) or s. 455.228 that occurs before July 1, 2011.

Section 30. Paragraph (j) is added to subsection (1) of section 468.842, Florida Statutes, to read:

468.842 Disciplinary proceedings.—

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

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

Section 31. Subsection (1) of section 468.8421, Florida Statutes, is amended to read:

468.8421 Insurance.—

(1) A mold assessor shall maintain general liability and errors and omissions for both preliminary and postremediation mold assessment insurance coverage in an amount of at least \$1 million not less than \$1,000,000.

Section 32. Section 468.8423, Florida Statutes, is amended to read:

468.8423 Grandfather clause.—

(1) A person who performs mold assessment or mold remediation as defined in this part may qualify for licensure to be licensed by the department as a mold assessor or mold remediator if the person submits his or her application to the department by March 1, 2011, whether postmarked or delivered by that date, and if the person: meets the licensure requirements of this part by July 1, 2010.

(a) Is certified as a mold assessor or mold remediator by a state or national association that requires, for such certification, successful completion of a proctored examination on mold assessment or mold remediation, as applicable, and completes at least 60 hours of education on mold assessment or at least 30 hours of education on mold remediation, as applicable; or

(b) At the time of application, has at least 3 years of experience as a mold assessor or mold remediator. To establish the 3 years of experience, an applicant must submit at least 40 mold assessments or remediation invoices prepared by the applicant.

(2) The department may investigate the validity of a mold assessment or remediation invoice submitted under paragraph (1)(b) and, if the applicant submits a false assessment or invoice, may take disciplinary action against the applicant under s. 468.842(1)(e) or (g).

(3) An applicant may not qualify for licensure under this section if he or she has had a mold assessor or mold remediator license or a license in any related field revoked at any time or suspended within the previous 5 years or has been assessed a fine that exceeds \$500 within the previous 5 years. For purposes of this subsection, a license in a related field includes, but is not limited to, licensure in real estate, construction, home inspection, building code administration or inspection, or indoor air quality.

(4) An applicant for licensure under this section must comply with the good moral character and insurance requirements of this part.

Section 33. Section 468.8424, Florida Statutes, is created to read:

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

Section 34. Subsection (2) and paragraph (a) of subsection (5) of section 474.203, Florida Statutes, are amended to read:

474.203 Exemptions.—This chapter shall not apply to:

(2) A person practicing as an intern or resident veterinarian who does not hold a valid license issued under this chapter and who is a graduate in training at a school or college of veterinary medicine located in this state and accredited by the American Veterinary Medical Association Council on Education or a school or college recognized by the American Veterinary Medical Association Commission for Foreign Veterinary Graduates. Such intern or resident must be a graduate of a school or college of veterinary medicine accredited by the American Veterinary Medical Association Council on Education or a school or college of veterinary medicine recognized by the Educational Commission for Foreign Veterinary Graduates of the American Veterinary Medical Association. This exemption expires when such intern or resident completes or is terminated from such training. Each school or college at which such intern or resident is in training shall, on July 1 of each year, provide the board with a written list of all such interns or residents designated for this exemption, and the school or college shall also notify the board of any additions or deletions to the list.

(5)(a) Any person, or the person’s regular employee, administering to the ill or injuries of her or his own animals, including, but not limited to, castration, spaying, and dehorning of herd animals, unless title is has been transferred or employment provided for the purpose of circumventing this law. This exemption does shall not apply to any person licensed as a veterinarian in another state or foreign jurisdiction and is out-of-state veterinarians practicing temporarily in this the state. However, only a veterinarian may immunize or treat an animal for diseases which are communicable to humans and which are of public health significance.

For the purposes of chapters 465 and 893, persons exempt pursuant to subsection (1), subsection (2), or subsection (4) are deemed to be duly licensed practitioners authorized by the laws of this state to prescribe drugs or medicinal supplies.

Section 35. Section 475.02, Florida Statutes, is amended to read:

475.02 Florida Real Estate Commission.—

(1) There is created within the department the Florida Real Estate Commission. The commission shall consist of seven members who shall be

appointed by the Governor, subject to confirmation by the Senate. Four members must be licensed brokers, each of whom has held an active license for the 5 years preceding appointment; one member must be a licensed broker or a licensed sales associate who has held an active license for the 2 years preceding appointment; and two members must be persons who are not, and have never been, brokers or sales associates. At least one member of the commission must be 60 years of age or older. The current members may complete their present terms unless removed for cause.

(2) Members shall be appointed for 4-year terms.

(3) Notwithstanding s. 112.313, any member of the commission who is a licensed real estate broker or sales associate and who holds an active real estate school permit, chief administrator permit, school instructor permit, or any combination of such permits issued by the department, to the extent authorized pursuant to such permit, may offer, conduct, or teach any course prescribed or approved by the commission or the department.

Section 36. 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 signed or electronically authenticated application, digital fingerprint data, and fee, and a fingerprint card. ~~The digital fingerprints fingerprint card shall be forwarded to the Division of Criminal Justice Information Systems within the Department of Law Enforcement for purposes of processing the fingerprints fingerprint card to determine if the applicant has a criminal history record. The fingerprints fingerprint card shall also be forwarded to the Federal Bureau of Investigation for purposes of processing the fingerprints fingerprint card to determine if the applicant has a criminal history record. The information obtained by the processing of the fingerprints 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 37. Section 475.613, Florida Statutes, is amended to read:

475.613 Florida Real Estate Appraisal Board.—

(1) There is created the Florida Real Estate Appraisal Board, which shall consist of seven members appointed by the Governor, subject to confirmation by the Senate. Four members of the board must be real estate appraisers who have been engaged in the general practice of appraising real property in this state for at least 5 years immediately preceding appointment. In appointing real estate appraisers to the board, while not excluding other appraisers, the

Governor shall give preference to real estate appraisers who are not primarily engaged in real estate brokerage or mortgage lending activities. One member of the board must represent organizations that use appraisals for the purpose of eminent domain proceedings, financial transactions, or mortgage insurance. Two members of the board shall be representatives of the general public and shall not be connected in any way with the practice of real estate appraisal, ~~real estate brokerage, or mortgage lending.~~ The appraiser members shall be as representative of the entire industry as possible, and membership in a nationally recognized or state-recognized appraisal organization shall not be a prerequisite to membership on the board. To the extent possible, no more than two members of the board shall be primarily affiliated with any one particular national or state appraisal association. Two of the members must be licensed or certified residential real estate appraisers and two of the members must be certified general real estate appraisers at the time of their appointment.

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

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

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

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

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

(2) The board shall have, through its rules, full power to regulate the issuance of licenses, certifications, registrations, and permits; to discipline appraisers in any manner permitted under this section; to establish qualifications for licenses, certifications, registrations, and permits consistent with this section; to regulate approved courses; to establish standards for real estate appraisals; and to establish standards for and regulate supervisory appraisers.

(3) Notwithstanding s. 112.313, any member of the board who is a licensed or certified real estate appraiser and who holds an active appraiser instructor permit issued by the department, to the extent authorized pursuant to such permit, may offer, conduct, or teach any course prescribed or approved by the board or the department.

Section 38. Subsections (4) through (8) of section 477.019, Florida Statutes, are renumbered as subsections (3) through (7), respectively, and paragraph (c) of subsection (2) and present subsection (3) of that section are amended to read:

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

(2) An applicant shall be eligible for licensure by examination to practice cosmetology if the applicant:

(c)1. Is authorized to practice cosmetology in another state or country, has been so authorized for at least 1 year, and does not qualify for licensure by endorsement as provided for in subsection (5) (6); or

2. Has received a minimum of 1,200 hours of training as established by the board, which shall include, but shall not be limited to, the equivalent of completion of services directly related to the practice of cosmetology at one of the following:

- a. A school of cosmetology licensed pursuant to chapter 1005.
- b. A cosmetology program within the public school system.
- c. The Cosmetology Division of the Florida School for the Deaf and the Blind, provided the division meets the standards of this chapter.
- d. A government-operated cosmetology program in this state.

The board shall establish by rule procedures whereby the school or program may certify that a person is qualified to take the required examination after the completion of a minimum of 1,000 actual school hours. If the person then passes the examination, he or she shall have satisfied this requirement; but if the person fails the examination, he or she shall not be qualified to take the examination again until the completion of the full requirements provided by this section.

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

Section 39. Subsection (4) of section 509.211, Florida Statutes, is amended to read:

## 509.211 Safety regulations.—

(4) Every enclosed space or room that contains a boiler regulated under chapter 554 which is fired by the direct application of energy from the combustion of fuels and that is located in any portion of a public lodging establishment that also contains sleeping rooms shall be equipped with one or more carbon monoxide sensor devices that bear the label of a nationally recognized testing laboratory and have been tested and listed as complying with the most recent Underwriters Laboratories, Inc., Standard 2034, or its equivalent, unless it is determined that carbon monoxide hazards have otherwise been adequately mitigated as determined by the Division of State Fire Marshal of the Department of Financial Services. Such devices shall be integrated with the public lodging establishment's fire detection system. Any such installation or determination shall be made in accordance with rules adopted by the Division of State Fire Marshal.

Section 40. Section 548.076, Florida Statutes, is created to read:

548.076 Cease and desist notices.—When the department has probable cause to believe that any person not licensed by the commission has violated any provision of this chapter, or any rule adopted pursuant thereto, the department may issue and deliver to such person a notice to cease and desist from such violation. The department shall issue and enforce such cease and desist notices in accordance with s. 455.228.

Section 41. Subsection (1) of section 561.17, Florida Statutes, is amended to read:

## 561.17 License and registration applications; approved person.—

(1) Any person, before engaging in the business of manufacturing, bottling, distributing, selling, or in any way dealing in alcoholic beverages, shall file, with the district licensing personnel of the district of the division in which the place of business for which a license is sought is located, a sworn application in the format prescribed duplicate on forms provided to the district licensing personnel by the division. The applicant must be a legal or business entity, person, or persons and must include all persons, officers, shareholders, and directors of such legal or business entity that have a direct or indirect interest in the business seeking to be licensed under this part. However, the applicant does not include any person that derives revenue from the license solely through a contractual relationship with the licensee, the substance of which contractual relationship is not related to the control of the sale of alcoholic beverages. Before Prior to any application is being approved, the division may require the applicant to file a set of fingerprints on regular United States Department of Justice forms for herself or himself and for any person or persons interested directly or indirectly with the applicant in the business for which the license is being sought, when so required by the division. If the applicant or any person who is interested with the applicant either directly or indirectly in the business or who has a security interest in the license being sought or has a right to a percentage

payment from the proceeds of the business, either by lease or otherwise, is not qualified, the ~~division shall deny the application shall be denied by the division~~. However, any company regularly traded on a national securities exchange and not over the counter; any insurer, as defined in the Florida Insurance Code; or any bank or savings and loan association chartered by this state, another state, or the United States which has an interest, directly or indirectly, in an alcoholic beverage license ~~is shall not be required to obtain the division's division~~ approval of its officers, directors, or stockholders or any change of such positions or interests. A shopping center with five or more stores, one or more of which has an alcoholic beverage license and is required under a lease common to all shopping center tenants to pay no more than 10 percent of the gross proceeds of the business holding the license to the shopping center, ~~is shall not be considered as having an interest, directly or indirectly, in the license.~~

Section 42. For the purpose of incorporating the amendment made by this act to 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 43. For the purpose of incorporating the amendment made by this act to 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 44. For the purpose of incorporating the amendment made by this act to 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 45. For the purpose of incorporating the amendment made by this act to 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 46. For the purpose of incorporating the amendment made by this act to 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 47. For the purpose of incorporating the amendment made by this act to 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 48. For the purpose of incorporating the amendment made by this act to 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 49. For the purpose of incorporating the amendment made by this act to 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 50. For the purpose of incorporating the amendment made by this act to 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 51. For the purpose of incorporating the amendment made by this act to 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 52. For the purpose of incorporating the amendment made by this act to 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 53. For the purpose of incorporating the amendment made by this act to section 468.832, Florida Statutes, in a reference thereto, subsection (2) of section 468.8314, Florida Statutes, is reenacted to read:

468.8314 Licensure.—

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

Section 54. This act shall take effect July 1, 2010.

Approved by the Governor May 26, 2010.

Filed in Office Secretary of State May 26, 2010.