

By Senator Fasano

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

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

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

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

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

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

148

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

150

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

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

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

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

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

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

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

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

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

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

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

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

174 10. Board of Pilot Commissioners, created under chapter

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175 310.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

255 120.60 Licensing.—

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

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

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

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

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

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

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

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

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

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

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

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

311 2. Proof of marriage to the servicemember;

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

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

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

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

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

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

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

334 455.213 General licensing provisions.—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

476 455.227 Grounds for discipline; penalties; enforcement.—

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

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

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

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

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

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

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

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

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

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

525 468.8312 Fees.—

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

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

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

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

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

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

537 468.8313 Examinations.—

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

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

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

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

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

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

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

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

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

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

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

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

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

589 468.8318 Certification of corporations and partnerships.-

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

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

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

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

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

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

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

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

636 468.8319 Prohibitions; penalties.—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

675 468.832 Disciplinary proceedings.—

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

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

679 455.227(1) ~~.~~

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

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

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

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

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697 inspector.~~†~~

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

754 468.8412 Fees.—

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

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

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

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

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

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

767 468.8413 Examinations.—

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

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

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

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

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

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

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

799 468.8414 Licensure.—

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

802 (a) Is of good moral character;

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

804 468.8421; and÷

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

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

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

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

818 468.8418 Certification of partnerships and corporations.—

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

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

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

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

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

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

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

864 468.842 Disciplinary proceedings.—

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

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

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

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871 misrepresentations.†

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

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

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

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

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

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

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

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900 delinquent license.

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

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

905 468.8421 Insurance.—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

979 475.175 Examinations.—

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

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

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

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

1001 475.613 Florida Real Estate Appraisal Board.—

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