

1 A bill to be entitled
2 An act relating to business and professional
3 regulation; amending s. 455.213, F.S.; waiving initial
4 licensing, application, and unlicensed activity fees
5 for certain military veterans; amending s. 455.2179,
6 F.S.; revising continuing education provider and
7 course approval procedures; amending s. 455.271, F.S.;
8 limiting to the department the authority to reinstate
9 a license that has become void under certain
10 circumstances; amending s. 455.273, F.S.; revising the
11 method of license renewal notification or notice of
12 pending cancellation of licensure to include an e-mail
13 address; deleting a requirement that a licensure
14 renewal notification and a notice of cancellation of
15 licensure include certain information regarding the
16 applicant; amending s. 455.275, F.S.; revising a
17 provision relating to maintenance of current address-
18 of-record information to include e-mail address;
19 revising a provision relating to notice to a licensee
20 to allow service of process by e-mail; amending s.
21 475.451, F.S.; authorizing distance learning courses
22 as an acceptable alternative to classroom instruction
23 for renewal of a real estate instructor permit;
24 providing that distance learning courses are under the
25 discretion of the school offering the real estate
26 course; requiring distance learning courses to adhere
27 to certain requirements; amending s. 475.611, F.S.;
28 revising the definition of the terms "appraisal

29 management company" and "appraisal management
 30 services"; defining the term "subsidiary"; amending s.
 31 475.6171, F.S.; revising requirements for the issuance
 32 of registration or certification upon receipt of
 33 proper documentation; amending s. 475.6235, F.S.;
 34 revising provisions relating to titles an appraisal
 35 management company must be registered to use;
 36 providing exemptions from registration requirements;
 37 amending s. 475.6245, F.S.; providing additional
 38 grounds for discipline of appraisal management
 39 companies, to which penalties apply; amending s.
 40 477.019, F.S.; revising procedures for cosmetology
 41 licensure by endorsement; amending s. 477.0263, F.S.;
 42 authorizing the performance of cosmetology and
 43 specialty services in a location other than a licensed
 44 salon under certain circumstances; repealing s.
 45 489.105(3)(q), F.S.; relating to the mandatory
 46 licensure of glass and glazing contractors; reenacting
 47 and amending s. 489.118, F.S.; reviving grandfathering
 48 provisions and establishing a new deadline for
 49 applications for certification of certain registered
 50 contractors; providing an effective date.

51
 52 Be It Enacted by the Legislature of the State of Florida:

53
 54 Section 1. Subsection (12) is added to section 455.213,
 55 Florida Statutes, to read:
 56 455.213 General licensing provisions.—

57 (12) The department shall waive the initial licensing fee,
 58 the initial application fee, and the initial unlicensed activity
 59 fee for a military veteran who applies to the department for a
 60 license, in a format prescribed by the department, within 24
 61 months after discharge from any branch of the United States
 62 Armed Forces. To qualify for this waiver, the veteran must have
 63 been honorably discharged.

64 Section 2. Subsection (1) of section 455.2179, Florida
 65 Statutes, is amended to read:

66 455.2179 Continuing education provider and course
 67 approval; cease and desist orders.—

68 (1) If a board, or the department if there is no board,
 69 requires completion of continuing education as a requirement for
 70 renewal of a license, the board, or the department if there is
 71 no board, shall approve the providers and courses for ~~of~~ the
 72 continuing education. Notwithstanding this subsection or any
 73 other provision of law, the department may approve continuing
 74 education providers or courses even if there is a board. If the
 75 department determines that an application for a continuing
 76 education provider or course requires expert review or should be
 77 denied, the department shall forward the application to the
 78 appropriate board for review and approval or denial. The
 79 approval of continuing education providers and courses must be
 80 for a specified period of time, not to exceed 4 years. An
 81 approval that does not include such a time limitation may remain
 82 in effect pursuant to the applicable practice act or the rules
 83 adopted under the applicable practice act. Notwithstanding this
 84 subsection or any other provision of law, only the department

85 may determine the contents of any documents submitted for
 86 approval of a continuing education provider or course.

87 Section 3. Paragraph (b) of subsection (6) of section
 88 455.271, Florida Statutes, is amended to read:

89 455.271 Inactive and delinquent status.—

90 (6)

91 (b) Notwithstanding the provisions of the professional
 92 practice acts administered by the department, ~~the board, or the~~
 93 department ~~if there is no board,~~ may, at its discretion,
 94 reinstate the license of an individual whose license has become
 95 void if the ~~board or~~ department, ~~as applicable,~~ determines that
 96 the individual ~~has made a good faith effort to comply with this~~
 97 ~~section but has~~ failed to comply because of illness or unusual
 98 economic hardship. The individual must apply to ~~the board, or~~
 99 the department ~~if there is no board,~~ for reinstatement in a
 100 ~~manner prescribed by rules of the board or the department, as~~
 101 ~~applicable,~~ and shall pay an applicable fee in an amount
 102 determined by rule. The ~~board, or the~~ department ~~if there is no~~
 103 ~~board,~~ shall require that such individual meet all continuing
 104 education requirements prescribed by law, pay appropriate
 105 licensing fees, and otherwise be eligible for renewal of
 106 licensure under this chapter.

107
 108 This subsection does not apply to individuals subject to
 109 regulation under chapter 473.

110 Section 4. Section 455.273, Florida Statutes, is amended
 111 to read:

112 455.273 Renewal and cancellation notices.—

113 ~~(1)~~ At least 90 days before the end of a licensure cycle,
 114 the department ~~of Business and Professional Regulation~~ shall:

115 (1)(a) Forward a licensure renewal notification to an
 116 active or inactive licensee at the licensee's last known address
 117 of record or e-mail address provided to ~~with~~ the department.

118 (2)(b) Forward a notice of pending cancellation of
 119 licensure to a delinquent status licensee at the licensee's last
 120 known address of record or e-mail address provided to ~~with~~ the
 121 department.

122 ~~(2) Each licensure renewal notification and each notice of~~
 123 ~~pending cancellation of licensure must state conspicuously that~~
 124 ~~a licensee who remains on inactive status for more than two~~
 125 ~~consecutive biennial licensure cycles and who wishes to~~
 126 ~~reactivate the license may be required to demonstrate the~~
 127 ~~competency to resume active practice by sitting for a special~~
 128 ~~purpose examination or by completing other reactivation~~
 129 ~~requirements, as defined by rule of the board or the department~~
 130 ~~when there is no board.~~

131 Section 5. Subsections (1) and (2) of section 455.275,
 132 Florida Statutes, are amended to read:

133 455.275 Address of record.—

134 (1) Each licensee of the department is solely responsible
 135 for notifying the department in writing of the licensee's
 136 current mailing address, e-mail address, and place of practice,
 137 as defined by rule of the board or the department when there is
 138 no board. A licensee's failure to notify the department of a
 139 change of address constitutes a violation of this section, and
 140 the licensee may be disciplined by the board or the department

141 when there is no board.

142 (2) Notwithstanding any other provision of law, service by
 143 regular mail or e-mail to a licensee's last known mailing
 144 address or e-mail address of record with the department
 145 constitutes adequate and sufficient notice to the licensee for
 146 any official communication to the licensee by the board or the
 147 department except when other service is required pursuant to s.
 148 455.225.

149 Section 6. Paragraph (c) of subsection (2) of section
 150 475.451, Florida Statutes, is amended, present subsections (4)
 151 through (8) are renumbered as subsections (5) through (9),
 152 respectively, and a new subsection (4) is added to that section,
 153 to read:

154 475.451 Schools teaching real estate practice.—

155 (2) An applicant for a permit to operate a proprietary
 156 real estate school, to be a chief administrator of a proprietary
 157 real estate school or a state institution, or to be an
 158 instructor for a proprietary real estate school or a state
 159 institution must meet the qualifications for practice set forth
 160 in s. 475.17(1) and the following minimal requirements:

161 (c) "School instructor" means an individual who instructs
 162 persons in the classroom in noncredit college courses in a
 163 college, university, or community college or courses in a career
 164 center or proprietary real estate school.

165 1. Before commencing to provide such instruction, the
 166 applicant must certify the applicant's competency and obtain an
 167 instructor permit by meeting one of the following requirements:

168 a. Hold a bachelor's degree in a business-related subject,

169 such as real estate, finance, accounting, business
 170 administration, or its equivalent and hold a valid broker's
 171 license in this state.

172 b. Hold a bachelor's degree, have extensive real estate
 173 experience, as defined by rule, and hold a valid broker's
 174 license in this state.

175 c. Pass an instructor's examination approved by the
 176 commission.

177 2. Any requirement by the commission for a teaching
 178 demonstration or practical examination must apply to all school
 179 instructor applicants.

180 3. The department shall renew an instructor permit upon
 181 receipt of a renewal application and fee. The renewal
 182 application shall include proof that the permitholder has, since
 183 the issuance or renewal of the current permit, successfully
 184 completed a minimum of 7 classroom or distance learning hours of
 185 instruction in real estate subjects or instructional techniques,
 186 as prescribed by the commission. The commission shall adopt
 187 rules providing for the renewal of instructor permits at least
 188 every 2 years. Any permit that ~~which~~ is not renewed at the end
 189 of the permit period established by the department ~~shall~~
 190 automatically reverts ~~revert~~ to involuntarily inactive status.

191
 192 The department may require an applicant to submit names of
 193 persons having knowledge concerning the applicant and the
 194 enterprise; may propound interrogatories to such persons and to
 195 the applicant concerning the character of the applicant,
 196 including the taking of fingerprints for processing through the

197 Federal Bureau of Investigation; and shall make such
 198 investigation of the applicant or the school or institution as
 199 it may deem necessary to the granting of the permit. If an
 200 objection is filed, it shall be considered in the same manner as
 201 objections or administrative complaints against other applicants
 202 for licensure by the department.

203 (4) A real estate school may offer any course through
 204 distance learning if the course complies with s. 475.17(2).

205 Section 7. Paragraphs (c) and (d) of subsection (1) are
 206 amended, and paragraph (y) of section 475.611, Florida Statutes,
 207 is created to read:

208 475.611 Definitions.—

209 (1) As used in this part, the term:

210 (c) "Appraisal management company" means a person who
 211 performs appraisal management services regardless of the use of
 212 the term "appraisal management company," "appraiser
 213 cooperative," "appraiser portal," "mortgage technology company,"
 214 or other term.

215 (d) "Appraisal management services" means the coordination
 216 or management of appraisal services for compensation by:

217 1. Employing, contracting with, or otherwise retaining one
 218 or more licensed or certified appraisers to perform appraisal
 219 services for a client; or

220 2. Acting as a broker or intermediary between a client and
 221 one or more licensed or certified appraisers to facilitate the
 222 client's employing, contracting with, or otherwise retaining the
 223 appraisers.

224 (y) "Subsidiary" means an organization that is owned and

225 controlled by a financial institution that is regulated by a
 226 Federal financial institution regulatory agency.

227 Section 8. Subsection (4) of section 475.6171, Florida
 228 Statutes, is amended to read:

229 475.6171 Issuance of registration or certification.—The
 230 registration or certification of an applicant may be issued upon
 231 receipt by the board of the following:

232 (4) If required, proof of passing a written examination as
 233 specified in s. 475.616. ~~No certification shall be issued based~~
 234 ~~upon any examination results obtained more than 24 months after~~
 235 ~~the date of examination.~~

236 Section 9. Subsection (1) of section 475.6235, Florida
 237 Statutes, is amended, and subsection (9) (a) and (b) are added to
 238 that section, to read:

239 475.6235 Registration of appraisal management companies
 240 required; exemptions.—

241 (1) A person may not engage, or offer to engage, in
 242 appraisal management services for compensation in this state,
 243 advertise or represent herself or himself as an appraisal
 244 management company, ~~or use the titles "appraisal management~~
 245 ~~company," "appraiser cooperative," "appraiser portal," or~~
 246 ~~"mortgage technology company," or any abbreviation or words to~~
 247 ~~that effect,~~ unless the person is registered with the department
 248 as an appraisal management company under this section. However,
 249 an employee of an appraisal management company is not required
 250 to obtain a separate registration.

251 (9) This section does not apply to:

252 (a) any financial institution, as defined in s. 655.005,

253 that owns and operates an internal appraisal office, business
 254 unit, or department; or

255 (b) an appraisal management company that is a subsidiary
 256 owned and controlled by a financial institution, as defined in
 257 s. 655.005, regulated by a Federal financial institution
 258 regulatory agency.

259 Section 10. Paragraph (v) is added to subsection (1) of
 260 section 475.6245, Florida Statutes, to read:

261 475.6245 Discipline of appraisal management companies.—

262 (1) The board may deny an application for registration of
 263 an appraisal management company; may investigate the actions of
 264 any appraisal management company registered under this part; may
 265 reprimand or impose an administrative fine not to exceed \$5,000
 266 for each count or separate offense against any such appraisal
 267 management company; and may revoke or suspend, for a period not
 268 to exceed 10 years, the registration of any such appraisal
 269 management company, or place any such appraisal management
 270 company on probation, if the board finds that the appraisal
 271 management company or any person listed in s. 475.6235(2)(f):

272 (v) Has required or attempted to require an appraiser to
 273 sign any indemnification agreement that would require the
 274 appraiser to hold harmless the appraisal management company or
 275 its owners, agents, employees, or independent contractors from
 276 any liability, damage, loss, or claim arising from the services
 277 performed by the appraisal management company or its owners,
 278 agents, employees, or independent contractors and not the
 279 services performed by the appraiser.

280 Section 11. Subsection (6) of section 477.019, Florida

281 Statutes, is amended to read:

282 477.019 Cosmetologists; qualifications; licensure;
 283 supervised practice; license renewal; endorsement; continuing
 284 education.—

285 (6) The board shall certify as qualified ~~adopt rules~~
 286 ~~specifying procedures for the licensure by endorsement an~~
 287 ~~applicant for cosmetology of practitioners desiring to be~~
 288 ~~licensed in this state~~ who hold a current active cosmetology
 289 license in another state and ~~who have met qualifications~~
 290 ~~substantially similar to, equivalent to, or greater than the~~
 291 ~~qualifications required of applicants from this state.~~ The board
 292 shall not require proof of educational hours provided that the
 293 license was issued in a state that requires 1200 or more hours
 294 of prelicensure education an passage of a written examination.
 295 This paragraph does not apply to applicants who received their
 296 license in another state through an apprenticeship program.

297 Section 12. Subsection (4) is added to section 477.0263,
 298 Florida Statutes, to read:

299 477.0263 Cosmetology services to be performed in licensed
 300 salon; exceptions ~~exception~~.—

301 (4) Pursuant to rules adopted by the board, any
 302 cosmetology or specialty service may be performed in a location
 303 other than a licensed salon when the service is performed in
 304 connection with a special event and is performed by a person who
 305 is employed by a licensed salon and who holds the proper license
 306 or specialty registration. An appointment for the performance of
 307 any such service in a location other than a licensed salon must
 308 be made through a licensed salon.

309 Section 13. Paragraph (q) of subsection (3) of section
 310 489.105, Florida Statutes, is repealed.

311 Section 14. Section 489.118, Florida Statutes, is
 312 reenacted and amended to read:

313 489.118 Certification of registered contractors;
 314 grandfathering provisions.—The board shall, upon receipt of a
 315 completed application and appropriate fee, issue a certificate
 316 in the appropriate category to any contractor registered under
 317 this part who makes application to the board and can show that
 318 he or she meets each of the following requirements:

319 (1) Currently holds a valid registered local license in
 320 one of the contractor categories defined in s. 489.105(3)(a)-
 321 (p).

322 (2) Has, for that category, passed a written examination
 323 that the board finds to be substantially similar to the
 324 examination required to be licensed as a certified contractor
 325 under this part. For purposes of this subsection, a written,
 326 proctored examination such as that produced by the National
 327 Assessment Institute, Block and Associates, NAI/Block, Experior
 328 Assessments, Professional Testing, Inc., or Assessment Systems,
 329 Inc., shall be considered to be substantially similar to the
 330 examination required to be licensed as a certified contractor.
 331 The board may not impose or make any requirements regarding the
 332 nature or content of these cited examinations.

333 (3) Has at least 5 years of experience as a contractor in
 334 that contracting category, or as an inspector or building
 335 administrator with oversight over that category, at the time of
 336 application. For contractors, only time periods in which the

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337 contractor license is active and the contractor is not on
338 probation shall count toward the 5 years required by this
339 subsection.

340 (4) Has not had his or her contractor's license revoked at
341 any time, had his or her contractor's license suspended within
342 the last 5 years, or been assessed a fine in excess of \$500
343 within the last 5 years.

344 (5) Is in compliance with the insurance and financial
345 responsibility requirements in s. 489.115(5).

346

347 Applicants wishing to obtain a certificate pursuant to this
348 section must make application by November 1, 2014 ~~2005~~.

349 Section 15. This act shall take effect October 1, 2012.