

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"; amending s. 475.6171, F.S.; revising
 31 requirements for the issuance of registration or
 32 certification upon receipt of proper documentation;
 33 amending s. 475.6235, F.S.; revising provisions
 34 relating to titles an appraisal management company
 35 must be registered to use; providing exemptions from
 36 registration requirements; amending s. 475.6245, F.S.;
 37 providing additional grounds for discipline of
 38 appraisal management companies, to which penalties
 39 apply; amending s. 476.188, F.S.; revising the list of
 40 locations for the performance of barber services not
 41 in a registered barbershop; amending s. 477.0135,
 42 F.S.; exempting from cosmetology licensure individuals
 43 who perform makeup services to the general public;
 44 amending s. 477.019, F.S.; revising procedures for
 45 cosmetology licensure by endorsement to authorize work
 46 experience as a substitute for educational hours;
 47 amending s. 477.0263, F.S.; authorizing the
 48 performance of cosmetology and specialty services in a
 49 location other than a licensed salon under certain
 50 circumstances; reenacting and amending s. 489.118,
 51 F.S.; reviving grandfathering provisions and
 52 establishing a new deadline for applications for
 53 certification of certain registered contractors;
 54 providing an effective date.

55

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

57
 58 Section 1. Subsection (12) is added to section 455.213,
 59 Florida Statutes, to read:

60 455.213 General licensing provisions.—

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

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

70 455.2179 Continuing education provider and course
 71 approval; cease and desist orders.—

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

85 approval that does not include such a time limitation may remain
 86 in effect pursuant to the applicable practice act or the rules
 87 adopted under the applicable practice act. Notwithstanding this
 88 subsection or any other provision of law, only the department
 89 may determine the contents of any documents submitted for
 90 approval of a continuing education provider or course.

91 Section 3. Paragraph (b) of subsection (6) of section
 92 455.271, Florida Statutes, is amended to read:

93 455.271 Inactive and delinquent status.—

94 (6)

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

111

112 This subsection does not apply to individuals subject to

113 regulation under chapter 473.

114 Section 4. Section 455.273, Florida Statutes, is amended
115 to read:

116 455.273 Renewal and cancellation notices.—

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

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

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

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

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

137 455.275 Address of record.—

138 (1) Each licensee of the department is solely responsible
139 for notifying the department in writing of the licensee's
140 current mailing address, e-mail-address, and place of practice,

141 as defined by rule of the board or the department when there is
 142 no board. A licensee's failure to notify the department of a
 143 change of address constitutes a violation of this section, and
 144 the licensee may be disciplined by the board or the department
 145 when there is no board.

146 (2) Notwithstanding any other provision of law, service by
 147 regular mail or e-mail to a licensee's last known mailing
 148 address or e-mail address of record with the department
 149 constitutes adequate and sufficient notice to the licensee for
 150 any official communication to the licensee by the board or the
 151 department except when other service is required pursuant to s.
 152 455.225.

153 Section 6. Paragraph (c) of subsection (2) of section
 154 475.451, Florida Statutes, is amended, present subsections (4)
 155 through (8) are renumbered as subsections (5) through (9),
 156 respectively, and a new subsection (4) is added to that section,
 157 to read:

158 475.451 Schools teaching real estate practice.—

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

165 (c) "School instructor" means an individual who instructs
 166 persons in the classroom in noncredit college courses in a
 167 college, university, or community college or courses in a career
 168 center or proprietary real estate school.

169 1. Before commencing to provide such instruction, the
 170 applicant must certify the applicant's competency and obtain an
 171 instructor permit by meeting one of the following requirements:
 172 a. Hold a bachelor's degree in a business-related subject,
 173 such as real estate, finance, accounting, business
 174 administration, or its equivalent and hold a valid broker's
 175 license in this state.
 176 b. Hold a bachelor's degree, have extensive real estate
 177 experience, as defined by rule, and hold a valid broker's
 178 license in this state.
 179 c. Pass an instructor's examination approved by the
 180 commission.
 181 2. Any requirement by the commission for a teaching
 182 demonstration or practical examination must apply to all school
 183 instructor applicants.
 184 3. The department shall renew an instructor permit upon
 185 receipt of a renewal application and fee. The renewal
 186 application shall include proof that the permitholder has, since
 187 the issuance or renewal of the current permit, successfully
 188 completed a minimum of 7 classroom or distance learning hours of
 189 instruction in real estate subjects or instructional techniques,
 190 as prescribed by the commission. The commission shall adopt
 191 rules providing for the renewal of instructor permits at least
 192 every 2 years. Any permit that ~~which~~ is not renewed at the end
 193 of the permit period established by the department ~~shall~~
 194 automatically reverts ~~revert~~ to involuntarily inactive status.
 195
 196 The department may require an applicant to submit names of

197 persons having knowledge concerning the applicant and the
 198 enterprise; may propound interrogatories to such persons and to
 199 the applicant concerning the character of the applicant,
 200 including the taking of fingerprints for processing through the
 201 Federal Bureau of Investigation; and shall make such
 202 investigation of the applicant or the school or institution as
 203 it may deem necessary to the granting of the permit. If an
 204 objection is filed, it shall be considered in the same manner as
 205 objections or administrative complaints against other applicants
 206 for licensure by the department.

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

209 Section 7. Paragraphs (c) and (d) of subsection (1) of
 210 section 475.611, Florida Statutes, are amended to read:

211 475.611 Definitions.—

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

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

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

220 1. Employing, contracting with, or otherwise retaining one
 221 or more licensed or certified appraisers to perform appraisal
 222 services for a client; or

223 2. Acting as a broker or intermediary between a client and
 224 one or more licensed or certified appraisers to facilitate the

225 client's employing, contracting with, or otherwise retaining the
 226 appraisers.

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) is added to that
 238 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 any bank, credit union,
 252 or other lending institution that owns and operates an internal

253 appraisal office, business unit, or department.

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

256 475.6245 Discipline of appraisal management companies.—

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

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

275 Section 11. Subsection (2) of section 476.188, Florida
 276 Statutes, is amended to read:

277 476.188 Barber services to be performed in registered
 278 barbershop; exception.—

279 (2) Pursuant to rules established by the board, barber
 280 services may be performed by a licensed barber in a location

281 other than a registered barbershop, including, but not limited
 282 to, a nursing home, hospital, place of employment, or residence,
 283 ~~when a client for reasons of ill health is unable to go to a~~
 284 ~~registered barbershop~~. Arrangements for the performance of
 285 barber services in a location other than a registered barbershop
 286 shall be made only through a registered barbershop.

287 Section 12. Subsection (7) is added to section 477.0135,
 288 Florida Statutes, to read:

289 477.0135 Exemptions.—

290 (7) A license is not required of any individual providing
 291 makeup services to the general public.

292 Section 13. Subsection (6) of section 477.019, Florida
 293 Statutes, is amended to read:

294 477.019 Cosmetologists; qualifications; licensure;
 295 supervised practice; license renewal; endorsement; continuing
 296 education.—

297 (6) The board shall adopt rules specifying procedures for
 298 the licensure by endorsement of practitioners desiring to be
 299 licensed in this state who hold a current active license in
 300 another state and who have met qualifications substantially
 301 similar to, equivalent to, or greater than the qualifications
 302 required of applicants from this state. For purposes of
 303 qualifying for licensure by endorsement under this subsection,
 304 work experience may be substituted for required educational
 305 hours in the amount and manner provided by board rule.

306 Section 14. Subsection (4) is added to section 477.0263,
 307 Florida Statutes, to read:

308 477.0263 Cosmetology services to be performed in licensed

309 salon; exceptions ~~exception~~.-

310 (4) Pursuant to rules adopted by the board, any
 311 cosmetology or specialty service may be performed in a location
 312 other than a licensed salon when the service is performed in
 313 connection with a special event and is performed by a person who
 314 is employed by a licensed salon and who holds the proper license
 315 or specialty registration. An appointment for the performance of
 316 any such service in a location other than a licensed salon must
 317 be made through a licensed salon.

318 Section 15. Section 489.118, Florida Statutes, is
 319 reenacted and amended to read:

320 489.118 Certification of registered contractors;
 321 grandfathering provisions.-The board shall, upon receipt of a
 322 completed application and appropriate fee, issue a certificate
 323 in the appropriate category to any contractor registered under
 324 this part who makes application to the board and can show that
 325 he or she meets each of the following requirements:

326 (1) Currently holds a valid registered local license in
 327 one of the contractor categories defined in s. 489.105(3)(a)-
 328 (p).

329 (2) Has, for that category, passed a written examination
 330 that the board finds to be substantially similar to the
 331 examination required to be licensed as a certified contractor
 332 under this part. For purposes of this subsection, a written,
 333 proctored examination such as that produced by the National
 334 Assessment Institute, Block and Associates, NAI/Block, Experior
 335 Assessments, Professional Testing, Inc., or Assessment Systems,
 336 Inc., shall be considered to be substantially similar to the

337 examination required to be licensed as a certified contractor.
 338 The board may not impose or make any requirements regarding the
 339 nature or content of these cited examinations.

340 (3) Has at least 5 years of experience as a contractor in
 341 that contracting category, or as an inspector or building
 342 administrator with oversight over that category, at the time of
 343 application. For contractors, only time periods in which the
 344 contractor license is active and the contractor is not on
 345 probation shall count toward the 5 years required by this
 346 subsection.

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

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

353
 354 Applicants wishing to obtain a certificate pursuant to this
 355 section must make application by November 1, 2014 ~~2005~~.

356 Section 16. This act shall take effect October 1, 2012.