

1 A bill to be entitled
2 An act relating to the Department of Business and
3 Professional Regulation; amending s. 455.213, F.S.;
4 authorizing the department to contract with certain
5 vendors or enter into interagency agreements to collect
6 electronic fingerprints if fingerprints are required for
7 purposes of certification or licensure; amending s.
8 455.2178, F.S.; requiring that information concerning
9 continuing education be submitted electronically within a
10 specified period beginning on the 30th day before the
11 licensee's renewal date; amending s. 489.115, F.S.;
12 requiring that at least 1 of the hours required for
13 continuing education encompass laws and rules; authorizing
14 the Construction Industry Licensing Board to adopt rules
15 allowing applicants to demonstrate financial
16 responsibility by providing minimum credit scores or bonds
17 payable as prescribed for financially responsible
18 officers; providing requirements relating to the
19 submission of fingerprints by initial applicants; amending
20 s. 450.31, F.S.; authorizing the department to revoke or
21 refuse to issue or renew a person's certificate of
22 registration as a farm labor contractor if the person has
23 been convicted of certain felonies within any period;
24 amending s. 475.182, F.S.; providing that the Florida Real
25 Estate Commission may accept one legal agenda session of
26 the commission as a substitute for 3 classroom hours
27 toward license renewal; requiring the licensee to notify
28 the division at least 7 days in advance of his or her
29 intent to attend; amending s. 475.6175, F.S.; authorizing

30 | the Division of Real Estate, rather than the Florida Real
 31 | Estate Appraisal Board, to extend the time within which
 32 | certain registered trainee appraisers may complete the
 33 | required postlicensure education; providing an effective
 34 | date.

35 |
 36 | Be It Enacted by the Legislature of the State of Florida:

37 |
 38 | Section 1. Subsection (11) of section 455.213, Florida
 39 | Statutes, is amended to read:

40 | 455.213 General licensing provisions.--

41 | (11) Any submission required to be in writing may otherwise
 42 | be required by the department to be made by electronic means. The
 43 | department is authorized to contract with private vendors, or
 44 | enter into interagency agreements, to collect electronic
 45 | fingerprints where fingerprints are required for registration,
 46 | certification, or the licensure process or where criminal history
 47 | record checks are required.

48 | Section 2. Subsection (1) of section 455.2178, Florida
 49 | Statutes, is amended to read:

50 | 455.2178 Continuing education providers.--

51 | (1) Each continuing education provider shall provide to the
 52 | department such information regarding the continuing education
 53 | status of licensees as the department determines is necessary to
 54 | carry out its duties under s. 455.2177, in an electronic format
 55 | determined by the department. After a licensee's completion of a
 56 | course, the information must be submitted to the department
 57 | electronically no later than 30 calendar days thereafter ~~or prior~~
 58 | ~~to the licensee's renewal date, whichever occurs sooner.~~ However,

59 the continuing education provider shall electronically report to
 60 the department completion of a licensee's course within 10
 61 business days beginning on the 30th day before the renewal
 62 deadline or prior to the renewal date, whichever occurs sooner.

63 The foregoing applies only if the profession has not been granted
 64 a waiver from the monitoring requirements under s. 455.2177. Upon
 65 the request of a licensee, the provider must also furnish to the
 66 department information regarding courses completed by the
 67 licensee.

68 Section 3. Paragraph (b) of subsection (4) and paragraph
 69 (b) of subsection (5) of section 489.115, Florida Statutes, are
 70 amended, and subsection (8) is added to that section, to read:

71 489.115 Certification and registration; endorsement;
 72 reciprocity; renewals; continuing education.--

73 (4)

74 (b)1. Each certificateholder or registrant shall provide
 75 proof, in a form established by rule of the board, that the
 76 certificateholder or registrant has completed at least 14
 77 classroom hours of at least 50 minutes each of continuing
 78 education courses during each biennium since the issuance or
 79 renewal of the certificate or registration. The board shall
 80 establish by rule that a portion of the required 14 hours must
 81 deal with the subject of workers' compensation, business
 82 practices, and workplace safety and 1 hour of which must deal
 83 with laws and rules. The board shall by rule establish criteria
 84 for the approval of continuing education courses and providers,
 85 including requirements relating to the content of courses and
 86 standards for approval of providers, and may by rule establish
 87 criteria for accepting alternative nonclassroom continuing

88 education on an hour-for-hour basis. The board shall prescribe by
 89 rule the continuing education, if any, which is required during
 90 the first biennium of initial licensure. A person who has been
 91 licensed for less than an entire biennium must not be required to
 92 complete the full 14 hours of continuing education.

93 2. In addition, the board may approve specialized
 94 continuing education courses on compliance with the wind
 95 resistance provisions for one and two family dwellings contained
 96 in the Florida Building Code and any alternate methodologies for
 97 providing such wind resistance which have been approved for use
 98 by the Florida Building Commission. Division I certificateholders
 99 or registrants who demonstrate proficiency upon completion of
 100 such specialized courses may certify plans and specifications for
 101 one and two family dwellings to be in compliance with the code or
 102 alternate methodologies, as appropriate, except for dwellings
 103 located in floodways or coastal hazard areas as defined in ss.
 104 60.3D and E of the National Flood Insurance Program.

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

116 4. The board shall require, by rule adopted pursuant to ss.

117 | 120.536(1) and 120.54, a specified number of hours in specialized
 118 | or advanced module courses, approved by the Florida Building
 119 | Commission, on any portion of the Florida Building Code, adopted
 120 | pursuant to part VII of chapter 553, relating to the contractor's
 121 | respective discipline.

122 | (5)

123 | (b) In addition to the affidavit of insurance, as a
 124 | prerequisite to the initial issuance of a certificate, the
 125 | applicant shall furnish a credit report from a nationally
 126 | recognized credit agency that reflects the financial
 127 | responsibility of the applicant and evidence of financial
 128 | responsibility, credit, and business reputation of either himself
 129 | or herself or the business organization he or she desires to
 130 | qualify. The board shall adopt rules defining financial
 131 | responsibility based upon the applicant's credit history, ability
 132 | to be bonded, and any history of bankruptcy or assignment of
 133 | receivers. The board may also adopt rules that would allow
 134 | applicants to demonstrate financial responsibility, as an
 135 | alternative to the foregoing, by providing minimum credit scores
 136 | or bonds payable as prescribed for financially responsible
 137 | officers. Such rules shall specify the financial responsibility
 138 | grounds on which the board may refuse to qualify an applicant for
 139 | certification.

140 | (8) An initial applicant shall submit, along with the
 141 | application, a complete set fingerprints in a form and manner
 142 | required by the department. The fingerprints shall be submitted
 143 | to the Department of Law Enforcement for state processing, and
 144 | the Department of Law Enforcement shall forward them to the
 145 | Federal Bureau of Investigation for the purpose of conducting a

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146 level 2 background check pursuant to s. 435.04. The department
147 shall and the board may review the background results to
148 determine if an applicant meets licensure requirements. The cost
149 for the fingerprint processing shall be borne by the person
150 subject to the background screening. These fees are to be
151 collected by the authorized agencies or vendors. The authorized
152 agencies or vendors are responsible for paying the processing
153 costs to the Department of Law Enforcement.

154 Section 4. Section 450.31, Florida Statutes, is amended to
155 read:

156 450.31 Issuance, revocation, and suspension of, and refusal
157 to issue or renew, certificate of registration.--

158 (1) The department shall not issue to any person a
159 certificate of registration as a farm labor contractor, nor shall
160 it renew such certificate, until:

161 (a) Such person has executed a written application therefor
162 in a form and pursuant to regulations prescribed by the
163 department and has submitted such information as the department
164 may prescribe.

165 (b) Such person has obtained and holds a valid federal
166 certificate of registration as a farm labor contractor, or a farm
167 labor contractor employee, unless exempt by federal law.

168 (c) Such person pays to the department, by cashier's check,
169 certified check, or money order, a nonrefundable application fee
170 of \$125. Fees collected by the department under this subsection
171 shall be deposited in the State Treasury into the Professional
172 Regulation Trust Fund.

173 (d) Such person has successfully taken and passed the farm
174 labor contractor examination.

175 (e) Such person has designated an agent to receive service
 176 of process and other official or legal documents. The agent must
 177 be available during regular business hours, Monday through
 178 Friday, to accept service on behalf of the farm labor contractor.

179 (2) The department may revoke, suspend, or refuse to issue
 180 or renew any certificate of registration when it is shown that
 181 the farm labor contractor has:

182 (a) Violated or failed to comply with any provision of this
 183 part or the rules adopted pursuant to this part;

184 (b) Made any misrepresentation or false statement in his or
 185 her application for a certificate of registration;

186 (c) Given false or misleading information concerning terms,
 187 conditions, or existence of employment to persons who are
 188 recruited or hired to work on a farm;

189 (d) Been assessed a civil fine by the department for which
 190 payment is overdue;

191 (e) Failed to pay unemployment compensation taxes as
 192 determined by the Agency for Workforce Innovation;

193 (f) Been denied, or had suspended or revoked, a federal
 194 certificate of registration as a farm labor contractor; or

195 (g) Failed to pay federal employee taxes as determined by
 196 the Internal Revenue Service.

197 (3) The revocation, suspension of, or refusal to renew any
 198 permit hereunder will not render any then-current and valid
 199 contract invalid nor affect the terms of such contract for the
 200 duration of the growing season then in progress.

201 (4) The department may refuse to issue or renew, or may
 202 suspend or revoke, a certificate of registration if the applicant
 203 or holder is not the real party in interest in the application or

204 certificate of registration and the real party in interest is a
 205 person who has been refused issuance or renewal of a certificate,
 206 has had a certificate suspended or revoked, or does not qualify
 207 under this section for a certificate.

208 (5) The department may permanently revoke or refuse to
 209 issue or renew a certificate of registration if such applicant or
 210 certificateholder has been convicted within the preceding 5 years
 211 of:

212 (a) A crime under state or federal law:

213 1. Relating to gambling, or to the sale, distribution, or
 214 possession of alcoholic beverages.

215 2. Committed in connection with, or incident to, any farm
 216 labor contracting activities; or

217 (b) Any felony under state or federal law involving
 218 robbery, bribery, extortion, embezzlement, grand larceny,
 219 burglary, or arson, ~~violation of narcotics laws, murder, rape,~~
 220 ~~assault with intent to kill, assault that inflicts grievous~~
 221 ~~bodily injury, prostitution, peonage, or smuggling or harboring~~
 222 ~~individuals who have entered the country illegally.~~

223 (6) The department may permanently revoke or refuse to
 224 issue or renew a certificate of registration if such applicant or
 225 certificateholder has been convicted of a violation of narcotics
 226 laws, murder, rape, assault with intent to kill, assault that
 227 inflicts grievous bodily injury, prostitution, peonage,
 228 smuggling, or harboring individuals who have entered the country
 229 illegally.

230 (7)~~(6)~~ Receipt and acceptance of a certificate of
 231 registration as a farm labor contractor constitutes unconditional
 232 permission for and acquiescence by the contractor to the

233 inspection by department personnel of books, ledgers, and all
 234 other documents that are related to the performance of the
 235 contractor's farm labor activities.

236 Section 5. Subsection (1) of section 475.182, Florida
 237 Statutes, is amended to read:

238 475.182 Renewal of license; continuing education.--

239 (1) (a) The department shall renew a license upon receipt of
 240 the renewal application and fee. The renewal application for an
 241 active license as broker, broker associate, or sales associate
 242 shall include proof satisfactory to the commission that the
 243 licensee has, since the issuance or renewal of her or his current
 244 license, satisfactorily completed at least 14 classroom hours of
 245 50 minutes each of a continuing education course during each
 246 biennium of a license period, as prescribed by the commission.
 247 Approval or denial of a specialty course must be based on the
 248 extent to which the course content focuses on real estate issues
 249 relevant to the modern practice of real estate by a real estate
 250 licensee, including technology used in the real estate industry.
 251 The commission may accept as a substitute for such continuing
 252 education course, on a classroom-hour-for-classroom-hour basis,
 253 any satisfactorily completed education course that the commission
 254 finds is adequate to educate licensees within the intent of this
 255 section, including an approved distance learning course. However,
 256 the commission may not require, for the purpose of satisfactorily
 257 completing an approved correspondence or distance learning
 258 course, a written examination that is to be taken at a
 259 centralized location and is to be monitored.

260 (b) The commission may accept as a substitute for 3
 261 classroom hours, one time per renewal cycle, attendance at one

262 | legal agenda session of the commission. In order to obtain
 263 | credit, the licensee must notify the division at least 7 days in
 264 | advance of his or her intent to attend. A licensee may not earn
 265 | any continuing education credit for attending a legal agenda
 266 | session of the commission as a party to a disciplinary action.

267 | Section 6. Subsection (3) of section 475.6175, Florida
 268 | Statutes, is amended to read:

269 | 475.6175 Registered trainee appraiser; postlicensure
 270 | education required.--

271 | (3) The division ~~board~~ may allow an additional 6-month
 272 | period after the second renewal following initial licensure or
 273 | the effective date of this act for completing the postlicensure
 274 | education courses for registered trainee appraisers who have not
 275 | completed or cannot complete, due to individual ~~physical~~
 276 | ~~hardship, as defined by rule, complete~~ the courses within the
 277 | required time.

278 | Section 7. This act shall take effect upon becoming a law.