

THE FLORIDA SENATE
2012 SUMMARY OF LEGISLATION PASSED
Committee on Regulated Industries

CS/HB 517 — Reducing and Streamlining Regulations

by Economic Affairs Committee and Rep. Grant and others (CS/CS/SB 762 by Budget Subcommittee on General Government Appropriations; Criminal Justice Committee; and Senator Hays)

The bill revises references to the professional standards with which registered, licensed, and certified appraisers are required to comply. It requires the Florida Real Estate Appraisal Board to adopt rules that establish standards of professional practice that meet or exceed nationally recognized standards of appraisal practice, including standards adopted by the Appraisal Standards Board of the Appraisal Foundation. It requires these standards to be used in the purchase of lands for the Lake Apopka Improvement program.

The bill waives the initial licensing fee, the initial application fee, and the initial unlicensed activity fee for military veterans who apply to the department for a license within 24 months of being honorably discharged from service.

The bill reduces the continuing education hours required to reactivate an inactive license to only one renewal cycle of hours, instead of the hours required for each year the license was inactive, for the following professions: community association managers, home inspectors, providers of mold-related services, cosmetologists, architects, landscape architects, construction contractors, and electrical and alarm system contractors. The bill exempts certified public accountants licensed under ch. 473, F.S., and real estate brokers, sales associates, real estate schools, and appraisers licensed under ch. 475, F.S. These professionals would continue to be required to complete the continuing education required for each two-year period of licensure in order to reactivate an inactive license. The bill also provides that the Board of Architecture and Interior Design may only approve continuing education for an interior designer that builds upon the basic knowledge of interior design.

The bill repeals provisions that provide criminal penalties for violations of agency rules and the chapters of the Florida Statutes that govern the specified professions. Under the bill the following professions would not be subject to criminal penalties for such violations: auctioneers, real estate professionals, barbers, and cosmetologists. However, the bill limits the application of criminal penalties for specified violations by auctioneers that relate to financial dishonesty or malfeasance.

The bill revises the provisions related to the regulation of appraisal management company's banks, credit unions, or other lending institutions that own and operate an internal appraisal office, business unit, or department. This is consistent with the federal Dodd Frank Act, which exempts from state regulation, financial institutions that own or operate an internal appraiser office, business, unit, or department and appraisal management companies that are owned and controlled by a subsidiary of a financial institution.

The bill extends the time period to be classified as a bulk buyer or bulk assignee from July 1, 2012, to July 1, 2015, in the context of the Distressed Condominium Relief Act in ch. 718, part VII, F.S. This provision delineates the warranty and other obligations of “bulk buyers,” i.e., persons who purchase more than seven units in a single condominium but were not assigned developer rights or other specified rights.

In addition, the bill:

- Permits applicants for a real estate appraiser’s certification to use the results of national examinations required for the license that were obtained more than 24 months after the date of the examination;
- Permits real estate continuing education instructors to complete their continuing education through distance learning and permits real estate schools to offer any course through distance learning;
- Revises licensure requirements for architects by removing the ability of the Board of Architecture and Interior Design to review and approve unaccredited schools and colleges of architecture and courses of architectural study and allows the required internship to be completed as provided by board rule;
- Permits architects who have passed a license examination in another state and are licensed in that state to qualify for a Florida-issued architects license if they hold a minimum- 4-year degree, have held the license for a minimum of 10 years, has been a continuous resident of this state for 10 years, and have completed the continuing education requirements for renewal of a license for the biennium license renewal period ending on February 23, 2013. This provision would expire on March 1, 2013;
- Conforms with exemptions for other utilities by removing a requirement for persons repairing, maintaining, removing, or disposing of asbestos-containing pipe or conduit used for gas service to be licensed as an asbestos consultant or contractor;
- Expands exemptions regarding mold-related services to include landscape architects if they are not holding themselves out for hire to the public using names implying that they perform mold assessment services or stating or implying that they are licensed under ch. 468, part XVI, F.S.; and
- Provides an exception to the prohibition against the selling and processing of distilled spirits that are greater than 153 proof. To qualify for the exception, the distilled spirits must be bottled, packaged, or processed for export or sale outside the state.

The bill also revises the Florida Drug and Cosmetic Act in ch. 499, part I, F.S., which is administered by the Drugs, Devices and Cosmetics Program within the Department of Business and Professional Regulation. The bill organizes various exceptions to the permit requirements into a single subsection. It eases existing restrictions on the limited distribution of active pharmaceutical ingredients to Florida-permitted prescription drug manufacturers and restrictions on prescription drug distributions to Florida-permitted prescription drug manufacturers and researchers. The bill reduces inventory recordkeeping requirements for contract providers who transfer prescription drugs to or from government agencies or eligible facilities at public health prices. The bill provides an exemption from the prescription drug re-packager permit requirement and the product registration requirements for a restricted prescription drug

distributor permitholder that is a health care entity that re-packages prescription drugs in this state for its own use or distributes prescription drugs to a hospital or other health care entity in the state for its own use if it meets certain conditions.

If approved by the Governor, these provisions take effect July 1, 2012.

Vote: Senate 40-0; House 88-29