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1                   A bill to be entitled  
2           An act relating to regulated professions and  
3           occupations; amending s. 322.142, F.S.; authorizing  
4           the Department of Highway Safety and Motor Vehicles to  
5           release certain digital images to the Department of  
6           Business and Professional Regulation to identify  
7           certain persons; amending s. 455.213, F.S.;  
8           authorizing the Department of Business and  
9           Professional Regulation to grant waivers of renewal  
10          fees under certain circumstances; amending s. 455.271,  
11          F.S.; revising continuing education requirements for  
12          certain license reactivations; amending s. 475.42,  
13          F.S.; revising violations and penalties for real  
14          estate professionals; amending s. 477.0212, F.S.;  
15          revising continuing education requirements for  
16          cosmetology license reactivations; amending s.  
17          477.0265, F.S.; revising prohibited acts for  
18          cosmetologists; amending s. 481.217, F.S.; revising  
19          continuing education requirements for license  
20          reactivation of architect or interior design licenses;  
21          amending s. 481.315, F.S.; revising continuing  
22          education requirements for landscape architect license  
23          reactivations; amending s. 489.116, F.S.; revising  
24          continuing education requirements for contractor  
25          license reactivations; amending s. 489.519, F.S.;  
26          revising continuing education requirements for  
27          electrical and alarm system contractor license  
28          reactivations; repealing s. 475.611(1)(v), F.S.,  
29          relating to Uniform Standards of Professional

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30 Appraisal Practice; repealing s. 475.626(1)(b) and  
31 (c), F.S., relating to violations and penalties  
32 against registered appraisers; amending s. 475.624,  
33 F.S.; establishing professional standards for  
34 appraisers by board rule; amending s. 475.628, F.S.;  
35 authorizing the board to adopt rules establishing  
36 standards of professional appraisal practice; amending  
37 s. 509.032, F.S.; clarifying provisions relating to  
38 the preemption to the state of the regulation of  
39 public lodging and public food service establishments;  
40 amending s. 509.261, F.S.; providing for remedial  
41 training in response to certain violations by public  
42 lodging and food service establishments; amending s.  
43 10, chapter 2010-84, Laws of Florida; delaying the  
44 effective date of provisions relating to the  
45 discipline of appraisal management companies; creating  
46 s. 473.3066, F.S.; authorizing the Board of  
47 Accountancy to establish a peer review oversight  
48 committee; providing for membership and duties of the  
49 oversight committee; requiring the board to adopt  
50 rules under certain circumstances; amending s.  
51 473.311, F.S.; revising licensure renewal requirements  
52 for firms engaged in certain aspects of the practice  
53 of public accounting; requiring such firms to comply  
54 with certain peer review requirements; providing an  
55 exception; creating s. 473.3125, F.S.; defining terms  
56 for purposes of peer review requirements; requiring  
57 firms engaged in certain aspects of the practice of  
58 public accounting to enroll in peer review programs

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59 and undergo peer reviews; providing for the frequency  
60 of peer reviews; providing exceptions; requiring firms  
61 that fail a specified number of peer reviews to submit  
62 certain documentation to the board; requiring the  
63 board to adopt rules establishing minimum standards  
64 for peer review programs and requiring a peer review  
65 administering organization to submit certain  
66 information; providing for the approval of peer review  
67 administering organizations; authorizing the board to  
68 withdraw approval of peer review administering  
69 organizations under certain circumstances; providing  
70 that certain persons who perform specified  
71 administrative services for a peer review  
72 administering organization are immune from civil  
73 liability; providing that the proceedings, records,  
74 and workpapers of peer review administering  
75 organizations are confidential and privileged;  
76 providing exceptions; prohibiting persons involved in  
77 peer reviews from testifying; amending s. 473.323,  
78 F.S.; providing additional grounds for the discipline  
79 of firms engaged in certain aspects of the practice of  
80 public accounting, to which penalties apply;  
81 authorizing disciplinary actions to be taken against  
82 firms that fail to enroll in a peer review program, to  
83 undergo a peer review, or to cooperate with a peer  
84 review administering organization approved by the  
85 board; revising requirements for reissuance of  
86 licenses after compliance with disciplinary final  
87 orders; conforming provisions; amending s. 481.205,

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88 F.S.; authorizing the Board of Architecture and  
89 Interior Design to contract with certain private  
90 entities for specific functions; repealing s. 686.201,  
91 F.S., relating to sales representative contracts  
92 involving commissions; amending s. 373.461, F.S.;  
93 requiring certain appraisers to follow specific  
94 standards of professional practice in appraisals  
95 involving the restoration of the Lake Apopka Basin;  
96 amending s. 475.25, F.S.; conforming and clarifying  
97 certain real estate appraisal standards and practices;  
98 amending s. 475.615, F.S.; conforming provisions  
99 relating to standards of professional practice for  
100 real estate appraisers; amending s. 475.617, F.S.;  
101 conforming provisions relating to appraisal practice;  
102 amending s. 475.6175, F.S.; conforming provisions  
103 relating to appraisal practice; amending s. 475.6235,  
104 F.S.; conforming provisions relating to appraisal  
105 practice; amending s. 475.6245, F.S.; conforming  
106 provisions relating to appraisal practice; amending s.  
107 489.118, F.S.; extending the date within which certain  
108 registered contractors may apply for certification;  
109 amending s. 499.003, F.S.; redefining the term  
110 "prescription drug" to exclude active pharmaceutical  
111 ingredients; providing effective dates.

112  
113 Be It Enacted by the Legislature of the State of Florida:

114  
115 Section 1. Subsection (4) of section 322.142, Florida  
116 Statutes, is amended to read:

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117 322.142 Color photographic or digital imaged licenses.—

118 (4) The department may maintain a film negative or print  
119 file. The department shall maintain a record of the digital  
120 image and signature of the licensees, together with other data  
121 required by the department for identification and retrieval.  
122 Reproductions from the file or digital record are exempt from  
123 the provisions of s. 119.07(1) and shall be made and issued only  
124 for departmental administrative purposes; for the issuance of  
125 duplicate licenses; in response to law enforcement agency  
126 requests; to the Department of Business and Professional  
127 Regulation pursuant to an interagency agreement for the purpose  
128 of accessing digital images for reproduction of licenses issued  
129 by the Department of Business and Professional Regulation or for  
130 the purpose of identifying subjects who are under investigation  
131 for unlicensed activity pursuant to s. 455.228; to the  
132 Department of State pursuant to an interagency agreement to  
133 facilitate determinations of eligibility of voter registration  
134 applicants and registered voters in accordance with ss. 98.045  
135 and 98.075; to the Department of Revenue pursuant to an  
136 interagency agreement for use in establishing paternity and  
137 establishing, modifying, or enforcing support obligations in  
138 Title IV-D cases; to the Department of Children and Family  
139 Services pursuant to an interagency agreement to conduct  
140 protective investigations under part III of chapter 39 and  
141 chapter 415; to the Department of Children and Family Services  
142 pursuant to an interagency agreement specifying the number of  
143 employees in each of that department's regions to be granted  
144 access to the records for use as verification of identity to  
145 expedite the determination of eligibility for public assistance

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146 and for use in public assistance fraud investigations; or to the  
147 Department of Financial Services pursuant to an interagency  
148 agreement to facilitate the location of owners of unclaimed  
149 property, the validation of unclaimed property claims, and the  
150 identification of fraudulent or false claims.

151 Section 2. Subsection (12) is added to section 455.213,  
152 Florida Statutes, to read:

153 455.213 General licensing provisions.—

154 (12) The department may grant a fee waiver for a license  
155 renewal to a licensee on a case-by-case basis due to financial  
156 hardship or an error caused by the department.

157 Section 3. Subsection (10) of section 455.271, Florida  
158 Statutes, is amended to read:

159 455.271 Inactive and delinquent status.—

160 (10) The board, or the department if there is no board,  
161 shall require ~~Before reactivation,~~ an inactive or delinquent  
162 licensee, except a licensee under chapter 473 or chapter 475, to  
163 complete one renewal cycle of ~~shall meet the same~~ continuing  
164 education in order to reactivate a license ~~requirements, if any,~~  
165 ~~imposed on an active status licensee for all biennial licensure~~  
166 ~~periods in which the licensee was inactive or delinquent. This~~  
167 ~~subsection does not apply to persons regulated under chapter~~  
168 ~~473.~~

169 Section 4. Subsection (1) of section 475.42, Florida  
170 Statutes, is amended to read:

171 475.42 Violations and penalties.—

172 (1) VIOLATIONS.—

173 (a) A person may not operate as a broker or sales associate  
174 without being the holder of a valid and current active license

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175 therefor. Any person who violates this paragraph commits a  
176 felony of the third degree, punishable as provided in s. 775.082  
177 or s. 775.083, or, if a corporation, as provided in s. 775.083.

178 (b) A person licensed as a sales associate may not operate  
179 as a broker or operate as a sales associate for any person not  
180 registered as her or his employer.

181 (c) A broker may not employ, or continue in employment, any  
182 person as a sales associate who is not the holder of a valid and  
183 current license as sales associate; but a license as sales  
184 associate may be issued to a person licensed as an active  
185 broker, upon request and surrender of the license as broker,  
186 without a fee in addition to that paid for the issuance of the  
187 broker's active license.

188 (d) A sales associate may not collect any money in  
189 connection with any real estate brokerage transaction, whether  
190 as a commission, deposit, payment, rental, or otherwise, except  
191 in the name of the employer and with the express consent of the  
192 employer; and no real estate sales associate, whether the holder  
193 of a valid and current license or not, shall commence or  
194 maintain any action for a commission or compensation in  
195 connection with a real estate brokerage transaction against any  
196 person except a person registered as her or his employer at the  
197 time the sales associate performed the act or rendered the  
198 service for which the commission or compensation is due.

199 ~~(e) A person may not violate any lawful order or rule of~~  
200 ~~the commission which is binding upon her or him.~~

201 (e)~~(f)~~ A person may not commit any conduct or practice set  
202 forth in s. 475.25(1)(b), (c), (d), or (g) ~~(h)~~.

203 (f)~~(g)~~ A person may not make any false affidavit or

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204 affirmation intended for use as evidence by or before the  
205 commission or a member thereof, or by any of its authorized  
206 representatives, nor may any person give false testimony under  
207 oath or affirmation to or before the commission or any member  
208 thereof in any proceeding authorized by this chapter.

209 (g)~~(h)~~ A person may not fail or refuse to appear at the  
210 time and place designated in a subpoena issued with respect to a  
211 violation of this chapter, unless because of facts that are  
212 sufficient to excuse appearance in response to a subpoena from  
213 the circuit court; nor may a person who is present before the  
214 commission or a member thereof or one of its authorized  
215 representatives acting under authority of this chapter refuse to  
216 be sworn or to affirm or fail or refuse to answer fully any  
217 question propounded by the commission, the member, or such  
218 representative, or by any person by the authority of such  
219 officer or appointee; nor may any person, so being present,  
220 conduct herself or himself in a disorderly, disrespectful, or  
221 contumacious manner.

222 (h)~~(i)~~ A person may not obstruct or hinder in any manner  
223 the enforcement of this chapter or the performance of any lawful  
224 duty by any person acting under the authority of this chapter or  
225 interfere with, intimidate, or offer any bribe to any member of  
226 the commission or any of its employees or any person who is, or  
227 is expected to be, a witness in any investigation or proceeding  
228 relating to a violation of this chapter.

229 (i)~~(j)~~ A broker or sales associate may not place, or cause  
230 to be placed, upon the public records of any county, any  
231 contract, assignment, deed, will, mortgage, affidavit, or other  
232 writing which purports to affect the title of, or encumber, any



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233 real property if the same is known to her or him to be false,  
234 void, or not authorized to be placed of record, or not executed  
235 in the form entitling it to be recorded, or the execution or  
236 recording whereof has not been authorized by the owner of the  
237 property, maliciously or for the purpose of collecting a  
238 commission, or to coerce the payment of money to the broker or  
239 sales associate or other person, or for any unlawful purpose.  
240 However, nothing in this paragraph shall be construed to  
241 prohibit a broker or a sales associate from recording a judgment  
242 rendered by a court of this state or to prohibit a broker from  
243 placing a lien on a property where expressly permitted by  
244 contractual agreement or otherwise allowed by law.

245 (j)~~(k)~~ A person may not operate as a broker under a trade  
246 name without causing the trade name to be noted in the records  
247 of the commission and placed on the person's license, or so  
248 operate as a member of a partnership or as a corporation or as  
249 an officer or manager thereof, unless such partnership or  
250 corporation is the holder of a valid current registration.

251 (k)~~(l)~~ A person may not knowingly conceal any information  
252 relating to violations of this chapter.

253 (l)~~(m)~~ A person may not undertake to list or sell one or  
254 more timeshare periods per year in one or more timeshare plans  
255 on behalf of any number of persons without first being the  
256 holder of a valid and current license as a broker or sales  
257 associate pursuant to this chapter, except as provided in s.  
258 475.011 and chapter 721.

259 (m)~~(n)~~ A broker or sales associate may not enter into any  
260 listing or other agreement regarding her or his services in  
261 connection with the resale of a timeshare period unless the

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262 broker or sales associate fully and fairly discloses all  
263 material aspects of the agreement to the owner of the timeshare  
264 period. Further, a broker or sales associate may not use any  
265 form of contract or purchase and sale agreement in connection  
266 with the resale of a timeshare period unless the contract or  
267 purchase and sale agreement fully and fairly discloses all  
268 material aspects of the timeshare plan and the rights and  
269 obligations of both buyer and seller. The commission is  
270 authorized to adopt rules pursuant to chapter 120 as necessary  
271 to implement, enforce, and interpret this paragraph.

272 (n) ~~(e)~~ A person may not disseminate or cause to be  
273 disseminated by any means any false or misleading information  
274 for the purpose of offering for sale, or for the purpose of  
275 causing or inducing any other person to purchase, lease, or  
276 rent, real estate located in the state or for the purpose of  
277 causing or inducing any other person to acquire an interest in  
278 the title to real estate located in the state.

279 Section 5. Subsection (2) of section 477.0212, Florida  
280 Statutes, is amended to read:

281 477.0212 Inactive status.—

282 (2) The board shall promulgate rules relating to licenses  
283 which have become inactive and for the renewal of inactive  
284 licenses. The board shall prescribe by rule a fee not to exceed  
285 \$50 for the reactivation of an inactive license and a fee not to  
286 exceed \$50 for the renewal of an inactive license. The board  
287 shall also require a licensee to complete one renewal cycle of  
288 continuing education requirements.

289 Section 6. Subsection (1) of section 477.0265, Florida  
290 Statutes, is amended to read:

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291 477.0265 Prohibited acts.—

292 (1) It is unlawful for any person to:

293 (a) Engage in the practice of cosmetology or a specialty  
294 without an active license as a cosmetologist or registration as  
295 a specialist issued by the department pursuant to the provisions  
296 of this chapter.

297 (b) Own, operate, maintain, open, establish, conduct, or  
298 have charge of, either alone or with another person or persons,  
299 a cosmetology salon or specialty salon:

300 1. Which is not licensed under the provisions of this  
301 chapter; or

302 2. In which a person not licensed or registered as a  
303 cosmetologist or a specialist is permitted to perform  
304 cosmetology services or any specialty.

305 ~~(c) Engage in willful or repeated violations of this  
306 chapter or of any rule adopted by the board.~~

307 (c)~~(d)~~ Permit an employed person to engage in the practice  
308 of cosmetology or of a specialty unless such person holds a  
309 valid, active license as a cosmetologist or registration as a  
310 specialist.

311 (d)~~(e)~~ Obtain or attempt to obtain a license or  
312 registration for money, other than the required fee, or any  
313 other thing of value or by fraudulent misrepresentations.

314 (e)~~(f)~~ Use or attempt to use a license to practice  
315 cosmetology or a registration to practice a specialty, which  
316 license or registration is suspended or revoked.

317 (f)~~(g)~~ Advertise or imply that skin care services or body  
318 wrapping, as performed under this chapter, have any relationship  
319 to the practice of massage therapy as defined in s. 480.033(3),

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320 except those practices or activities defined in s. 477.013.

321 (g)~~(h)~~ In the practice of cosmetology, use or possess a  
322 cosmetic product containing a liquid nail monomer containing any  
323 trace of methyl methacrylate (MMA).

324 Section 7. Subsection (1) of section 481.217, Florida  
325 Statutes, is amended to read:

326 481.217 Inactive status.—

327 (1) The board may prescribe by rule continuing education  
328 requirements as a condition of reactivating a license. The rules  
329 may not require more than one renewal cycle of continuing  
330 education in order to reactive requirements for reactivating a  
331 license for a registered architect or interior designer may not  
332 exceed 12 contact hours for each year the license was inactive.  
333 The minimum continuing education requirement for reactivating a  
334 license for a registered interior designer shall be those of the  
335 most recent biennium plus one-half of the requirements in s.  
336 481.215 for each year or part thereof during which the license  
337 was inactive. The board may ~~shall only~~ approve continuing  
338 education for an interior designer which that builds only upon  
339 the basic knowledge of interior design.

340 Section 8. Subsection (1) of section 481.315, Florida  
341 Statutes, is amended to read:

342 481.315 Inactive status.—

343 (1) A license that has become inactive or delinquent may be  
344 reactivated under this section upon application to the  
345 department and payment of any applicable biennial renewal or  
346 delinquency fee, or both, and a reactivation fee. The board  
347 shall also require a licensee to complete one renewal cycle of  
348 continuing education requirements. ~~The board may prescribe by~~

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349 ~~rule continuing education requirements as a condition of~~  
350 ~~reactivating the license. The continuing education requirements~~  
351 ~~for reactivating a license may not exceed 12 classroom hours for~~  
352 ~~each year the license was inactive.~~

353 Section 9. Subsections (3) and (6) of section 489.116,  
354 Florida Statutes, are amended to read:

355 489.116 Inactive and delinquent status; renewal and  
356 cancellation notices.—

357 (3) An inactive status certificateholder or registrant may  
358 change to active status at any time, provided the  
359 certificateholder or registrant meets all requirements for  
360 active status, pays any additional licensure fees necessary to  
361 equal those imposed on an active status certificateholder or  
362 registrant, ~~and~~ pays any applicable late fees, and completes one  
363 renewal cycle of continuing education requirements.

364 (6) An inactive certificateholder or registrant shall  
365 complete one renewal cycle of ~~comply with the same~~ continuing  
366 education requirements in order to reactive his or her  
367 certification or registration, ~~if any, that are imposed on an~~  
368 ~~active status certificateholder or registrant.~~

369 Section 10. Subsection (1) of section 489.519, Florida  
370 Statutes, is amended to read:

371 489.519 Inactive status.—

372 (1) A certificate or registration that has become inactive  
373 may be reactivated under s. 489.517 upon application to the  
374 department. The licensee must complete one renewal cycle of  
375 continuing education requirements. ~~The board may prescribe, by~~  
376 ~~rule, continuing education requirements as a condition of~~  
377 ~~reactivating a certificate or registration. The continuing~~

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378 ~~education requirements for reactivating a certificate or~~  
379 ~~registration may not exceed 12 classroom hours for each year the~~  
380 ~~certificate or registration was inactive.~~

381 Section 11. Effective July 1, 2014, paragraph (v) of  
382 subsection (1) of section 475.611, Florida Statutes, as amended  
383 by chapter 2010-84, Laws of Florida, is repealed.

384 Section 12. Notwithstanding the amendment made by this act  
385 to section 10 of chapter 2010-84, Laws of Florida, effective  
386 upon this act becoming a law, paragraphs (b) and (c) of  
387 subsection (1) of section 475.626, Florida Statutes, as amended  
388 by chapter 2010-84, Laws of Florida, are repealed.

389 Section 13. Subsection (14) of section 475.624, Florida  
390 Statutes, as amended by chapter 2010-84, Laws of Florida, is  
391 amended to read:

392 475.624 Discipline of appraisers.—The board may deny an  
393 application for registration or certification of an appraiser;  
394 may investigate the actions of any appraiser registered,  
395 licensed, or certified under this part; may reprimand or impose  
396 an administrative fine not to exceed \$5,000 for each count or  
397 separate offense against any such appraiser; and may revoke or  
398 suspend, for a period not to exceed 10 years, the registration,  
399 license, or certification of any such appraiser, or place any  
400 such appraiser on probation, if the board finds that the  
401 registered trainee, licensee, or certificateholder:

402 (14) Has violated any standard of professional practice  
403 established by board rule, including standards for the  
404 development or communication of a real estate appraisal ~~or other~~  
405 ~~provision of the Uniform Standards of Professional Appraisal~~  
406 ~~Practice.~~

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407 Section 14. Section 475.628, Florida Statutes, is amended  
408 to read:

409 475.628 Professional standards for appraisers registered,  
410 licensed, or certified under this part.—The board shall adopt  
411 rules establishing standards of professional practice that meet  
412 or exceed nationally recognized standards of appraisal practice,  
413 including standards adopted by the Appraiser Standards Board of  
414 the Appraisal Foundation. Each appraiser registered, licensed,  
415 or certified under this part must ~~shall~~ comply with the rules  
416 ~~Uniform Standards of Professional Appraisal Practice.~~ Statements  
417 on appraisal standards which may be issued for the purpose of  
418 clarification, interpretation, explanation, or elaboration  
419 through the Appraisal Foundation shall also be binding on any  
420 appraiser registered, licensed, or certified under this part,  
421 upon adoption by board rule.

422 Section 15. Subsection (7) of section 509.032, Florida  
423 Statutes, is amended to read:

424 509.032 Duties.—

425 (7) PREEMPTION AUTHORITY.—The regulation of public lodging  
426 establishments and public food service establishments,  
427 including, but not limited to, ~~the inspection of public lodging~~  
428 ~~establishments and public food service establishments for~~  
429 ~~compliance with the sanitation standards,~~ inspections, ~~adopted~~  
430 ~~under this section, and the regulation of food safety protection~~  
431 ~~standards for required training and testing of food service~~  
432 ~~establishment personnel,~~ and matters related to the nutritional  
433 content and marketing of foods offered in such establishments  
434 are preempted to the state. This subsection does not preempt the  
435 authority of a local government or local enforcement district to

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436 conduct inspections of public lodging and public food service  
437 establishments for compliance with the Florida Building Code and  
438 the Florida Fire Prevention Code, pursuant to ss. 553.80 and  
439 633.022.

440 Section 16. Subsection (1) of section 509.261, Florida  
441 Statutes, is amended to read:

442 509.261 Revocation or suspension of licenses; fines;  
443 procedure.—

444 (1) Any public lodging establishment or public food service  
445 establishment that has operated or is operating in violation of  
446 this chapter or the rules of the division, operating without a  
447 license, or operating with a suspended or revoked license may be  
448 subject by the division to:

449 (a) Fines not to exceed \$1,000 per offense;

450 (b) Mandatory completion attendance, at personal expense,  
451 of a remedial at an educational program administered sponsored  
452 by a food safety training program provider whose program been  
453 approved by the division, as provided in s. 509.049 the  
454 Hospitality Education Program; and

455 (c) The suspension, revocation, or refusal of a license  
456 issued pursuant to this chapter.

457 Section 17. Effective upon this act becoming a law, section  
458 10 of chapter 2010-84, Laws of Florida, is amended to read:

459 Section 10. This act shall take effect July 1, 2014 ~~2011~~.

460 Section 18. Section 473.3066, Florida Statutes, is created  
461 to read:

462 473.3066 Peer review oversight committee.—

463 (1) The board may establish a peer review oversight  
464 committee to oversee the peer review requirements of s.



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465 473.3125.

466 (2) If the board establishes the peer review oversight  
467 committee, the board shall adopt rules providing for the  
468 qualifications, appointment, and terms of committee members as  
469 follows:

470 (a) The peer review oversight committee shall be composed  
471 of five or fewer members appointed by the board.

472 (b) Each committee member must hold a valid license as a  
473 Florida certified public accountant.

474 (c) Each committee member or his or her firm must have  
475 undergone a peer review and received a review rating of "pass"  
476 on the most recent peer review.

477 (d) A committee member may not be a member of any state  
478 accountancy board, be a member of another state accountancy  
479 board committee, or perform any enforcement-related work for a  
480 state accountancy board.

481 (e) Committee members shall serve for terms not to exceed 3  
482 years, except that the board, to establish staggered terms, may  
483 appoint members to initial terms that are shorter than the terms  
484 adopted by rule. The board shall fill the vacancy of a committee  
485 member for the unexpired portion of the member's term in the  
486 same manner as the original appointment.

487 (f) Committee members shall serve without compensation and  
488 are not entitled to reimbursement of per diem or travel  
489 expenses.

490 (3) The rules, if adopted, shall also provide for the  
491 duties of the peer review oversight committee, which may  
492 include, but need not be limited to:

493 (a) Providing oversight for peer review programs and peer

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494 review administering organizations.

495 (b) Periodically reporting to the board on the  
496 effectiveness of peer review programs and providing a list of  
497 licensees that participate in the programs.

498 (c) Performing other duties relating to oversight of peer  
499 review programs.

500 Section 19. Section 473.311, Florida Statutes, is amended  
501 to read:

502 473.311 Renewal of license.—

503 (1) The department shall renew a license issued under s.  
504 473.308 upon receipt of the renewal application and fee and upon  
505 certification by the board that the Florida certified public  
506 accountant has satisfactorily completed the continuing education  
507 requirements of s. 473.312.

508 (2) Effective January 1, 2015, the department shall renew a  
509 license issued under s. 473.3101 upon certification by the board  
510 that the sole proprietor, partnership, corporation, limited  
511 liability company, or other firm engaged in the practice of  
512 public accounting as defined in s. 473.302 (8) (a) has  
513 satisfactorily complied with the peer review requirements of s.  
514 473.3125 or that the board has extended the time to comply with  
515 the peer review requirements.

516 (3)~~(2)~~ The department shall adopt rules establishing a  
517 procedure for the biennial renewal of licenses issued under ss.  
518 473.308 and 473.3101.

519 Section 20. Section 473.3125, Florida Statutes, is created  
520 to read:

521 473.3125 Peer review.—

522 (1) As used in this section, the term:

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523 (a) "Licensee" means a sole proprietor, partnership,  
524 corporation, limited liability company, or any other firm  
525 engaged in the practice of public accounting as defined in s.  
526 473.302(8)(a) which is required to be licensed under s.  
527 473.3101.

528 (b) "Peer review" means the study, appraisal, or review by  
529 one or more independent certified public accountants of one or  
530 more aspects of the professional work of a licensee.

531 (2)(a) Except as otherwise provided in paragraph (b) or  
532 paragraph (c), a licensee must:

533 1. Enroll in the peer review program of a peer review  
534 administering organization approved by the board; and

535 2. Undergo a complete peer review at least once every 3  
536 years, which is performed in the manner prescribed by this  
537 section and rules adopted by the board under this section and  
538 for which a peer review report is submitted to and accepted by  
539 the peer review administering organization.

540 (b) A licensee is not required to enroll in a peer review  
541 program or undergo a peer review if the licensee does not engage  
542 in the practice of public accounting as defined in s.  
543 473.302(8)(a).

544 (c) A licensee that is licensed for less than 18 months  
545 must enroll in a peer review program but is not required to  
546 undergo a peer review.

547 (d) A licensee that receives a review rating of "fail" on  
548 two consecutive peer reviews must submit to the board any  
549 documentation requested by the board relating to the peer  
550 reviews for which the licensee received a review rating of  
551 "fail."

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552       (3) (a) The board shall adopt rules establishing minimum  
553 standards for peer review programs, including, but not limited  
554 to, standards for administering, performing, and reporting peer  
555 reviews. The board shall also adopt rules establishing minimum  
556 criteria for the board's approval of one or more peer review  
557 administering organizations to facilitate and administer peer  
558 review programs.

559       (b) The rules shall require a peer review administering  
560 organization to submit to the board a written summary of the  
561 organization's peer review program, including a description of  
562 its entire peer review process; the organization's standards for  
563 administering, performing, and reporting peer reviews; oversight  
564 procedures; training requirements; and support materials.

565       (c) The board may approve a peer review administering  
566 organization if:

567       1. The organization meets or exceeds the board's minimum  
568 criteria for the approval of peer review administering  
569 organizations.

570       2. The organization's peer review program meets or exceeds  
571 the board's minimum standards for peer review programs.

572       3. The organization demonstrates the ability to administer  
573 its peer review program in the manner described in its written  
574 summary and to comply with the board's minimum standards for  
575 peer review programs.

576       (d) The board may withdraw its approval of a peer review  
577 administering organization if the organization fails to comply  
578 with this section or rules adopted by the board under this  
579 section.

580       (4) A certified public accountant or other person appointed

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581 or authorized to perform administrative services for a peer  
582 review administering organization is immune from civil liability  
583 for furnishing information, data, reports, or records to the  
584 peer review administering organization or for damages resulting  
585 from any decision, opinion, action, or proceeding that is  
586 rendered, entered, or acted upon by the peer review  
587 administering organization and that is undertaken or performed  
588 within the scope or function of the duties of the peer review  
589 administering organization.

590 (5) The proceedings, records, and workpapers of a peer  
591 review administering organization are privileged, confidential,  
592 and not subject to discovery, subpoena, or other means of legal  
593 process or to introduction into evidence in a civil action or  
594 arbitration proceeding. A person who is involved in a peer  
595 review may not testify in a civil action or arbitration  
596 proceeding as to any matter produced, presented, disclosed, or  
597 discussed during or in connection with the peer review or as to  
598 any finding, recommendation, evaluation, opinion, or other  
599 action of the peer review administering organization. Public  
600 records and materials prepared for a particular engagement are  
601 not privileged merely because they were presented or considered  
602 as part of a peer review. This privilege does not apply to any  
603 dispute between a peer review administering organization and the  
604 licensee subject to a review arising from the performance of the  
605 peer review.

606 Section 21. Section 473.323, Florida Statutes, is amended  
607 to read:

608 473.323 Disciplinary proceedings.—

609 (1) ~~The following acts constitute grounds for which The~~

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610 disciplinary actions in subsection (3) may be taken against any  
611 certified public accountant or firm that:

612 (a) Violates ~~Violation of~~ any provision of s. 455.227(1) or  
613 any other provision of this chapter.

614 (b) Attempts ~~Attempting~~ to procure a license to practice  
615 public accounting by bribery or fraudulent misrepresentations.

616 (c) Has ~~Having~~ a license to practice public accounting  
617 revoked, suspended, or otherwise acted against, including ~~the~~  
618 denial of licensure, by the licensing authority of another  
619 state, territory, or country.

620 (d) Is ~~Being~~ convicted or found guilty of, or enters  
621 ~~entering~~ a plea of nolo contendere to, regardless of  
622 adjudication, a crime in any jurisdiction which directly relates  
623 to the practice of public accounting or the ability to practice  
624 public accounting.

625 (e) Makes ~~Making~~ or files ~~filing~~ a report or record that  
626 the certified public accountant or firm knows to be false,  
627 willfully fails ~~failing~~ to file a report or record required by  
628 state or federal law, willfully impedes ~~impeding~~ or obstructs  
629 ~~obstructing~~ such filing, or induces ~~inducing~~ another person to  
630 impede or obstruct such filing. Such reports or records include  
631 only those that are signed in the capacity of a certified public  
632 accountant.

633 (f) Advertises ~~Advertising~~ goods or services in a manner  
634 that is fraudulent, false, deceptive, or misleading in form or  
635 content.

636 (g) Commits ~~Committing~~ an act of fraud or deceit, or of  
637 negligence, incompetency, or misconduct, in the practice of  
638 public accounting.

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639 (h) Violates ~~Violation of~~ any rule adopted under ~~pursuant~~  
640 ~~to~~ this chapter or chapter 455.

641 (i) Practices public accounting using ~~Practicing on~~ a  
642 revoked, suspended, inactive, or delinquent license.

643 (j) Has ~~Suspension or revocation of~~ the right to practice  
644 public accounting suspended or revoked by ~~before~~ any state or  
645 federal agency.

646 (k) Performs ~~Performance of~~ any fraudulent act in any  
647 jurisdiction while holding a license to practice public  
648 accounting in this state or while using practice privileges in  
649 this state.

650 (l) Fails ~~Failing~~ to maintain a good moral character as  
651 provided in s. 473.308 while applying for licensure, ~~or~~ while  
652 licensed in this state, or while using practice privileges under  
653 ~~pursuant to~~ s. 473.3141.

654 (m) Fails ~~Failing~~ to provide any written disclosure to a  
655 client or the public which is required by this chapter or rule  
656 adopted by ~~of~~ the board.

657 (n) Has ~~Having~~ the same or equivalent practice privileges  
658 of a Florida certified public accountant or firm revoked,  
659 suspended, or otherwise acted against by the licensing authority  
660 of another state, territory, or country as a result of activity  
661 in that jurisdiction which would have subjected the Florida  
662 certified public accountant or firm to discipline in this state.

663  
664 ~~(2)~~ The board shall specify, by rule, what acts or omissions  
665 constitute a violation of this subsection ~~(1)~~.

666 (2) The disciplinary actions in subsection (3) may be taken  
667 against any licensed audit firm or public accounting firm

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668 licensed under s. 473.3101 engaged in the practice of public  
669 accounting as defined in s. 473.302(8) (a) which:

670 (a) Fails to enroll in a peer review program or undergo a  
671 peer review as required under s. 473.3125; or

672 (b) Engages in material noncooperation with a peer review  
673 administering organization approved by the board under s.  
674 473.3125.

675 (3) When the board finds any certified public accountant or  
676 firm guilty of any of the grounds set forth in subsection (1),  
677 or finds any licensed audit firm or public accounting firm  
678 licensed under s. 473.3101 engaged in the practice of public  
679 accounting as defined in s. 473.302(8) (a) guilty of any of the  
680 grounds set forth in subsection (2), the board ~~it~~ may enter an  
681 order imposing one or more of the following penalties:

682 (a) Denial of an application for licensure.

683 (b) Revocation or suspension of the certified public  
684 accountant's accountant or licensed audit firm's or public  
685 accounting firm's license or practice privileges in this state.

686 (c) Imposition of an administrative fine not to exceed  
687 \$5,000 for each count or separate offense.

688 (d) Issuance of a reprimand.

689 (e) Placement of the certified public accountant on  
690 probation for a period of time and subject to such conditions as  
691 the board may specify, including requiring the certified public  
692 accountant to attend continuing education courses or to work  
693 under the supervision of another certified public accountant  
694 licensee.

695 (f) Restriction of the authorized scope of practice by the  
696 certified public accountant.



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697           (4) Upon ~~The department shall reissue the license of a~~  
698 ~~disciplined licensee upon~~ certification by the board that a  
699 certified public accountant, licensed audit firm, or public  
700 accounting firm whose license was subject to discipline ~~the~~  
701 ~~disciplined licensee~~ has complied with all ~~of~~ the terms and  
702 conditions set forth in the final order, the department shall  
703 reissue the license under s. 473.311.

704           Section 22. Present subsection (4) of section 481.205,  
705 Florida Statutes, is renumbered as subsection (5), and a new  
706 subsection (4) is added to that section, to read:

707           481.205 Board of Architecture and Interior Design.—

708           (4) In addition to the authority granted in subsection (3),  
709 the board may contract for all other services pursuant to s.  
710 455.32.

711           Section 23. Section 686.201, Florida Statutes, is repealed.

712           Section 24. Paragraph (c) of subsection (5) of section  
713 373.461, Florida Statutes, is amended to read:

714           373.461 Lake Apopka improvement and management.—

715           (5) PURCHASE OF AGRICULTURAL LANDS.—

716           (c) The district shall explore the availability of funding  
717 from all sources, including any federal, state, regional, and  
718 local land acquisition funding programs, to purchase the  
719 agricultural lands described in paragraph (a). It is the  
720 Legislature's intent that, if such funding sources can be  
721 identified, acquisition of the lands described in paragraph (a)  
722 may be undertaken by the district to purchase these properties  
723 from willing sellers. However, the purchase price paid for  
724 acquisition of such lands that were in active cultivation during  
725 1996 shall not exceed the highest appraisal obtained by the

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726 district for these lands from a state-certified general  
727 appraiser following the standards of professional practice  
728 established by rule of the Florida Real Estate Appraisal Board,  
729 including standards for the development or communication of a  
730 real estate appraisal ~~Uniform Standards of Professional~~  
731 ~~Appraisal Practice~~. This maximum purchase price limitation shall  
732 not include, nor be applicable to, that portion of the purchase  
733 price attributable to consideration of income described in  
734 paragraph (b), or that portion attributable to related  
735 facilities, or closing costs.

736 Section 25. Paragraph (t) of subsection (1) of section  
737 475.25, Florida Statutes, is amended to read:

738 475.25 Discipline.—

739 (1) The commission may deny an application for licensure,  
740 registration, or permit, or renewal thereof; may place a  
741 licensee, registrant, or permittee on probation; may suspend a  
742 license, registration, or permit for a period not exceeding 10  
743 years; may revoke a license, registration, or permit; may impose  
744 an administrative fine not to exceed \$5,000 for each count or  
745 separate offense; and may issue a reprimand, and any or all of  
746 the foregoing, if it finds that the licensee, registrant,  
747 permittee, or applicant:

748 (t) Has violated any standard of professional practice  
749 established by rule of the Florida Real Estate Appraisal Board,  
750 including standards for the development or communication of a  
751 real estate appraisal ~~or other provision of the Uniform~~  
752 ~~Standards of Professional Appraisal Practice, as defined in s.~~  
753 ~~475.611,~~ as approved and adopted by the Appraisal Standards  
754 Board of the Appraisal Foundation, as defined in s. 475.611.

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755 This paragraph does not apply to a real estate broker or sales  
756 associate who, in the ordinary course of business, performs a  
757 comparative market analysis, gives a broker price opinion, or  
758 gives an opinion of value of real estate. However, in no event  
759 may this comparative market analysis, broker price opinion, or  
760 opinion of value of real estate be referred to as an appraisal,  
761 as defined in s. 475.611.

762 Section 26. Subsection (5) of section 475.615, Florida  
763 Statutes, is amended to read:

764 475.615 Qualifications for registration or certification.—

765 (5) At the time of filing an application for registration  
766 or certification, the applicant must sign a pledge indicating  
767 that upon becoming registered or certified, he or she will  
768 comply with the standards of professional practice established  
769 by board rule, including standards for the development or  
770 communication of a real estate appraisal, ~~to comply with the~~  
771 ~~Uniform Standards of Professional Appraisal Practice upon~~  
772 ~~registration or certification~~ and must indicate in writing that  
773 she or he understands the types of misconduct for which  
774 disciplinary proceedings may be initiated. The application shall  
775 expire 1 year after the date received by the department.

776 Section 27. Subsections (1), (2), and (3) of section  
777 475.617, Florida Statutes, are amended to read:

778 475.617 Education and experience requirements.—

779 (1) To be registered as a trainee appraiser, an applicant  
780 must present evidence satisfactory to the board that she or he  
781 has successfully completed at least 100 hours of approved  
782 academic courses in subjects related to real estate appraisal,  
783 which shall include coverage of the Uniform Standards of

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784 Professional Appraisal Practice, or its equivalent, as  
785 established by board rule, from a nationally recognized or  
786 state-recognized appraisal organization, career center,  
787 accredited community college, college, or university, state or  
788 federal agency or commission, or proprietary real estate school  
789 that holds a permit pursuant to s. 475.451. The board may  
790 increase the required number of hours to not more than 125  
791 hours. A classroom hour is defined as 50 minutes out of each 60-  
792 minute segment. Past courses may be approved on an hour-for-hour  
793 basis.

794 (2) To be certified as a residential appraiser, an  
795 applicant must present satisfactory evidence to the board that  
796 she or he has met the minimum education and experience  
797 requirements prescribed by rule of the board. The board shall  
798 prescribe by rule education and experience requirements that  
799 meet or exceed the following real property appraiser  
800 qualification criteria adopted on February 20, 2004, by the  
801 Appraisal Qualifications Board of the Appraisal Foundation:

802 (a) Has at least 2,500 hours of experience obtained over a  
803 24-month period in real property appraisal as defined by rule.

804 (b) Has successfully completed at least 200 classroom  
805 hours, inclusive of examination, of approved academic courses in  
806 subjects related to real estate appraisal, which shall include a  
807 15-hour National Uniform Standards of Professional Appraisal  
808 Practice course, or its equivalent, as established by board  
809 rule, from a nationally recognized or state-recognized appraisal  
810 organization, career center, accredited community college,  
811 college, or university, state or federal agency or commission,  
812 or proprietary real estate school that holds a permit pursuant

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813 to s. 475.451. A classroom hour is defined as 50 minutes out of  
814 each 60-minute segment. Past courses may be approved by the  
815 board and substituted on an hour-for-hour basis.

816 (3) To be certified as a general appraiser, an applicant  
817 must present evidence satisfactory to the board that she or he  
818 has met the minimum education and experience requirements  
819 prescribed by rule of the board. The board shall prescribe  
820 education and experience requirements that meet or exceed the  
821 following real property appraiser qualification criteria adopted  
822 on February 20, 2004, by the Appraisal Qualifications Board of  
823 the Appraisal Foundation:

824 (a) Has at least 3,000 hours of experience obtained over a  
825 30-month period in real property appraisal as defined by rule.

826 (b) Has successfully completed at least 300 classroom  
827 hours, inclusive of examination, of approved academic courses in  
828 subjects related to real estate appraisal, which shall include a  
829 15-hour National Uniform Standards of Professional Appraisal  
830 Practice course, or its equivalent, as established by board  
831 rule, from a nationally recognized or state-recognized appraisal  
832 organization, career center, accredited community college,  
833 college, or university, state or federal agency or commission,  
834 or proprietary real estate school that holds a permit pursuant  
835 to s. 475.451. A classroom hour is defined as 50 minutes out of  
836 each 60-minute segment. Past courses may be approved by the  
837 board and substituted on an hour-for-hour basis.

838 Section 28. Subsection (1) of section 475.6175, Florida  
839 Statutes, is amended to read:

840 475.6175 Registered trainee appraiser; postlicensure  
841 education required.—

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842 (1) The board shall prescribe postlicensure educational  
843 requirements in order for a person to maintain a valid  
844 registration as a registered trainee appraiser. If prescribed,  
845 the postlicensure educational requirements consist of one or  
846 more courses which total no more than the total educational  
847 hours required to qualify as a state certified residential  
848 appraiser. Such courses must be in subjects related to real  
849 estate appraisal and shall include coverage of the Uniform  
850 Standards of Professional Appraisal Practice, or its equivalent,  
851 as established by board rule. Such courses are provided by a  
852 nationally or state-recognized appraisal organization, career  
853 center, accredited community college, college, or university,  
854 state or federal agency or commission, or proprietary real  
855 estate school that holds a permit pursuant to s. 475.451.

856 Section 29. Subsection (4) of section 475.6235, Florida  
857 Statutes, is amended to read:

858 475.6235 Registration of appraisal management companies  
859 required.—

860 (4) At the time of filing an application for registration  
861 of an appraisal management company, each person listed in  
862 paragraph (2) (f) must sign a pledge to comply with the standards  
863 of professional practice established by board rule, including  
864 standards for the development or communication of a real estate  
865 appraisal, ~~Uniform Standards of Professional Appraisal Practice~~  
866 upon registration and must indicate in writing that she or he  
867 understands the types of misconduct for which disciplinary  
868 proceedings may be initiated. The application shall expire 1  
869 year after the date received by the department.

870 Section 30. Paragraph (n) of subsection (1) of section

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871 475.6245, Florida Statutes, is amended to read:

872 475.6245 Discipline of appraisal management companies.—

873 (1) The board may deny an application for registration of  
874 an appraisal management company; may investigate the actions of  
875 any appraisal management company registered under this part; may  
876 reprimand or impose an administrative fine not to exceed \$5,000  
877 for each count or separate offense against any such appraisal  
878 management company; and may revoke or suspend, for a period not  
879 to exceed 10 years, the registration of any such appraisal  
880 management company, or place any such appraisal management  
881 company on probation, if the board finds that the appraisal  
882 management company or any person listed in s. 475.6235(2)(f):

883 (n) Has instructed an appraiser to violate any standard of  
884 professional practice established by board rule, including  
885 standards for the development or communication of a real estate  
886 appraisal or other provision of the Uniform Standards of  
887 Professional Appraisal Practice.

888 Section 31. Section 489.118, Florida Statutes, is amended  
889 to read:

890 489.118 Certification of registered contractors;  
891 grandfathering provisions.—The board shall, upon receipt of a  
892 completed application and appropriate fee, issue a certificate  
893 in the appropriate category to any contractor registered under  
894 this part who makes application to the board and can show that  
895 he or she meets each of the following requirements:

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

898 (2) Has, for that category, passed a written examination  
899 that the board finds to be substantially similar to the

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900 examination required to be licensed as a certified contractor  
901 under this part. For purposes of this subsection, a written,  
902 proctored examination such as that produced by the National  
903 Assessment Institute, Block and Associates, NAI/Block, Experior  
904 Assessments, Professional Testing, Inc., or Assessment Systems,  
905 Inc., shall be considered to be substantially similar to the  
906 examination required to be licensed as a certified contractor.  
907 The board may not impose or make any requirements regarding the  
908 nature or content of these cited examinations.

909 (3) Has at least 5 years of experience as a contractor in  
910 that contracting category, or as an inspector or building  
911 administrator with oversight over that category, at the time of  
912 application. For contractors, only time periods in which the  
913 contractor license is active and the contractor is not on  
914 probation shall count toward the 5 years required by this  
915 subsection.

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

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

922  
923 Applicants wishing to obtain a certificate pursuant to this  
924 section must make application by November 1, 2015 ~~2005~~.

925 Section 32. Subsection (43) of section 499.003, Florida  
926 Statutes, is amended to read:

927 499.003 Definitions of terms used in this part.—As used in  
928 this part, the term:



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929           (43) "Prescription drug" means a prescription, medicinal,  
930 or legend drug, ~~including, but not limited to, finished dosage~~  
931 ~~forms or active ingredients~~ subject to, defined by, or described  
932 by s. 503(b) of the Federal Food, Drug, and Cosmetic Act or s.  
933 465.003(8), s. 499.007(13), or subsection (11), subsection (46),  
934 or subsection (53). The term does not mean an active  
935 pharmaceutical ingredient.

936           Section 33. Except as otherwise expressly provided in this  
937 act and except for this section, which shall take effect upon  
938 this act becoming a law, this act shall take effect July 1,  
939 2011.