

1 A bill to be entitled
2 An act relating to reducing and streamlining regulations;
3 amending s. 320.90, F.S.; transferring the responsibility
4 for distribution of a motor vehicle consumer's rights
5 pamphlet to a motor vehicle owner from the Department of
6 Agriculture and Consumer Services to the Department of
7 Legal Affairs; amending s. 322.142, F.S.; providing for
8 the release of certain driver license information by the
9 Department of Highway Safety and Motor Vehicles to the
10 Department of Business and Professional Regulation under
11 certain circumstances; amending s. 468.8324, F.S.;
12 providing alternative criteria for obtaining a home
13 inspector's license; removing certain application
14 requirements for a person who performs home inspection
15 services and who qualifies for licensure on or before a
16 specified date; amending s. 468.841, F.S.; exempting
17 licensed home inspectors from certain provisions related
18 to mold assessment; amending ss. 468.8413 and 468.8414,
19 F.S.; revising licensing requirements for mold assessors
20 and remediators; deleting certain training requirements;
21 amending s. 468.8419, F.S.; revising prohibitions and
22 penalties for mold assessors and remediators, to conform;
23 conforming a cross-reference; amending s. 468.8423, F.S.;
24 revising alternative criteria for obtaining a mold
25 assessor's or mold remediator's license; deleting certain
26 education requirements; amending s. 469.006, F.S.;
27 authorizing an asbestos consultant or contractor doing
28 business as a sole proprietorship to be licensed under his

29 | or her fictitious name; amending s. 475.611, F.S.;

30 | deleting the definition of the term "Uniform Standards of

31 | Professional Appraisal Practice"; amending ss. 373.461,

32 | 475.25, 475.615, 475.617, 475.6175, and 475.6235, F.S., to

33 | conform; amending s. 475.624, F.S.; revising the grounds

34 | for discipline of a registered or certified appraiser or

35 | applicant for registration or certification, to which

36 | penalties apply; prohibiting the violation of professional

37 | practice standards established by the Florida Real Estate

38 | Appraisal Board; conforming provisions; amending s.

39 | 475.6245, F.S., to conform; amending s. 475.628, F.S.;

40 | authorizing the board to adopt rules establishing

41 | professional practice standards; amending ss. 475.42,

42 | 475.626, and 477.0265, F.S.; deleting criminal penalties

43 | for persons who violate orders or rules of the Florida

44 | Real Estate Commission, persons who violate orders or

45 | rules of the Florida Real Estate Appraisal Board or

46 | related grounds for disciplinary action, and persons who

47 | commit certain violations of the Florida Cosmetology Act

48 | or rules of the Board of Cosmetology; amending ss.

49 | 455.271, 468.8317, 468.8417, 477.0212, 481.217, 481.315,

50 | 489.116, and 489.519, F.S.; revising the continuing

51 | education requirements for reactivating a license,

52 | certificate, or registration to practice certain regulated

53 | professions and occupations; amending s. 473.308, F.S.;

54 | revising licensure requirements for certified public

55 | accountants and firms; deleting obsolete provisions;

56 | revising licensure requirements for certain persons

57 | licensed to practice public accounting in another state or
58 | territory; amending s. 475.17, F.S.; revising the
59 | education requirements for licensed real estate brokers
60 | and sales associates; amending s. 481.219, F.S.; providing
61 | that a certificate of authorization is not required for an
62 | architect doing business as a sole proprietorship under
63 | his or her fictitious name; amending s. 481.329, F.S.;
64 | providing for applicability of provisions regulating the
65 | practice of landscape architecture; amending ss. 493.6107
66 | and 493.6202, F.S.; revising requirements for the method
67 | of payment of certain fees; amending s. 493.6401, F.S.;
68 | revising terminology for reposessor schools and training
69 | facilities; amending s. 493.6402, F.S.; conforming
70 | terminology; revising requirements for the method of
71 | payment of certain fees; amending s. 493.6406, F.S.;
72 | conforming terminology; amending s. 500.03, F.S.;
73 | providing and revising definitions for purposes of the
74 | Florida Food Safety Act; amending s. 500.121, F.S.;
75 | providing penalties for food safety violations committed
76 | by cottage food operations; creating s. 500.80, F.S.;
77 | exempting cottage food operations from food permitting
78 | requirements; limiting the annual gross sales of cottage
79 | food operations and the methods by which cottage food
80 | products may be sold or offered for sale; requiring
81 | certain packaging and labeling of cottage food products;
82 | limiting the sale of cottage food products to certain
83 | locations; providing for application; authorizing the
84 | Department of Agriculture and Consumer Services to

85 | investigate complaints and enter into the premises of a
86 | cottage food operation; amending s. 501.160, F.S.;
87 | deleting authority for the department to enforce certain
88 | prohibitions against unconscionable practices during a
89 | declared state of emergency; amending s. 509.032, F.S.;
90 | revising which matters relating to the regulation of
91 | public lodging establishments and public food service
92 | establishments are preempted to the state; amending s.
93 | 509.261, F.S.; authorizing the Division of Hotels and
94 | Restaurants of the Department of Business and Professional
95 | Regulation to require certain public lodging
96 | establishments and public food service establishments to
97 | complete certain remedial educational programs; amending
98 | s. 627.711, F.S.; revising training and continuing
99 | education requirements for home inspectors conducting
100 | hurricane mitigation verification inspections; amending s.
101 | 633.537, F.S.; revising the validity period for inactive
102 | status certificates of fire protection system contractors;
103 | amending ss. 681.102, 681.103, 681.108, 681.109, 681.1095,
104 | 681.1096, and 681.112, F.S.; deleting a definition;
105 | transferring certain responsibilities of the Division of
106 | Consumer Services for the Motor Vehicle Warranty
107 | Enforcement Act to the Department of Legal Affairs;
108 | conforming provisions; amending s. 681.117, F.S.; deleting
109 | provisions providing for the transfer of certain fees and
110 | interagency contracting between the Department of Legal
111 | Affairs and the Division of Consumer Services, to conform;
112 | amending s. 10, ch. 2010-84, Laws of Florida; revising the

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113 effective date of provisions relating to the regulation of
114 real estate appraisers and appraisal management companies;
115 providing for retroactive operation under certain
116 circumstances; providing effective dates.

117

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

119

120 Section 1. Section 320.90, Florida Statutes, is amended to
121 read:

122 320.90 Notification of consumer's rights.—The department
123 shall develop a motor vehicle consumer's rights pamphlet which
124 shall be distributed free of charge by the Department of Legal
125 Affairs ~~Agriculture and Consumer Services~~ to the motor vehicle
126 owner upon request. Such pamphlet must contain information
127 relating to odometer fraud and provide a summary of the rights
128 and remedies available to all purchasers of motor vehicles.

129 Section 2. Subsection (4) of section 322.142, Florida
130 Statutes, is amended to read:

131 322.142 Color photographic or digital imaged licenses.—

132 (4) The department may maintain a film negative or print
133 file. The department shall maintain a record of the digital
134 image and signature of the licensees, together with other data
135 required by the department for identification and retrieval.
136 Reproductions from the file or digital record are exempt from
137 the provisions of s. 119.07(1) and shall be made and issued only
138 for departmental administrative purposes; for the issuance of
139 duplicate licenses; in response to law enforcement agency
140 requests; to the Department of Business and Professional

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141 Regulation pursuant to an interagency agreement for the purpose
 142 of accessing digital images for reproduction of licenses issued
 143 by the Department of Business and Professional Regulation or for
 144 the purpose of identifying subjects under investigation for
 145 unlicensed activity pursuant to s. 455.228; to the Department of
 146 State pursuant to an interagency agreement to facilitate
 147 determinations of eligibility of voter registration applicants
 148 and registered voters in accordance with ss. 98.045 and 98.075;
 149 to the Department of Revenue pursuant to an interagency
 150 agreement for use in establishing paternity and establishing,
 151 modifying, or enforcing support obligations in Title IV-D cases;
 152 to the Department of Children and Family Services pursuant to an
 153 interagency agreement to conduct protective investigations under
 154 part III of chapter 39 and chapter 415; to the Department of
 155 Children and Family Services pursuant to an interagency
 156 agreement specifying the number of employees in each of that
 157 department's regions to be granted access to the records for use
 158 as verification of identity to expedite the determination of
 159 eligibility for public assistance and for use in public
 160 assistance fraud investigations; or to the Department of
 161 Financial Services pursuant to an interagency agreement to
 162 facilitate the location of owners of unclaimed property, the
 163 validation of unclaimed property claims, and the identification
 164 of fraudulent or false claims.

165 Section 3. Section 468.8324, Florida Statutes, is amended
 166 to read:

167 468.8324 Grandfather clause.—

168 (1) A person who performs home inspection services may

169 qualify for licensure as a home inspector under this part if the
170 person submits an application to the department postmarked on or
171 before July 1, 2012, which shows that the applicant:

172 (a) Possesses certification as a one- and two-family
173 dwelling inspector issued by the International Code Council or
174 the Southern Building Code Congress International;

175 (b) Has been certified as a one- and two-family dwelling
176 inspector by the Florida Building Code Administrators and
177 Inspectors Board under part XII of this chapter; or

178 (c) Possesses a Division I contractor license issued under
179 part I of chapter 489.

180 ~~(1) A person who performs home inspection services as~~
181 ~~defined in this part may qualify for licensure by the department~~
182 ~~as a home inspector if the person submits an application to the~~
183 ~~department postmarked on or before March 1, 2011, which shows~~
184 ~~that the applicant:~~

185 ~~(a) Is certified as a home inspector by a state or~~
186 ~~national association that requires, for such certification,~~
187 ~~successful completion of a proctored examination on home~~
188 ~~inspection services and completes at least 14 hours of~~
189 ~~verifiable education on such services; or~~

190 ~~(b) Has at least 3 years of experience as a home inspector~~
191 ~~at the time of application and has completed 14 hours of~~
192 ~~verifiable education on home inspection services. To establish~~
193 ~~the 3 years of experience, an applicant must submit at least 120~~
194 ~~home inspection reports prepared by the applicant.~~

195 ~~(2) The department may investigate the validity of a home~~
196 ~~inspection report submitted under paragraph (1) (b) and, if the~~

197 ~~applicant submits a false report, may take disciplinary action~~
 198 ~~against the applicant under s. 468.832(1)(e) or (g).~~

199 (2)~~(3)~~ An applicant may not qualify for licensure under
 200 this section if he or she has had a home inspector license or a
 201 license in any related field revoked at any time or suspended
 202 within the previous 5 years or has been assessed a fine that
 203 exceeds \$500 within the previous 5 years. For purposes of this
 204 subsection, a license in a related field includes, but is not
 205 limited to, licensure in real estate, construction, mold-related
 206 services, or building code administration or inspection.

207 (3)~~(4)~~ An applicant for licensure under this section must
 208 comply with the criminal history, good moral character, and
 209 insurance requirements of this part.

210 Section 4. Paragraph (d) of subsection (1) of section
 211 468.841, Florida Statutes, is amended to read:

212 468.841 Exemptions.—

213 (1) The following persons are not required to comply with
 214 any provisions of this part relating to mold assessment:

215 (d) Persons or business organizations acting within the
 216 scope of the respective licenses required under part XV of
 217 chapter 468, chapter 471, part I of chapter 481, chapter 482,
 218 chapter 489, or part XV of this chapter, are acting on behalf of
 219 an insurer under part VI of chapter 626, or are persons in the
 220 manufactured housing industry who are licensed under chapter
 221 320, except when any such persons or business organizations hold
 222 themselves out for hire to the public as a "certified mold
 223 assessor," "registered mold assessor," "licensed mold assessor,"
 224 "mold assessor," "professional mold assessor," or any

225 combination thereof stating or implying licensure under this
 226 part.

227 Section 5. Subsections (4) through (6) of section
 228 468.8413, Florida Statutes, are renumbered as subsections (3)
 229 through (5), respectively, and present subsections (2) and (3)
 230 of that section are amended to read:

231 468.8413 Examinations.—

232 (2) An applicant may practice in this state as a mold
 233 assessor or mold remediator if he or she passes the required
 234 examination, is of good moral character, and possesses a high
 235 school diploma or its equivalent ~~completes one of the following~~
 236 ~~requirements:~~

237 ~~(a)1. For a mold remediator, at least a 2-year associate~~
 238 ~~of arts degree, or the equivalent, with at least 30 semester~~
 239 ~~hours in microbiology, engineering, architecture, industrial~~
 240 ~~hygiene, occupational safety, or a related field of science from~~
 241 ~~an accredited institution and a minimum of 1 year of documented~~
 242 ~~field experience in a field related to mold remediation; or~~

243 ~~2. A high school diploma or the equivalent with a minimum~~
 244 ~~of 4 years of documented field experience in a field related to~~
 245 ~~mold remediation.~~

246 ~~(b)1. For a mold assessor, at least a 2-year associate of~~
 247 ~~arts degree, or the equivalent, with at least 30 semester hours~~
 248 ~~in microbiology, engineering, architecture, industrial hygiene,~~
 249 ~~occupational safety, or a related field of science from an~~
 250 ~~accredited institution and a minimum of 1 year of documented~~
 251 ~~field experience in conducting microbial sampling or~~
 252 ~~investigations; or~~

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253 ~~2. A high school diploma or the equivalent with a minimum~~
 254 ~~of 4 years of documented field experience in conducting~~
 255 ~~microbial sampling or investigations.~~

256 ~~(3) The department shall review and approve courses of~~
 257 ~~study in mold assessment and mold remediation.~~

258 Section 6. Subsections (2) and (3) of section 468.8414,
 259 Florida Statutes, are amended to read:

260 468.8414 Licensure.—

261 (2) The department shall certify for licensure any
 262 applicant who satisfies the requirements of s. 468.8413 and
 263 passes, ~~who has passed~~ the licensing examination, ~~and who has~~
 264 ~~documented training in water, mold, and respiratory protection.~~
 265 The department may refuse to certify any applicant who has
 266 violated any provision ~~of the provisions~~ of this part.

267 (3) The department shall certify as qualified for a
 268 license by endorsement an applicant who is of good moral
 269 character, who has the insurance coverage required under s.
 270 468.8421, and who:

271 (a) Is qualified to take the examination as set forth in
 272 s. 468.8413 and has passed a certification examination offered
 273 by a nationally recognized or state-recognized organization that
 274 certifies persons in the specialty of mold assessment or mold
 275 remediation that has been approved by the department as
 276 substantially equivalent to the requirements of this part and s.
 277 455.217; or

278 (b) Holds a valid license to practice mold assessment or
 279 mold remediation issued by another state or territory of the
 280 United States if the criteria for issuance of the license were

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281 substantially the same as the licensure criteria that is
282 established by this part as determined by the department.

283 Section 7. Paragraphs (b) through (h) of subsection (1) of
284 section 468.8419, Florida Statutes, are redesignated as
285 paragraphs (a) through (g), respectively, paragraphs (b) through
286 (g) of subsection (2) are redesignated as paragraphs (a) through
287 (f), respectively, and present paragraph (a) of subsection (1),
288 paragraph (a) of subsection (2), and subsection (4) of that
289 section are amended to read:

290 468.8419 Prohibitions; penalties.—

291 (1) A person may not:

292 ~~(a) Effective July 1, 2011, perform or offer to perform~~
293 ~~any mold assessment unless the mold assessor has documented~~
294 ~~training in water, mold, and respiratory protection under s.~~
295 ~~468.8414(2).~~

296 (2) A mold remediator, a company that employs a mold
297 remediator, or a company that is controlled by a company that
298 also has a financial interest in a company employing a mold
299 remediator may not:

300 ~~(a) Perform or offer to perform any mold remediation~~
301 ~~unless the remediator has documented training in water, mold,~~
302 ~~and respiratory protection under s. 468.8414(2).~~

303 (4) This section does not apply to unlicensed activity as
304 described in ~~paragraph (1)(a)~~, paragraph (1) (a) ~~(b)~~, or s.
305 455.228 that occurs before July 1, 2011.

306 Section 8. Subsection (1) of section 468.8423, Florida
307 Statutes, is amended to read:

308 468.8423 Grandfather clause.—

309 (1) A person who performs mold assessment or mold
 310 remediation as defined in this part may qualify for licensure by
 311 the department as a mold assessor or mold remediator if the
 312 person submits his or her application to the department by July
 313 1, 2012 ~~March 1, 2011~~, whether postmarked or delivered by that
 314 date, and if the person:

315 (a) Is certified as a mold assessor or mold remediator by
 316 a state or national association that requires, for such
 317 certification, successful completion of a proctored examination
 318 on mold assessment or mold remediation, as applicable, ~~and~~
 319 ~~completes at least 60 hours of education on mold assessment or~~
 320 ~~at least 30 hours of education on mold remediation, as~~
 321 ~~applicable; or~~

322 (b) At the time of application, has at least 1 year ~~3~~
 323 ~~years~~ of experience as a mold assessor or mold remediator. To
 324 establish the 1 year ~~3 years~~ of experience, an applicant must
 325 submit at least 10 ~~40~~ mold assessments or remediation invoices
 326 prepared by the applicant.

327 Section 9. Subsection (1) of section 469.006, Florida
 328 Statutes, is amended to read:

329 469.006 Licensure of business organizations; qualifying
 330 agents.—

331 (1) If an individual proposes to engage in consulting or
 332 contracting in that individual's own name, or a fictitious name
 333 under which the individual is doing business as a sole
 334 proprietorship, the license may be issued only to that
 335 individual.

336 Section 10. Paragraphs (r) and (s) of subsection (1) of

337 section 475.611, Florida Statutes, are redesignated as
 338 paragraphs (q) and (r), respectively, and present paragraph (q)
 339 of that subsection is amended to read:

340 475.611 Definitions.—

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

342 ~~(q) "Uniform Standards of Professional Appraisal Practice"~~

343 ~~means the most recent standards approved and adopted by the~~
 344 ~~Appraisal Standards Board of the Appraisal Foundation.~~

345 Section 11. Paragraph (c) of subsection (5) of section
 346 373.461, Florida Statutes, is amended to read:

347 373.461 Lake Apopka improvement and management.—

348 (5) PURCHASE OF AGRICULTURAL LANDS.—

349 (c) The district shall explore the availability of funding
 350 from all sources, including any federal, state, regional, and
 351 local land acquisition funding programs, to purchase the
 352 agricultural lands described in paragraph (a). It is the
 353 Legislature's intent that, if such funding sources can be
 354 identified, acquisition of the lands described in paragraph (a)
 355 may be undertaken by the district to purchase these properties
 356 from willing sellers. However, the purchase price paid for
 357 acquisition of such lands that were in active cultivation during
 358 1996 shall not exceed the highest appraisal obtained by the
 359 district for these lands from a state-certified general
 360 appraiser ~~following the Uniform Standards of Professional~~
 361 ~~Appraisal Practice~~. This maximum purchase price limitation shall
 362 not include, nor be applicable to, that portion of the purchase
 363 price attributable to consideration of income described in
 364 paragraph (b), or that portion attributable to related

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365 facilities, or closing costs.

366 Section 12. Paragraph (t) of subsection (1) of section
367 475.25, Florida Statutes, is amended to read:

368 475.25 Discipline.—

369 (1) The commission may deny an application for licensure,
370 registration, or permit, or renewal thereof; may place a
371 licensee, registrant, or permittee on probation; may suspend a
372 license, registration, or permit for a period not exceeding 10
373 years; may revoke a license, registration, or permit; may impose
374 an administrative fine not to exceed \$5,000 for each count or
375 separate offense; and may issue a reprimand, and any or all of
376 the foregoing, if it finds that the licensee, registrant,
377 permittee, or applicant:

378 (t) Has violated any standard for the development or
379 communication of a real estate appraisal ~~or other provision of~~
380 ~~the Uniform Standards of Professional Appraisal Practice, as~~
381 ~~defined in s. 475.611,~~ as approved and adopted by the Appraisal
382 Standards Board of the Appraisal Foundation, as defined in s.
383 475.611. This paragraph does not apply to a real estate broker
384 or sales associate who, in the ordinary course of business,
385 performs a comparative market analysis, gives a broker price
386 opinion, or gives an opinion of value of real estate. However,
387 in no event may this comparative market analysis, broker price
388 opinion, or opinion of value of real estate be referred to as an
389 appraisal, as defined in s. 475.611.

390 Section 13. Subsection (5) of section 475.615, Florida
391 Statutes, is amended to read:

392 475.615 Qualifications for registration or certification.—

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393 (5) ~~At the time of filing~~ An application for registration
394 or certification expires, ~~the applicant must sign a pledge to~~
395 ~~comply with the Uniform Standards of Professional Appraisal~~
396 ~~Practice upon registration or certification and must indicate in~~
397 ~~writing that she or he understands the types of misconduct for~~
398 ~~which disciplinary proceedings may be initiated. The application~~
399 ~~shall expire 1 year after the date received~~ by the department.

400 Section 14. Subsection (1), paragraph (b) of subsection
401 (2), and paragraph (b) of subsection (3) of section 475.617,
402 Florida Statutes, are amended to read:

403 475.617 Education and experience requirements.—

404 (1) To be registered as a trainee appraiser, an applicant
405 must present evidence satisfactory to the board that she or he
406 has successfully completed at least 100 hours of approved
407 academic courses in subjects related to real estate appraisal,
408 ~~which shall include coverage of the Uniform Standards of~~
409 ~~Professional Appraisal Practice from a nationally recognized or~~
410 ~~state-recognized appraisal organization, career center,~~
411 ~~accredited community college, college, or university, state or~~
412 ~~federal agency or commission, or proprietary real estate school~~
413 ~~that holds a permit pursuant to s. 475.451. The board may~~
414 increase the required number of hours to not more than 125
415 hours. A classroom hour is defined as 50 minutes out of each 60-
416 minute segment. Past courses may be approved on an hour-for-hour
417 basis.

418 (2) To be certified as a residential appraiser, an
419 applicant must present satisfactory evidence to the board that
420 she or he has met the minimum education and experience

421 requirements prescribed by rule of the board. The board shall
 422 prescribe by rule education and experience requirements that
 423 meet or exceed the following real property appraiser
 424 qualification criteria adopted on February 20, 2004, by the
 425 Appraisal Qualifications Board of the Appraisal Foundation:

426 (b) Has successfully completed at least 200 classroom
 427 hours, inclusive of examination, of approved academic courses in
 428 subjects related to real estate appraisal, ~~which shall include a~~
 429 ~~15-hour National Uniform Standards of Professional Appraisal~~
 430 ~~Practice course from a nationally recognized or state-recognized~~
 431 ~~appraisal organization, career center, accredited community~~
 432 ~~college, college, or university, state or federal agency or~~
 433 ~~commission, or proprietary real estate school that holds a~~
 434 ~~permit pursuant to s. 475.451.~~ A classroom hour is defined as 50
 435 minutes out of each 60-minute segment. Past courses may be
 436 approved by the board and substituted on an hour-for-hour basis.

437 (3) To be certified as a general appraiser, an applicant
 438 must present evidence satisfactory to the board that she or he
 439 has met the minimum education and experience requirements
 440 prescribed by rule of the board. The board shall prescribe
 441 education and experience requirements that meet or exceed the
 442 following real property appraiser qualification criteria adopted
 443 on February 20, 2004, by the Appraisal Qualifications Board of
 444 the Appraisal Foundation:

445 (b) Has successfully completed at least 300 classroom
 446 hours, inclusive of examination, of approved academic courses in
 447 subjects related to real estate appraisal, ~~which shall include a~~
 448 ~~15-hour National Uniform Standards of Professional Appraisal~~

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449 ~~Practice course from a nationally recognized or state recognized~~
 450 ~~appraisal organization, career center, accredited community~~
 451 ~~college, college, or university, state or federal agency or~~
 452 ~~commission, or proprietary real estate school that holds a~~
 453 ~~permit pursuant to s. 475.451. A classroom hour is defined as 50~~
 454 minutes out of each 60-minute segment. Past courses may be
 455 approved by the board and substituted on an hour-for-hour basis.

456 Section 15. Subsection (1) of section 475.6175, Florida
 457 Statutes, is amended to read:

458 475.6175 Registered trainee appraiser; postlicensure
 459 education required.—

460 (1) The board shall prescribe postlicensure educational
 461 requirements in order for a person to maintain a valid
 462 registration as a registered trainee appraiser. If prescribed,
 463 the postlicensure educational requirements consist of one or
 464 more courses which total no more than the total educational
 465 hours required to qualify as a state certified residential
 466 appraiser. Such courses must be in subjects related to real
 467 estate appraisal ~~and shall include coverage of the Uniform~~
 468 ~~Standards of Professional Appraisal Practice.~~ Such courses are
 469 provided by a nationally or state-recognized appraisal
 470 organization, career center, accredited community college,
 471 college, or university, state or federal agency or commission,
 472 or proprietary real estate school that holds a permit pursuant
 473 to s. 475.451.

474 Section 16. Subsection (4) of section 475.6235, Florida
 475 Statutes, is amended to read:

476 475.6235 Registration of appraisal management companies

477 required.—

478 (4) ~~At the time of filing~~ An application for registration
 479 of an appraisal management company expires, ~~each person listed~~
 480 ~~in paragraph (2) (f) must sign a pledge to comply with the~~
 481 ~~Uniform Standards of Professional Appraisal Practice upon~~
 482 ~~registration and must indicate in writing that she or he~~
 483 ~~understands the types of misconduct for which disciplinary~~
 484 ~~proceedings may be initiated. The application shall expire 1~~
 485 year after the date received by the department.

486 Section 17. Subsection (14) of section 475.624, Florida
 487 Statutes, as amended by chapter 2010-84, Laws of Florida, is
 488 amended to read:

489 475.624 Discipline of appraisers.—The board may deny an
 490 application for registration or certification of an appraiser;
 491 may investigate the actions of any appraiser registered,
 492 licensed, or certified under this part; may reprimand or impose
 493 an administrative fine not to exceed \$5,000 for each count or
 494 separate offense against any such appraiser; and may revoke or
 495 suspend, for a period not to exceed 10 years, the registration,
 496 license, or certification of any such appraiser, or place any
 497 such appraiser on probation, if the board finds that the
 498 registered trainee, licensee, or certificateholder:

499 (14) Has violated any standard of professional practice
 500 established by board rule, including standards for the
 501 development or communication of a real estate appraisal ~~or other~~
 502 ~~provision of the Uniform Standards of Professional Appraisal~~
 503 ~~Practice~~.

504 Section 18. Paragraph (n) of subsection (1) of section

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505 475.6245, Florida Statutes is amended to read:

506 475.6245 Discipline of appraisal management companies.—

507 (1) The board may deny an application for registration of
 508 an appraisal management company; may investigate the actions of
 509 any appraisal management company registered under this part; may
 510 reprimand or impose an administrative fine not to exceed \$5,000
 511 for each count or separate offense against any such appraisal
 512 management company; and may revoke or suspend, for a period not
 513 to exceed 10 years, the registration of any such appraisal
 514 management company, or place any such appraisal management
 515 company on probation, if the board finds that the appraisal
 516 management company or any person listed in s. 475.6235(2)(f):

517 (n) Has instructed an appraiser to violate any standard
 518 for the development or communication of a real estate appraisal
 519 ~~or other provision of the Uniform Standards of Professional~~
 520 ~~Appraisal Practice.~~

521 Section 19. Section 475.628, Florida Statutes, is amended
 522 to read:

523 475.628 Professional standards for appraisers registered,
 524 licensed, or certified under this part.—The board shall adopt
 525 rules establishing standards of professional practice that meet
 526 or exceed nationally recognized standards of appraisal practice,
 527 including those standards adopted by the Appraiser
 528 Qualifications Board of the Appraisal Foundation. Each appraiser
 529 registered, licensed, or certified under this part must ~~shall~~
 530 comply with the rules ~~Uniform Standards of Professional~~
 531 ~~Appraisal Practice.~~ ~~Statements on appraisal standards which may~~
 532 ~~be issued for the purpose of clarification, interpretation,~~

533 ~~explanation, or elaboration through the Appraisal Foundation~~
 534 ~~shall also be binding on any appraiser registered, licensed, or~~
 535 ~~certified under this part.~~

536 Section 20. Effective July 1, 2014, paragraphs (w) and (x)
 537 of subsection (1) of section 475.611, Florida Statutes, as
 538 amended by chapter 2010-84, Laws of Florida, and this act, are
 539 redesignated as paragraphs (v) and (w), respectively, and
 540 paragraph (v) of that subsection is amended to read:

541 475.611 Definitions.—

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

543 ~~(v) "Uniform Standards of Professional Appraisal Practice"~~
 544 ~~means the most recent standards approved and adopted by the~~
 545 ~~Appraisal Standards Board of the Appraisal Foundation.~~

546 Section 21. Paragraphs (f) through (o) of subsection (1)
 547 of section 475.42, Florida Statutes, are redesignated as
 548 paragraphs (e) through (n), respectively, and present paragraph
 549 (e) of that subsection is amended to read:

550 475.42 Violations and penalties.—

551 (1) VIOLATIONS.—

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

554 Section 22. Paragraphs (d) through (g) of subsection (1)
 555 of section 475.626, Florida Statutes, are redesignated as
 556 paragraphs (b) through (e), respectively, and present paragraphs
 557 (b) and (c) of that subsection are amended to read:

558 475.626 Violations and penalties.—

559 (1) VIOLATIONS.—

560 ~~(b) No person shall violate any lawful order or rule of~~

561 ~~the board which is binding upon her or him.~~

562 ~~(c) No person shall commit any conduct or practice set~~
 563 ~~forth in s. 475.624.~~

564 Section 23. Effective July 1, 2014, paragraphs (d) through
 565 (h) of subsection (1) of section 475.626, Florida Statutes, as
 566 amended by chapter 2010-84, Laws of Florida, and this act, are
 567 redesignated as paragraphs (b) through (f), respectively, and
 568 paragraphs (b) and (c) of that subsection are amended to read:

569 475.626 Violations and penalties.—

570 (1) A person may not:

571 ~~(b) Violate any lawful order or rule of the board which~~
 572 ~~is binding upon her or him.~~

573 ~~(c) If a registered trainee appraiser or a licensed or~~
 574 ~~certified appraiser, commit any conduct or practice set forth in~~
 575 ~~s. 475.624.~~

576 Section 24. Paragraphs (d) through (h) of subsection (1)
 577 of section 477.0265, Florida Statutes, are redesignated as
 578 paragraphs (c) through (g), respectively, and present paragraph
 579 (c) of that subsection is amended to read:

580 477.0265 Prohibited acts.—

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

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

584 Section 25. Subsection (10) of section 455.271, Florida
 585 Statutes, is amended to read:

586 455.271 Inactive and delinquent status.—

587 (10) The board, or the department when there is no board,
 588 may not require ~~Before reactivation,~~ an inactive or delinquent

589 | licensee, except for a licensee under chapter 473 or chapter
 590 | 475, to complete more than one renewal cycle of ~~shall meet the~~
 591 | ~~same~~ continuing education to reactivate a license ~~requirements,~~
 592 | ~~if any, imposed on an active status licensee for all biennial~~
 593 | ~~licensure periods in which the licensee was inactive or~~
 594 | ~~delinquent. This subsection does not apply to persons regulated~~
 595 | ~~under chapter 473.~~

596 | Section 26. Subsection (2) of section 468.8317, Florida
 597 | Statutes, is amended to read:

598 | 468.8317 Inactive license.—

599 | (2) A license that becomes ~~has become~~ inactive may be
 600 | reactivated upon application to the department. The department
 601 | may prescribe by rule continuing education requirements as a
 602 | condition of reactivating a license. The rules may not require
 603 | more than one renewal cycle of continuing education to
 604 | reactivate ~~requirements for reactivating~~ a license ~~may not~~
 605 | ~~exceed 14 hours for each year the license was inactive.~~

606 | Section 27. Subsection (2) of section 468.8417, Florida
 607 | Statutes, is amended to read:

608 | 468.8417 Inactive license.—

609 | (2) A license that becomes ~~has become~~ inactive may be
 610 | reactivated upon application to the department. The department
 611 | may prescribe by rule continuing education requirements as a
 612 | condition of reactivating a license. The rules may not require
 613 | more than one renewal cycle of continuing education to
 614 | reactivate ~~requirements for reactivating~~ a license ~~may not~~
 615 | ~~exceed 14 hours for each year the license was inactive.~~

616 | Section 28. Subsection (2) of section 477.0212, Florida

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617 Statutes, is amended to read:

618 477.0212 Inactive status.—

619 (2) The board shall adopt ~~promulgate~~ rules relating to
 620 licenses that ~~which have~~ become inactive and for the renewal of
 621 inactive licenses. The rules may not require more than one
 622 renewal cycle of continuing education to reactivate a license.

623 The board shall prescribe by rule a fee not to exceed \$50 for
 624 the reactivation of an inactive license and a fee not to exceed
 625 \$50 for the renewal of an inactive license.

626 Section 29. Subsection (1) of section 481.217, Florida
 627 Statutes, is amended to read:

628 481.217 Inactive status.—

629 (1) The board may prescribe by rule continuing education
 630 requirements as a condition of reactivating a license. The rules
 631 may not require more than one renewal cycle of continuing
 632 education to reactivate ~~requirements for reactivating~~ a license
 633 for a registered architect or interior designer ~~may not exceed~~
 634 ~~12 contact hours for each year the license was inactive. The~~
 635 ~~minimum continuing education requirement for reactivating a~~
 636 ~~license for a registered interior designer shall be those of the~~
 637 ~~most recent biennium plus one-half of the requirements in s.~~
 638 ~~481.215 for each year or part thereof during which the license~~
 639 ~~was inactive.~~ The board may ~~shall~~ only approve continuing
 640 education for an interior designer which ~~that~~ builds upon the
 641 basic knowledge of interior design.

642 Section 30. Subsection (1) of section 481.315, Florida
 643 Statutes, is amended to read:

644 481.315 Inactive status.—

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645 (1) A license that has become inactive or delinquent may
 646 be reactivated under this section upon application to the
 647 department and payment of any applicable biennial renewal or
 648 delinquency fee, or both, and a reactivation fee. The board may
 649 not require a licensee to complete more than one renewal cycle
 650 of continuing education requirements ~~The board may prescribe by~~
 651 ~~rule continuing education requirements as a condition of~~
 652 ~~reactivating the license. The continuing education requirements~~
 653 ~~for reactivating a license may not exceed 12 classroom hours for~~
 654 ~~each year the license was inactive.~~

655 Section 31. Subsections (3) and (6) of section 489.116,
 656 Florida Statutes, are amended to read:

657 489.116 Inactive and delinquent status; renewal and
 658 cancellation notices.—

659 (3) An inactive status certificateholder or registrant may
 660 change to active status at any time if, provided the
 661 certificateholder or registrant meets all requirements for
 662 active status, pays any additional licensure fees necessary to
 663 equal those imposed on an active status certificateholder or
 664 registrant, ~~and~~ pays any applicable late fees, and meets all
 665 continuing education requirements prescribed by the board.

666 (6) The board may not require an inactive
 667 certificateholder or registrant to complete more than one
 668 renewal cycle of ~~shall comply with the same~~ continuing education
 669 for reactivating a certificate or registration requirements, if
 670 ~~any, that are imposed on an active status certificateholder or~~
 671 ~~registrant.~~

672 Section 32. Subsection (1) of section 489.519, Florida

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673 Statutes, is amended to read:

674 489.519 Inactive status.—

675 (1) A certificate or registration that becomes ~~has become~~
 676 inactive may be reactivated under s. 489.517 upon application to
 677 the department. The board may not require a licensee to complete
 678 more than one renewal cycle of ~~prescribe, by rule,~~ continuing
 679 education to reactivate ~~requirements as a condition of~~
 680 ~~reactivating~~ a certificate or registration. ~~The continuing~~
 681 ~~education requirements for reactivating a certificate or~~
 682 ~~registration may not exceed 12 classroom hours for each year the~~
 683 ~~certificate or registration was inactive.~~

684 Section 33. Subsections (3) and (4) and paragraph (b) of
 685 subsection (7) of section 473.308, Florida Statutes, are amended
 686 to read:

687 473.308 Licensure.—

688 (3) An applicant for licensure must:

689 (a) Complete ~~have~~ at least 150 semester hours of college
 690 education, including a baccalaureate or higher degree conferred
 691 by an accredited college or university, with a concentration in
 692 accounting and business in the total educational program to the
 693 extent specified by the board; or

694 (b) Graduate from an accredited university in the state
 695 with a master's degree in accounting.

696 (4) ~~(a)~~ An applicant for licensure ~~after December 31, 2008,~~
 697 must show that he or she has had 1 year of relevant work
 698 experience. This experience must ~~shall~~ include providing any
 699 type of service or advice involving the use of accounting,
 700 attest, compilation, management advisory, financial advisory,

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701 tax, or consulting skills, all of which must be verified by a
702 certified public accountant who is licensed by a state or
703 territory of the United States and who has supervised the
704 applicant. This experience is acceptable if it was gained
705 through employment in government, industry, academia, or public
706 practice; constituted a substantial part of the applicant's
707 duties; and was under the supervision of a certified public
708 accountant licensed by a state or territory of the United
709 States. The board shall adopt rules specifying standards and
710 providing for the review and approval of the work experience
711 required by this section.

712 ~~(b) However, an applicant who completed the requirements~~
713 ~~of subsection (3) on or before December 31, 2008, and who passes~~
714 ~~the licensure examination on or before June 30, 2010, is exempt~~
715 ~~from the requirements of this subsection.~~

716 (7) The board shall certify as qualified for a license by
717 endorsement an applicant who:

718 (b)1.a. Holds a valid license to practice public
719 accounting issued by another state or territory of the United
720 States, if the criteria for issuance of such license were
721 substantially equivalent to the licensure criteria that existed
722 in this state at the time the license was issued; or

723 b. Holds a valid license to practice public accounting
724 issued by another state or territory of the United States but
725 the criteria for issuance of such license did not meet the
726 requirements of sub-subparagraph a.; has met the requirements of
727 this section for ~~education, work experience, and good moral~~
728 character; has at least 5 years of work experience that meets

729 the requirements of subsection (4) or at least 5 years of
 730 experience in the practice of public accountancy or its
 731 equivalent that meets the requirements of subsection (8); and
 732 has passed a national, regional, state, or territorial licensing
 733 examination that is substantially equivalent to the examination
 734 required by s. 473.306; and

735 2. Has completed continuing education courses that are
 736 equivalent to the continuing education requirements for a
 737 Florida certified public accountant licensed in this state
 738 during the 2 years immediately preceding her or his application
 739 for licensure by endorsement.

740 Section 34. Subsection (6) of section 475.17, Florida
 741 Statutes, is amended to read:

742 475.17 Qualifications for practice.—

743 (6) The postlicensure education requirements of this
 744 section, and the education course requirements for one to become
 745 initially licensed, do not apply to any applicant or licensee
 746 who has received a bachelor's degree in real estate, a
 747 bachelor's degree in business with a concentration or emphasis
 748 in real estate, or a higher degree with a concentration or
 749 emphasis ~~4-year degree~~ in real estate from an accredited
 750 institution of higher education.

751 Section 35. Subsection (2) of section 481.219, Florida
 752 Statutes, is amended to read:

753 481.219 Certification of partnerships, limited liability
 754 companies, and corporations.—

755 (2) For the purposes of this section, a certificate of
 756 authorization is ~~shall be~~ required for a corporation, limited

757 liability company, partnership, or person practicing under a
 758 fictitious name, offering architectural services to the public
 759 jointly or separately. However, when an individual is practicing
 760 architecture in her or his own name, or in a fictitious name
 761 under which the individual is doing business as a sole
 762 proprietorship, she or he is ~~shall~~ not ~~be~~ required to be
 763 certified under this section. Certification under this
 764 subsection to offer architectural services shall include all the
 765 rights and privileges of certification under subsection (3) to
 766 offer interior design services.

767 Section 36. Subsection (5) of section 481.329, Florida
 768 Statutes, is amended to read:

769 481.329 Exceptions; exemptions from licensure.-

770 (5) This ~~Nothing in this part~~ does not prohibit ~~prohibits~~
 771 any person from engaging in the practice of landscape design, as
 772 defined in s. 481.303(7) or from submitting such plans to
 773 governmental agencies for approval. Persons providing landscape
 774 design services shall not use the title, term, or designation
 775 "landscape architect," "landscape architectural," "landscape
 776 architecture," "L.A.," "landscape engineering," or any
 777 description tending to convey the impression that she or he is a
 778 landscape architect unless she or he is registered as provided
 779 in this part.

780 Section 37. Subsection (3) of section 493.6107, Florida
 781 Statutes, is amended to read:

782 493.6107 Fees.-

783 (3) The fees set forth in this section must be paid by
 784 ~~certified~~ check or money order or, at the discretion of the

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785 department, by electronic funds transfer ~~agency check~~ at the
 786 time the application is approved, except that the applicant for
 787 a Class "G" or Class "M" license must pay the license fee at the
 788 time the application is made. If a license is revoked or denied
 789 or if the application is withdrawn, the license fee shall not be
 790 refunded.

791 Section 38. Subsection (3) of section 493.6202, Florida
 792 Statutes, is amended to read:

793 493.6202 Fees.—

794 (3) The fees set forth in this section must be paid by
 795 ~~certified~~ check or money order or, at the discretion of the
 796 department, by electronic funds transfer ~~agency check~~ at the
 797 time the application is approved, except that the applicant for
 798 a Class "G," Class "C," Class "CC," Class "M," or Class "MA"
 799 license must pay the license fee at the time the application is
 800 made. If a license is revoked or denied or if the application is
 801 withdrawn, the license fee shall not be refunded.

802 Section 39. Subsections (7) and (8) of section 493.6401,
 803 Florida Statutes, are amended to read:

804 493.6401 Classes of licenses.—

805 (7) Any person who operates a recovery agent ~~repossessor~~
 806 school or training facility or who conducts an Internet-based
 807 training course or a correspondence training course must have a
 808 Class "RS" license.

809 (8) Any individual who teaches or instructs at a Class
 810 "RS" recovery agent ~~repossessor~~ school or training facility
 811 shall have a Class "RI" license.

812 Section 40. Paragraphs (f) and (g) of subsection (1) and

813 subsection (3) of section 493.6402, Florida Statutes, are
 814 amended to read:

815 493.6402 Fees.—

816 (1) The department shall establish by rule biennial
 817 license fees which shall not exceed the following:

818 (f) Class "RS" license recovery agent ~~repossessor~~ school
 819 or training facility: \$60.

820 (g) Class "RI" license recovery agent ~~repossessor~~ school
 821 or training facility instructor: \$60.

822 (3) The fees set forth in this section must be paid by
 823 ~~certified~~ check or money order, or, at the discretion of the
 824 department, by electronic funds transfer ~~agency check~~ at the
 825 time the application is approved, except that the applicant for
 826 a Class "E," Class "EE," or Class "MR" license must pay the
 827 license fee at the time the application is made. If a license is
 828 revoked or denied, or if an application is withdrawn, the
 829 license fee shall not be refunded.

830 Section 41. Section 493.6406, Florida Statutes, is amended
 831 to read:

832 493.6406 Recovery agent ~~Repossession services~~ school or
 833 training facility.—

834 (1) Any school, training facility, or instructor who
 835 offers the training outlined in s. 493.6403(2) for Class "EE"
 836 applicants shall, before licensure of such school, training
 837 facility, or instructor, file with the department an application
 838 accompanied by an application fee in an amount to be determined
 839 by rule, not to exceed \$60. The fee shall not be refundable.
 840 This training may be offered as face-to-face training, Internet-

841 based training, or correspondence training.

842 (2) The application shall be signed and notarized and
843 shall contain, at a minimum, the following information:

844 (a) The name and address of the school or training
845 facility and, if the applicant is an individual, his or her
846 name, address, and social security or alien registration number.

847 (b) The street address of the place at which the training
848 is to be conducted or the street address of the Class "RS"
849 school offering Internet-based or correspondence training.

850 (c) A copy of the training curriculum and final
851 examination to be administered.

852 (3) The department shall adopt rules establishing the
853 criteria for approval of schools, training facilities, and
854 instructors.

855 Section 42. Paragraphs (j) through (z) of subsection (1)
856 of section 500.03, Florida Statutes, are redesignated as
857 paragraphs (l) through (bb), respectively, present paragraphs
858 (n) and (p) are amended, and new paragraphs (j) and (k) are
859 added to that subsection, to read:

860 500.03 Definitions; construction; applicability.—

861 (1) For the purpose of this chapter, the term:

862 (j) "Cottage food operation" means a natural person who
863 produces or packages cottage food products at his or her
864 residence and sells such products in accordance with s. 500.80.

865 (k) "Cottage food product" means food that is not a
866 potentially hazardous food as defined by department rule which
867 is sold by a cottage food operation in accordance with s.
868 500.80.

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869 (p)~~(n)~~ "Food establishment" means any factory, food
870 outlet, or any other facility manufacturing, processing,
871 packing, holding, or preparing food or selling food at wholesale
872 or retail. The term does not include any business or activity
873 that is regulated under s. 500.80, chapter 509, or chapter 601.
874 The term includes tomato packinghouses and repackers but does
875 not include any other establishments that pack fruits and
876 vegetables in their raw or natural states, including those
877 fruits or vegetables that are washed, colored, or otherwise
878 treated in their unpeeled, natural form before they are
879 marketed.

880 (r)~~(p)~~ "Food service establishment" means any place where
881 food is prepared and intended for individual portion service,
882 and includes the site at which individual portions are provided.
883 The term includes any such place regardless of whether
884 consumption is on or off the premises and regardless of whether
885 there is a charge for the food. The term includes delicatessens
886 that offer prepared food in individual service portions. The
887 term does not include schools, institutions, fraternal
888 organizations, private homes where food is prepared or served
889 for individual family consumption, retail food stores, the
890 location of food vending machines, cottage food operations, and
891 supply vehicles, nor does the term include a research and
892 development test kitchen limited to the use of employees and
893 which is not open to the general public.

894 Section 43. Subsection (1) of section 500.121, Florida
895 Statutes, is amended to read:

896 500.121 Disciplinary procedures.—

897 (1) In addition to the suspension procedures provided in
 898 s. 500.12, if applicable, the department may impose a fine not
 899 to exceed ~~exceeding~~ \$5,000 against any retail food store, ~~or~~
 900 food establishment, or cottage food operation that violates ~~has~~
 901 ~~violated~~ this chapter, which fine, when imposed and paid, shall
 902 be deposited by the department into the General Inspection Trust
 903 Fund. The department may revoke or suspend the permit of any
 904 such retail food store or food establishment if it is satisfied
 905 that the retail food store or food establishment has:

- 906 (a) Violated any of the provisions of this chapter.
- 907 (b) Violated or aided or abetted in the violation of any
 908 law of this state governing or applicable to retail food stores
 909 or food establishments or any lawful rules of the department.
- 910 (c) Knowingly committed, or been a party to, any material
 911 fraud, misrepresentation, conspiracy, collusion, trick, scheme,
 912 or device whereby any other person, lawfully relying upon the
 913 word, representation, or conduct of a retail food store or food
 914 establishment, acts to her or his injury or damage.
- 915 (d) Committed any act or conduct of the same or different
 916 character than that enumerated which constitutes fraudulent or
 917 dishonest dealing.

918 Section 44. Section 500.80, Florida Statutes, is created
 919 to read:

920 500.80 Cottage food operations.—

- 921 (1) (a) A cottage food operation must comply with the
 922 applicable requirements of this chapter but is exempt from the
 923 permitting requirements of s. 500.12 if the cottage food

924 operation complies with this section and has annual gross sales
925 of cottage food products that do not exceed \$15,000.

926 (b) For purposes of this subsection, a cottage food
927 operation's annual gross sales include all sales of cottage food
928 products at any location, regardless of the types of products
929 sold or the number of persons involved in the operation. A
930 cottage food operation must provide the department, upon
931 request, with written documentation to verify the operation's
932 annual gross sales.

933 (2) A cottage food operation may not sell or offer for
934 sale cottage food products over the Internet, by mail order, or
935 at wholesale.

936 (3) A cottage food operation may only sell cottage food
937 products which are prepackaged with a label affixed that
938 contains the following information:

939 (a) The name and address of the cottage food operation.

940 (b) The name of the cottage food product.

941 (c) The ingredients of the cottage food product, in
942 descending order of predominance by weight.

943 (d) The net weight or net volume of the cottage food
944 product.

945 (e) Allergen information as specified by federal labeling
946 requirements.

947 (f) If any nutritional claim is made, appropriate
948 nutritional information as specified by federal labeling
949 requirements.

950 (g) The following statement printed in at least 10-point
951 type in a color that provides a clear contrast to the background

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952 of the label: "Made in a cottage food operation that is not
953 subject to Florida's food safety regulations."

954 (4) A cottage food operation may only sell cottage food
955 products that it stores on the premises of the cottage food
956 operation.

957 (5) This section does not exempt a cottage food operation
958 from any state or federal tax law, rule, regulation, or
959 certificate that applies to all cottage food operations.

960 (6) A cottage food operation must comply with all
961 applicable county and municipal laws and ordinances regulating
962 the preparation, processing, storage, and sale of cottage food
963 products by a cottage food operation or from a person's
964 residence.

965 (7) (a) The department may investigate any complaint which
966 alleges that a cottage food operation has violated an applicable
967 provision of this chapter or rule adopted under this chapter.

968 (b) Only upon receipt of a complaint, the department's
969 authorized officer or employee may enter and inspect the
970 premises of a cottage food operation to determine compliance
971 with this chapter and department rules, as applicable. A cottage
972 food operation's refusal to permit the department's authorized
973 officer or employee entry to the premises or to conduct the
974 inspection is grounds for disciplinary action pursuant to s.
975 500.121.

976 (8) This section does not apply to a person operating
977 under a food permit issued pursuant to s. 500.12.

978 Section 45. Subsection (8) of section 501.160, Florida
979 Statutes, is amended to read:

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980 501.160 Rental or sale of essential commodities during a
 981 declared state of emergency; prohibition against unconscionable
 982 prices.—

983 (8) Any violation of this section may be enforced by the
 984 ~~Department of Agriculture and Consumer Services,~~ the office of
 985 the state attorney~~,~~ or the Department of Legal Affairs.

986 Section 46. Subsection (7) of section 509.032, Florida
 987 Statutes, is amended to read:

988 509.032 Duties.—

989 (7) PREEMPTION AUTHORITY.—The regulation of public lodging
 990 establishments and public food service establishments,
 991 including, but not limited to, ~~the inspection of public lodging~~
 992 ~~establishments and public food service establishments for~~
 993 ~~compliance with the~~ sanitation standards, inspections adopted
 994 ~~under this section, and the regulation of food safety protection~~
 995 ~~standards for required~~ training and testing of ~~food service~~
 996 ~~establishment~~ personnel, and matters related to the nutritional
 997 content and marketing of foods offered in such establishments,
 998 are preempted to the state. This subsection does not preempt the
 999 authority of a local government or local enforcement district to
 1000 conduct inspections of public lodging and public food service
 1001 establishments for compliance with the Florida Building Code and
 1002 the Florida Fire Prevention Code~~,~~ pursuant to ss. 553.80 and
 1003 633.022.

1004 Section 47. Subsection (1) of section 509.261, Florida
 1005 Statutes, is amended to read:

1006 509.261 Revocation or suspension of licenses; fines;
 1007 procedure.—

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1008 (1) Any public lodging establishment or public food
 1009 service establishment that has operated or is operating in
 1010 violation of this chapter or the rules of the division,
 1011 operating without a license, or operating with a suspended or
 1012 revoked license may be subject by the division to:

1013 (a) Fines not to exceed \$1,000 per offense;

1014 (b) Mandatory completion ~~attendance~~, at personal expense,
 1015 ~~of a remedial at an~~ educational program administered ~~sponsored~~
 1016 by a food safety training program provider whose program is
 1017 approved by the division as provided in s. 509.049 ~~the~~
 1018 ~~Hospitality Education Program~~; and

1019 (c) The suspension, revocation, or refusal of a license
 1020 issued pursuant to this chapter.

1021 Section 48. Paragraph (a) of subsection (2) of section
 1022 627.711, Florida Statutes, is amended to read:

1023 627.711 Notice of premium discounts for hurricane loss
 1024 mitigation; uniform mitigation verification inspection form.—

1025 (2) (a) The Financial Services Commission shall develop by
 1026 rule a uniform mitigation verification inspection form that
 1027 shall be used by all insurers when submitted by policyholders
 1028 for the purpose of factoring discounts for wind insurance. In
 1029 developing the form, the commission shall seek input from
 1030 insurance, construction, and building code representatives.
 1031 Further, the commission shall provide guidance as to the length
 1032 of time the inspection results are valid. An insurer shall
 1033 accept as valid a uniform mitigation verification form signed by
 1034 the following authorized mitigation inspectors:

1035 1. A home inspector licensed under s. 468.8314 who has

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1036 completed at least 3 hours of hurricane mitigation training
 1037 approved by the Construction Industry Licensing Board which
 1038 includes hurricane mitigation techniques and compliance with the
 1039 uniform mitigation verification form and completion of a
 1040 proficiency exam. ~~Thereafter, home inspectors licensed under s.~~
 1041 ~~468.8314 must complete at least 2 hours of continuing education,~~
 1042 ~~as part of the existing licensure renewal requirements each~~
 1043 ~~year, related to mitigation inspection and the uniform~~
 1044 ~~mitigation form;~~

- 1045 2. A building code inspector certified under s. 468.607;
- 1046 3. A general, building, or residential contractor
- 1047 licensed under s. 489.111;
- 1048 4. A professional engineer licensed under s. 471.015;
- 1049 5. A professional architect licensed under s. 481.213; or
- 1050 6. Any other individual or entity recognized by the
- 1051 insurer as possessing the necessary qualifications to properly
- 1052 complete a uniform mitigation verification form.

1053 Section 49. Subsection (2) of section 633.537, Florida
 1054 Statutes, is amended to read:

1055 633.537 Certificate; expiration; renewal; inactive
 1056 certificate; continuing education.—

1057 (2) A person who holds a valid certificate may maintain
 1058 such certificate in an inactive status during which time she or
 1059 he may not engage in contracting. An inactive status certificate
 1060 shall be void after four ~~a~~ 2-year periods ~~period~~. The biennial
 1061 renewal fee for an inactive status certificate shall be \$75. An
 1062 inactive status certificate may be reactivated upon application
 1063 to the State Fire Marshal and payment of the initial application

1064 fee.

1065 Section 50. Subsections (8) through (23) of section
 1066 681.102, Florida Statutes, are renumbered as subsections (7)
 1067 through (22), respectively, and present subsection (7) of that
 1068 section is amended to read:

1069 681.102 Definitions.—As used in this chapter, the term:
 1070 ~~(7) "Division" means the Division of Consumer Services of~~
 1071 ~~the Department of Agriculture and Consumer Services.~~

1072 Section 51. Subsection (3) of section 681.103, Florida
 1073 Statutes, is amended to read:

1074 681.103 Duty of manufacturer to conform a motor vehicle to
 1075 the warranty.—

1076 (3) At the time of acquisition, the manufacturer shall
 1077 inform the consumer clearly and conspicuously in writing how and
 1078 where to file a claim with a certified procedure if such
 1079 procedure has been established by the manufacturer pursuant to
 1080 s. 681.108. The nameplate manufacturer of a recreational vehicle
 1081 shall, at the time of vehicle acquisition, inform the consumer
 1082 clearly and conspicuously in writing how and where to file a
 1083 claim with a program pursuant to s. 681.1096. The manufacturer
 1084 shall provide to the dealer and, at the time of acquisition, the
 1085 dealer shall provide to the consumer a written statement that
 1086 explains the consumer's rights under this chapter. The written
 1087 statement shall be prepared by the Department of Legal Affairs
 1088 and shall contain a toll-free number for the department ~~division~~
 1089 that the consumer can contact to obtain information regarding
 1090 the consumer's rights and obligations under this chapter or to
 1091 commence arbitration. If the manufacturer obtains a signed

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1092 receipt for timely delivery of sufficient quantities of this
 1093 written statement to meet the dealer's vehicle sales
 1094 requirements, it shall constitute prima facie evidence of
 1095 compliance with this subsection by the manufacturer. The
 1096 consumer's signed acknowledgment of receipt of materials
 1097 required under this subsection shall constitute prima facie
 1098 evidence of compliance by the manufacturer and dealer. The form
 1099 of the acknowledgments shall be approved by the Department of
 1100 Legal Affairs, and the dealer shall maintain the consumer's
 1101 signed acknowledgment for 3 years.

1102 Section 52. Section 681.108, Florida Statutes, is amended
 1103 to read:

1104 681.108 Dispute-settlement procedures.—

1105 (1) If a manufacturer has established a procedure, which
 1106 the department ~~division~~ has certified as substantially complying
 1107 with the provisions of 16 C.F.R. part 703, in effect October 1,
 1108 1983, and with the provisions of this chapter and the rules
 1109 adopted under this chapter, and has informed the consumer how
 1110 and where to file a claim with such procedure pursuant to s.
 1111 681.103(3), the provisions of s. 681.104(2) apply to the
 1112 consumer only if the consumer has first resorted to such
 1113 procedure. The decisionmakers for a certified procedure shall,
 1114 in rendering decisions, take into account all legal and
 1115 equitable factors germane to a fair and just decision,
 1116 including, but not limited to, the warranty; the rights and
 1117 remedies conferred under 16 C.F.R. part 703, in effect October
 1118 1, 1983; the provisions of this chapter; and any other equitable
 1119 considerations appropriate under the circumstances.

1120 Decisionmakers and staff of a procedure shall be trained in the
 1121 provisions of this chapter and in 16 C.F.R. part 703, in effect
 1122 October 1, 1983. In an action brought by a consumer concerning
 1123 an alleged nonconformity, the decision that results from a
 1124 certified procedure is admissible in evidence.

1125 (2) A manufacturer may apply to the department ~~division~~
 1126 for certification of its procedure. After receipt and evaluation
 1127 of the application, the department ~~division~~ shall certify the
 1128 procedure or notify the manufacturer of any deficiencies in the
 1129 application or the procedure.

1130 (3) A certified procedure or a procedure of an applicant
 1131 seeking certification shall submit to the department ~~division~~ a
 1132 copy of each settlement approved by the procedure or decision
 1133 made by a decisionmaker within 30 days after the settlement is
 1134 reached or the decision is rendered. The decision or settlement
 1135 must contain at a minimum the:

- 1136 (a) Name and address of the consumer;
- 1137 (b) Name of the manufacturer and address of the dealership
 1138 from which the motor vehicle was purchased;
- 1139 (c) Date the claim was received and the location of the
 1140 procedure office that handled the claim;
- 1141 (d) Relief requested by the consumer;
- 1142 (e) Name of each decisionmaker rendering the decision or
 1143 person approving the settlement;
- 1144 (f) Statement of the terms of the settlement or decision;
- 1145 (g) Date of the settlement or decision; and
- 1146 (h) Statement of whether the decision was accepted or
 1147 rejected by the consumer.

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1148 (4) Any manufacturer establishing or applying to establish
1149 a certified procedure must file with the department ~~division~~ a
1150 copy of the annual audit required under the provisions of 16
1151 C.F.R. part 703, in effect October 1, 1983, together with any
1152 additional information required for purposes of certification,
1153 including the number of refunds and replacements made in this
1154 state pursuant to the provisions of this chapter by the
1155 manufacturer during the period audited.

1156 (5) The department ~~division~~ shall review each certified
1157 procedure at least annually, prepare an annual report evaluating
1158 the operation of certified procedures established by motor
1159 vehicle manufacturers and procedures of applicants seeking
1160 certification, and, for a period not to exceed 1 year, shall
1161 grant certification to, or renew certification for, those
1162 manufacturers whose procedures substantially comply with the
1163 provisions of 16 C.F.R. part 703, in effect October 1, 1983, and
1164 with the provisions of this chapter and rules adopted under this
1165 chapter. If certification is revoked or denied, the department
1166 ~~division~~ shall state the reasons for such action. The reports
1167 and records of actions taken with respect to certification shall
1168 be public records.

1169 (6) A manufacturer whose certification is denied or
1170 revoked is entitled to a hearing pursuant to chapter 120.

1171 (7) If federal preemption of state authority to regulate
1172 procedures occurs, the provisions of subsection (1) concerning
1173 prior resort do not apply.

1174 (8) The department ~~division~~ shall adopt rules to
1175 administer ~~implement~~ this section.

1176 Section 53. Section 681.109, Florida Statutes, is amended
 1177 to read:

1178 681.109 Florida New Motor Vehicle Arbitration Board;
 1179 dispute eligibility.—

1180 (1) If a manufacturer has a certified procedure, a
 1181 consumer claim arising during the Lemon Law rights period must
 1182 be filed with the certified procedure no later than 60 days
 1183 after the expiration of the Lemon Law rights period. If a
 1184 decision is not rendered by the certified procedure within 40
 1185 days of filing, the consumer may apply to the department
 1186 ~~division~~ to have the dispute removed to the board for
 1187 arbitration.

1188 (2) If a manufacturer has a certified procedure, a
 1189 consumer claim arising during the Lemon Law rights period must
 1190 be filed with the certified procedure no later than 60 days
 1191 after the expiration of the Lemon Law rights period. If a
 1192 consumer is not satisfied with the decision or the
 1193 manufacturer's compliance therewith, the consumer may apply to
 1194 the department ~~division~~ to have the dispute submitted to the
 1195 board for arbitration. A manufacturer may not seek review of a
 1196 decision made under its procedure.

1197 (3) If a manufacturer has no certified procedure or if a
 1198 certified procedure does not have jurisdiction to resolve the
 1199 dispute, a consumer may apply directly to the department
 1200 ~~division~~ to have the dispute submitted to the board for
 1201 arbitration.

1202 (4) A consumer must request arbitration before the board
 1203 with respect to a claim arising during the Lemon Law rights

1204 period no later than 60 days after the expiration of the Lemon
 1205 Law rights period, or within 30 days after the final action of a
 1206 certified procedure, whichever date occurs later.

1207 (5) The department ~~division~~ shall screen all requests for
 1208 arbitration before the board to determine eligibility. The
 1209 consumer's request for arbitration before the board shall be
 1210 made on a form prescribed by the department. The department
 1211 ~~division~~ shall assign forward to the board all disputes that the
 1212 department ~~division~~ determines are potentially entitled to
 1213 relief under this chapter.

1214 (6) The department ~~division~~ may reject a dispute that it
 1215 determines to be fraudulent or outside the scope of the board's
 1216 authority. Any dispute deemed by the department ~~division~~ to be
 1217 ineligible for arbitration by the board due to insufficient
 1218 evidence may be reconsidered upon the submission of new
 1219 information regarding the dispute. Following a second review,
 1220 the department ~~division~~ may reject a dispute if the evidence is
 1221 clearly insufficient to qualify for relief. If the department
 1222 rejects a dispute, notice of such rejection ~~Any dispute rejected~~
 1223 ~~by the division shall be forwarded to the department and a copy~~
 1224 shall be sent by registered mail to the consumer and the
 1225 manufacturer, containing a brief explanation as to the reason
 1226 for rejection.

1227 (7) If the department ~~division~~ rejects a dispute, the
 1228 consumer may file a lawsuit to enforce the remedies provided
 1229 under this chapter. In any civil action arising under this
 1230 chapter and relating to a matter considered by the department
 1231 ~~division~~, any determination made to reject a dispute is

1232 admissible in evidence.

1233 (8) The department may ~~shall have the authority to~~ adopt
 1234 ~~reasonable~~ rules to administer ~~carry out the provisions of this~~
 1235 section.

1236 Section 54. Subsections (2), (4), (5), (11), and (12) of
 1237 section 681.1095, Florida Statutes, are amended to read:

1238 681.1095 Florida New Motor Vehicle Arbitration Board;
 1239 creation and function.—

1240 (2) The boards shall hear cases in various locations
 1241 throughout the state so any consumer whose dispute is approved
 1242 for arbitration by the department ~~division~~ may attend an
 1243 arbitration hearing at a reasonably convenient location and
 1244 present a dispute orally. Hearings shall be conducted by panels
 1245 of three board members assigned by the department. A majority
 1246 vote of the three-member board panel shall be required to render
 1247 a decision. Arbitration proceedings under this section shall be
 1248 open to the public on reasonable and nondiscriminatory terms.

1249 (4) Before filing a civil action on a matter subject to s.
 1250 681.104, the consumer must first submit the dispute to the
 1251 department ~~division~~, and to the board if such dispute is deemed
 1252 eligible for arbitration.

1253 (5) Manufacturers shall submit to arbitration conducted by
 1254 the board if such arbitration is requested by a consumer and the
 1255 dispute is deemed eligible for arbitration by the department
 1256 ~~division~~ pursuant to s. 681.109.

1257 (11) All provisions in this section and s. 681.109
 1258 pertaining to compulsory arbitration before the board, the
 1259 dispute eligibility screening by the department ~~division~~, the

1260 proceedings and decisions of the board, and any appeals thereof,
 1261 are exempt from the provisions of chapter 120.

1262 (12) An appeal of a decision by the board to the circuit
 1263 court by a consumer or a manufacturer shall be by trial de novo.
 1264 In a written petition to appeal a decision by the board, the
 1265 appealing party must state the action requested and the grounds
 1266 relied upon for appeal. Within 30 days after ~~of~~ final
 1267 disposition of the appeal, the appealing party shall furnish the
 1268 department with notice of such disposition and, upon request,
 1269 shall furnish the department with a copy of the order or
 1270 judgment of the court.

1271 Section 55. Subsections (2) and (4) of section 681.1096,
 1272 Florida Statutes, are amended to read:

1273 681.1096 RV Mediation and Arbitration Program; creation
 1274 and qualifications.—

1275 (2) Each manufacturer of a recreational vehicle involved
 1276 in a dispute that is determined eligible under this chapter,
 1277 including chassis and component manufacturers which separately
 1278 warrant the chassis and components and which otherwise meet the
 1279 definition of manufacturer set forth in s. 681.102 (13) ~~(14)~~,
 1280 shall participate in a mediation and arbitration program that is
 1281 deemed qualified by the department.

1282 (4) The department shall monitor the program for
 1283 compliance with this chapter. If the program is determined not
 1284 qualified or if qualification is revoked, then disputes shall be
 1285 subject to the provisions of ss. 681.109 and 681.1095. If the
 1286 program is determined not qualified or if qualification is
 1287 revoked as to a manufacturer, all those manufacturers

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1288 potentially involved in the eligible consumer dispute shall be
 1289 required to submit to arbitration conducted by the board if such
 1290 arbitration is requested by a consumer and the dispute is deemed
 1291 eligible for arbitration by the department ~~division~~ pursuant to
 1292 s. 681.109. A consumer having a dispute involving one or more
 1293 manufacturers for which the program has been determined not
 1294 qualified, or for which qualification has been revoked, is not
 1295 required to submit the dispute to the program irrespective of
 1296 whether the program may be qualified as to some of the
 1297 manufacturers potentially involved in the dispute.

1298 Section 56. Subsection (2) of section 681.112, Florida
 1299 Statutes, is amended to read:

1300 681.112 Consumer remedies.—

1301 (2) An action brought under this chapter must be commenced
 1302 within 1 year after the expiration of the Lemon Law rights
 1303 period, or, if a consumer resorts to an informal dispute-
 1304 settlement procedure or submits a dispute to the department
 1305 ~~division~~ or board, within 1 year after the final action of the
 1306 procedure, department ~~division~~, or board.

1307 Section 57. Subsection (1) of section 681.117, Florida
 1308 Statutes, is amended to read:

1309 681.117 Fee.—

1310 (1) A \$2 fee shall be collected by a motor vehicle dealer,
 1311 or by a person engaged in the business of leasing motor
 1312 vehicles, from the consumer at the consummation of the sale of a
 1313 motor vehicle or at the time of entry into a lease agreement for
 1314 a motor vehicle. Such fees shall be remitted to the county tax
 1315 collector or private tag agency acting as agent for the

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1316 Department of Revenue. If the purchaser or lessee removes the
 1317 motor vehicle from the state for titling and registration
 1318 outside this state, the fee shall be remitted to the Department
 1319 of Revenue. All fees, less the cost of administration, shall be
 1320 transferred monthly to the Department of Legal Affairs for
 1321 deposit into the Motor Vehicle Warranty Trust Fund. ~~The~~
 1322 ~~Department of Legal Affairs shall distribute monthly an amount~~
 1323 ~~not exceeding one-fourth of the fees received to the Division of~~
 1324 ~~Consumer Services of the Department of Agriculture and Consumer~~
 1325 ~~Services to carry out the provisions of ss. 681.108 and 681.109.~~
 1326 ~~The Department of Legal Affairs shall contract with the Division~~
 1327 ~~of Consumer Services for payment of services performed by the~~
 1328 ~~division pursuant to ss. 681.108 and 681.109.~~

1329 Section 58. (1) Effective upon this act becoming a law,
 1330 section 10 of chapter 2010-84, Laws of Florida, is amended to
 1331 read:

1332 Section 10. This act shall take effect July 1, 2014 ~~2011~~.

1333 (2) If this act becomes a law after June 30, 2011, this
 1334 section shall operate retroactively to June 30, 2011.

1335 Section 59. Except as otherwise expressly provided in this
 1336 act and except for this section, which shall take effect upon
 1337 this act becoming a law, this act shall take effect July 1,
 1338 2011.