

Industries & Professional Activities Subcommittee

Wednesday, April 9, 2025
8:00 AM – 12:00 PM
Webster Hall (212 Knott)

Daniel Perez
Speaker

Mike Giallombardo
Chair

The Florida House of Representatives

Commerce Committee

Industries & Professional Activities Subcommittee

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Meeting Agenda

Wednesday, April 9, 2025
8:00am – 12:00pm
Webster Hall (212 Knott)

I. Call to Order

II. Roll Call

III. Welcome and Opening Remarks

IV. Consideration of the following bill(s):
- HB 4039 Broward County by LaMarca
- HB 4067 Special Beverage Licenses for Equestrian Sport Facilities in Marion County by Chamberlin

V. Consideration of the following proposed committee substitute(s):
- PCS for HB 1461 -- Industries and Professional Activities

VI. Closing Remarks

VII. Adjournment

HB 4039

FLORIDA HOUSE OF REPRESENTATIVES
BILL ANALYSIS

This bill analysis was prepared by nonpartisan committee staff and does not constitute an official statement of legislative intent.

BILL #: HB 4039	**COMPANION BILL:** None
TITLE: Broward County	**LINKED BILLS:** None
SPONSOR(S): LaMarca	**RELATED BILLS:** None

Committee References

Intergovernmental Affairs	➤	Industries & Professional Activities	➤	State Affairs
11 Y, 4 N				

SUMMARY

Effect of the Bill:

The bill provides an exception to the Tied House Evil provisions of the Beverage Law for any alcohol beverage license issued to any civic center or sports arena located within the Western Sunrise Entertainment District of City of Sunrise, Holiday Park in City of Fort Lauderdale, or within the City of Coral Springs and provides a corresponding exception for alcoholic beverage manufacturers, importers, distributors, and vendors for their activities in relation to those licensees.

Fiscal or Economic Impact:

The Economic Impact Statement for the bill states the county is projected to see an increase in revenues of $180,000 and $195,000 in the first and second fiscal years after the effective date of the bill.

JUMP TO SUMMARY ANALYSIS RELEVANT INFORMATION BILL HISTORY

ANALYSIS

EFFECT OF THE BILL:

The bill provides an exception to the Tied House Evil provisions of the Beverage Law for any alcohol beverage license issued to any civic center or sports arena located within the Western Sunrise Entertainment District of City of Sunrise, Holiday Park in City of Fort Lauderdale, or within the City of Coral Springs. The bill also provides that Tied House Evil provisions do not apply to any alcoholic beverage manufacturer, importer, distributor, primary American source of supply, brand owner or registrant, or vendor in relation to those licenses or the premises on which those licensees operate. (Sections 1 and 2)

The bill provides a boundary description of the Western Sunrise Entertainment District and Holiday Park. (Sections 3 and 4)

The bill provides an effective date of upon becoming a law. (Section 5)

FISCAL OR ECONOMIC IMPACT:

LOCAL GOVERNMENT:

The Economic Impact Statement for the bill states the county is projected to see an increase in revenues of $180,000 and $195,000 in the first and second fiscal years after the effective date of the bill.

RELEVANT INFORMATION

SUBJECT OVERVIEW:

Beverage Law

In Florida, the Beverage Law[1] regulates the manufacture, distribution, and sale of wine, beer, and liquor by manufacturers, distributors, and vendors.[2] The Division of Alcoholic Beverages and Tobacco (Division) in the Department of Business and Professional Regulation (DBPR) administers and enforces the Beverage Law.[3]

Special Licenses

Under the Beverage Law, there is not a limit on the number of licenses DBPR may issue to businesses selling malt beverages or wine. However, the law limits the number of licenses for selling distilled spirits to one license per 7,500 residents within the county with a minimum of three licenses per county for counties that have approved the sale of intoxicating liquors.[4] These licenses are known as quota licenses and are the only alcoholic beverage license type that is limited in number.

There are several exceptions to the quota license limitation.[5] DBPR may issue a special license to businesses that meet the requirements set out in one of the exceptions. The special license allows businesses to serve any alcoholic beverages regardless of alcohol content. One exception authorizes the Division to issue a special license for on-premises consumption to any civic center authority or sports arena authority created by state law or local ordinance or to any civic center or sports arena that is owned by a political subdivision of the state.[6] A license issued under this exception may be transferred to a qualified applicant who provides food services for the facility pursuant to a contract with the governmental entity that owns the facility.[7] The license is the exclusive property of the governmental entity and reverts to the government entity by operation of law in the event the contract between the governmental entity and the qualified applicant is terminated.[8]

Three-Tier System and Tied House Evil

Since the repeal of Prohibition, regulation of alcohol in the United States has traditionally been based upon what is termed the "three-tier system." The system requires separation of the manufacture, distribution, and sale of alcoholic beverages. The manufacturer creates the beverages, and the distributor obtains the beverages from the manufacturer to deliver to the vendor. The vendor makes the ultimate sale to the consumer.[9] Generally, only licensed vendors are permitted to sell alcoholic beverages directly to consumers at retail.[10] A manufacturer, distributor, or exporter may not be licensed as a vendor to sell directly to consumers.[11] Manufacturers are also generally prohibited from having an interest in a vendor and from distributing directly to a vendor.[12]

The three-tier system is deeply rooted in the perceived evils of the "tied house" in which a bar is owned or operated by a manufacturer or the manufacturer exercises undue influence over the retail vendor.[13]

Florida's Tied House Evil Law[14] prohibits a licensed manufacturer or distributor from having any direct or indirect financial interest in any vendor, from assisting any vendor through gifts, loans, money or property of any description, and from giving any rebates of any kind whatsoever.

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[1] Section 561.01(6), F.S., provides that the "The Beverage Law" means chs. 561, 562, 563, 564, 565, 567, and 568, F.S.
[2] *See* s. 561.14, F.S.
[3] S. 561.02, F.S.
[4] S. 561.20(1), F.S.
[5] S. 561.20(2), F.S.
[6] S. 561.20(2)(h), F.S.
[7] *Id.*
[8] *Id.*
[9] S. 561.14, F.S.
[10] S. 561.14(3), F.S., *but see* ss. 561.221 (exception for manufacturers of wine to sell to consumers at licensed premise on property contiguous to the manufacturing premises) and 565.03, F.S.
[11] S. 561.22(1), F.S.
[12] Ss. 563.022(14) and 561.14(1), F.S.
[13] See Andrew Tamayo, *What's Brewing in the Old North State: An Analysis of the Beer Distribution Laws Regulating North Carolina's Craft Breweries*, 88 N.C. L. Rev. 2198 (2010).
[14] S. 561.42(1), F.S.

A manufacturer or distributor is also prohibited from:

- Engaging in cooperative advertising with a vendor;
- Naming a vendor in any advertisement for a malt beverage tasting; or
- Paying for particular placement, signage, or other brand promotion within a vendor premises for malt beverages produced by the manufacturer.[15]

However, the Tied House Evil Law authorizes a manufacturer, distributor, importer or registrant of malt beverage to sell expendable retailer advertising specialties (such as trays, coasters, mats, menu cards, napkins, cups, glasses, thermometers, and the like), to a vendor at a price not less than the actual cost to the industry member who initially purchased them.[16] Vendors may accept glassware from a distributor at no charge, subject to certain limitations and conditions.[17]

Penalties

A false entry of any record required under the Beverage Law or a violation of the excise tax provisions, when done intentionally, is a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084, F.S..[18] For violations of the Beverage Law where no penalty is provided, first-time offenders are guilty of a misdemeanor of the second degree and a felony of the third degree for any subsequent offenses thereafter. The Division may issue civil penalties for violations of the Beverage Law and related rules;[19] Such penalties may not exceed $1,000 per transaction. The Division may also suspend the license of a licensee that fails to pay a civil penalty.

Local Bill Forms

The Florida Constitution prohibits the passage of any special act unless a notice of intention to seek enactment of the bill has been published as provided by general law or the act is conditioned to take effect only upon approval by referendum vote of the electors in the area affected.[20] A legal advertisement of the proposed bill must be placed in a newspaper of general circulation or published on a publicly accessible website[21] at least 30 days prior to the introduction of the local bill in the House or Senate.[22] The bill was noticed in the Sun-Sentinel on January 19, 2025.

The House local bill policy requires a completed and signed Local Bill Certification Form and Economic Impact Statement Form be filed with the Clerk of the House at the time the local bill is filed or as soon thereafter as possible.[23] Under the policy, a committee or subcommittee may not consider a local bill unless these forms have been filed. The following forms have been submitted for the bill:

- Local Bill Certification Form
- Economic Impact Statement Form

[15] S. 561.42, F.S.
[16] S. 561.42(14), F.S.
[17] *Id*.
[18] S. 562.45(1), F.S.
[19] S. 561.29, F.S.
[20] Art. III, s. 10, Fla. Const.
[21] S. 50.0311(2), F.S.
[22] S. 11.02, F.S. If there is no newspaper circulated throughout or published in the county and no publicly accessible website has been designated, notice must be posted for at least 30 days in at least three public places in the county, one of which must be at the courthouse.
[23] Intergovernmental Affairs Subcommittee, *Local Bill Policies and Procedures Manual*, p. 11 (last visited Mar. 15, 2025).

BILL HISTORY

COMMITTEE REFERENCE	ACTION	DATE	STAFF DIRECTOR/ POLICY CHIEF	ANALYSIS PREPARED BY
Intergovernmental Affairs Subcommittee	11 Y, 4 N	3/26/2025	Darden	Darden
Industries & Professional Activities Subcommittee			Anstead	Brackett
State Affairs Committee				

A bill to be entitled

An act relating to Broward County; providing nonapplicability of provisions on alcoholic beverage-related actions and activities to special alcoholic beverage licenses issued for premises located within identified areas of Broward County; providing nonapplicability of such provisions to actions and activities of alcoholic entities in relation to special alcoholic beverage licenses and premises; defining specified areas of the county to which such provisions do not apply; providing an effective date.

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

Section 1. Section 561.42, Florida Statutes, does not apply to any special alcoholic beverage license issued pursuant to s. 561.20(2)(h), Florida Statutes, for which the premises of such license are located on any property within the Western Sunrise Entertainment District of the City of Sunrise, within Holiday Park in the City of Fort Lauderdale, or within the City of Coral Springs.

Section 2. Section 561.42, Florida Statutes, does not apply to the actions or activities of any alcoholic beverage manufacturer, importer, distributor, primary American source of supply, brand owner or registrant, or vendor in relation to any

special alcoholic beverage license issued pursuant to s. 561.20(2)(h), Florida Statutes, or the premises on which such special license is operated within the areas identified in section 1 of this act.

Section 3. For the purposes of this act, the "Western Sunrise Entertainment District of the City of Sunrise" means the area defined by Section 16-82(b) of the City of Sunrise Land Development Code and more particularly described as follows:

That portion of the Western Sunrise Area bounded by the Sawgrass Expressway on the west; Oakland Park Boulevard on the north; Flamingo Road on the east; and, a southern boundary consisting of Sunrise Boulevard east of N.W. 136 Ave, and one thousand four hundred (1,400) feet south of southern edge of the right-of-way of Sunrise Boulevard west of N.W. 136 Avenue.

Section 4. For the purposes of this act, "Holiday Park in the City of Fort Lauderdale" means the area of land designated as "Holiday Park" by the City of Fort Lauderdale pursuant to the dedication recorded in Plat Book 24, page 14, of the Broward County Official Records, and more particularly described as follows:

All of Blocks 222, 223, 224, 225, 244, 245, 246, 247, 248, 249, 296, 297, 298, 299, 300, 301, and lots 21-24 incl., block 219, lots 21-28 incl., block 220, lots 21-28 incl., block 221; lots

1-27, incl., block 250; 22-27, incl., block 251; lots 22-24, incl., block 252; lots 1-3 incl., block 293; lots 1-3 incl., and lots 46-48 incl., block 294; lots 1-24 incl., and lots 46-48 incl., block 295; lots 1-10 incl. and lots 39-48 incl., block 305; lots 1-10 incl. and lots 39-48 incl., block 306; lots 1-10 incl., and lots 39-48 incl., block 307; lots 1-10 incl. and lots 39-48 incl., block 308; all in Progresso, according to the plat thereof recorded in Plat Book 2, page 18, of the Public Records of Dade County, Florida.

Section 5. This act shall take effect upon becoming a law.

INDUSTRIES & PROFESSIONAL ACTIVITIES SUBCOMMITTEE

HB 4039 by Rep. LaMarca
Broward County

AMENDMENT SUMMARY
April 9, 2025

Amendment 1 by Rep. LaMarca (line 21):

- Provides that the holders of the specific Broward County special license may not engage in any agreement, contract, or other arrangement that requires the exclusion of any alcoholic brand at the special license holder's licensed premises.
- Provides that any vendor in relation to a specific Broward County special license holder or on the licensed premises of such special license holder must purchase alcoholic beverages from a licensed distributor unless expressly allowed otherwise by current law.

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	__ (Y/N)
ADOPTED AS AMENDED	__ (Y/N)
ADOPTED W/O OBJECTION	__ (Y/N)
FAILED TO ADOPT	__ (Y/N)
WITHDRAWN	__ (Y/N)
OTHER	_____

Committee/Subcommittee hearing bill: Industries & Professional Activities Subcommittee

Representative LaMarca offered the following:

Amendment

Remove lines 21-29 and insert:

of Coral Springs, provided that the holder of such special license purchases alcoholic beverages from a licensed distributor, unless expressly provided otherwise in the Beverage Law, and does not engage in any agreement, contract, or other arrangement with any alcoholic beverage manufacturer, importer, distributor, primary American source of supply, brand owner or registrant, or vendor that requires the exclusion of any alcoholic brand at the licensed premises.

Section 2. Section 561.42, Florida Statutes, does not apply to the actions or activities of any alcoholic beverage

manufacturer, importer, distributor, primary American source of supply, brand owner or registrant, or vendor in relation to any special alcoholic beverage license issued pursuant to s. 561.20(2)(h), Florida Statutes, or the premises on which such special license is operated within the areas identified in section 1 of this act, provided that any such vendor must purchase alcoholic beverages from a licensed distributor unless expressly provided otherwise in the Beverage Law.

Section 3. For purposes of this act, the term "Beverage Law" has the same meaning as provided in s. 561.01, Florida Statutes.

HB 4067

FLORIDA HOUSE OF REPRESENTATIVES
BILL ANALYSIS

This bill analysis was prepared by nonpartisan committee staff and does not constitute an official statement of legislative intent.

BILL #: HB 4067 **TITLE:** Special Beverage Licenses for Equestrian Sport Facilities in Marion County **SPONSOR(S):** Chamberlin	**COMPANION BILL:** None **LINKED BILLS:** None **RELATED BILLS:** None

Committee References

Intergovernmental Affairs	➤	Industries & Professional Activities	➤	State Affairs
9 Y, 6 N				

SUMMARY

Effect of the Bill:

The bill provides an exception to the Beverage Law allowing the Department of Business and Professional Regulation to issue a special alcoholic beverage license to equestrian sport facilities in Marion County that meet certain conditions. The special alcoholic beverage license would allow a facility to make package sales of alcoholic beverages for off-premises consumption, sell alcoholic beverages for on-premises consumption, and to designate a venue as a stand-alone bar for the purpose of allowing indoor smoking.

Fiscal or Economic Impact:

The Economic Impact Statement for the bill states that the special beverage licenses could provide a $15,000,000 increase in state and local revenue for the full first fiscal year and $30,000,000 for the full second fiscal year after the effective date of the bill.

JUMP TO SUMMARY ANALYSIS RELEVANT INFORMATION BILL HISTORY

ANALYSIS

EFFECT OF THE BILL:

The bill provides an exception to the Beverage Law to allow the Department of Business and Professional Regulation's Division of Alcoholic Beverages and Tobacco (Division) to issue a special alcoholic beverage license to equestrian sport facilities authorizing the package sale of alcoholic beverages for off-premises consumption and the sale of alcoholic beverages for on-premises consumption. (Section 1)

The bill allows the holder of the special alcoholic beverage license authorized by the bill to designate a venue within their licensed premises as a stand-alone bar for the purpose of allowing indoor smoking, provided the venue meets all other requirements for stand-alone bars provided by general law. (Section 1)

The bill provides that the special alcoholic beverage license authorized by the bill does not prohibit the operation of other licensed premises on the property working under separate licenses. The bill states that any violation of the Beverage Law that occurs with the equestrian sport facility does not impact those separate licenses unless the violation occurred on the premises of those licensees and that any violation by those separate licenses does not impact the special alcoholic beverage license. The special alcoholic beverage license is subject to all of the requirements and restrictions of the Beverage Law, except as otherwise provided in the bill. The bill authorizes the Division to adopt rules necessary to implement and administer the provisions of the bill. (Section 1)

The bill defines an "equestrian sport facility" as any facility within Marion County which is at least 500 acres in size and which includes at least two transient public lodging establishments and at least three public food service establishments whose principal attraction is sport horse events such as show jumping, dressage, eventing, and other equestrian competitions. (Section 1)

RULEMAKING:

This bill provides that the Division of Alcoholic Beverages and Tobacco of the Department of Business and Professional Regulation may adopt rules necessary to implement and administer the provisions of the bill.

Lawmaking is a legislative power; however, the Legislature may delegate a portion of such power to executive branch agencies to create rules that have the force of law. To exercise this delegated power, an agency must have a grant of rulemaking authority and a law to implement.

FISCAL OR ECONOMIC IMPACT:

LOCAL GOVERNMENT:

The Economic Impact Statement for the bill states that the special beverage licenses could provide a $15,000,000 increase in state and local revenue for the full first fiscal year and $30,000,000 for the full second fiscal year after the effective date of the bill.

RELEVANT INFORMATION

SUBJECT OVERVIEW:

Beverage Law

In Florida, the Beverage Law[1] regulates the manufacture, distribution, and sale of wine, beer, and liquor by manufacturers, distributors, and vendors.[2] The Division of Alcoholic Beverages and Tobacco (Division) in the Department of Business and Professional Regulation (DBPR) administers and enforces the Beverage Law.[3]

Section 561.14, F.S., specifies the license and registration classifications used in the Beverage Law:

- "Manufacturers" are those licensed to manufacture alcoholic beverages and distribute the same at wholesale to licensed distributors and to no one else within the state, unless authorized by statute.
- "Distributors" are those licensed to sell and distribute alcoholic beverages at wholesale to persons who are licensed to sell alcoholic beverages.
- "Importers" are those licensed to sell, or to cause to be sold, shipped, and invoiced, alcoholic beverages to licensed manufacturers or licensed distributors, and to no one else in this state.
- "Vendors" are those licensed to sell alcoholic beverages at retail only and may not purchase or acquire in any manner for the purpose of resale any alcoholic beverages from any person not licensed as a vendor, manufacturer, bottler, or distributor under the Beverage Law.

Special Licenses

Under the Beverage Law, there is not a limit on the number of licenses DBPR may issue to businesses selling malt beverages or wine. However, the law limits the number of licenses for selling distilled spirits to one license per 7,500 residents within the county with a minimum of three licenses per county for counties that have approved the sale of intoxicating liquors.[4] These licenses are known as quota licenses and are the only alcoholic beverage license type that is limited in number.

A "special license" is an exception to the quota licensing scheme, which allows certain entities to serve liquor without a quota license.[5] These exceptions apply to hotels, motels, motor courts, condominiums, food service establishments, caterers, and culinary education programs that meet certain requirements.[6]

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[1] Section 561.01(6), F.S., provides that the "The Beverage Law" means chs. 561, 562, 563, 564, 565, 567, and 568, F.S.
[2] *See* s. 561.14, F.S.
[3] S. 561.02, F.S.
[4] S. 561.20(1), F.S.
[5] S. 561.20(2)(a), F.S.
[6] S. 561.20(2)(a)1.-6., F.S.

Package Sales

A package store is a vendor operating a place of business where beverages are sold only in sealed containers for consumption off the premises.[7] Package stores may not sell, offer, or expose for sale any merchandise other than alcoholic beverages, and such places of business must be devoted exclusively to such sales. In addition to alcoholic beverages, package stores may sell bitters, grenadine, non-alcoholic mixer-type beverages (not including juice from outside of Florida), fruit juice produced in Florida, home bar and party supplies and equipment, miniatures of no alcoholic content, nicotine products, and tobacco products.[8]

Premises

Under the Beverage Law, there are limited allowances for off-premises consumption of open containers of alcoholic beverages.[9] Typically, alcoholic beverages must be consumed within the licensed premises, and DPBR has to approve temporary expansions of the licensed premises to include a sidewalk or other outdoor area for special events.[10] The temporary expansions also require payment of a $100 application fee, stipulation of the timeframe for the special event, and submission of a sketch outlining the expanded premises.[11] These fees are deposited into the Alcoholic Beverage and Tobacco Trust Fund.[12]

Stand-Alone Bar

A vendor may choose to operate their licensed premises as a "stand-alone bar" that allows tobacco smoking or vaping.[13] To qualify as a stand-alone bar, the licensed premises:

- Must predominately or totally devoted to serving alcoholic beverages for on-premises consumption;
- Only serve food, if any, that is merely incidental to the consumption of alcohol;[14] and
- Not be located within, or share any common entryway or common indoor area, with any enclosed indoor workspace.[15]

A vendor who elects to operate a stand-alone bar must post the notice of its intention to do so in the same location the vendor's current alcoholic beverage license is posted.[16] The vendor must also conspicuously post signs at each entrance to the establishment stating that smoking and vaping are authorized in the establishment.[17]

The licensed vendor operating a stand-alone bar must submit an annual affidavit to the Division that within the past 12 months:

- No more than 10 percent of the gross revenue of the business is from the sale of food consumed on the licensed premises;
- Other than customary bar snacks, the vendor only provides food to patrons at a separately stated charge that reasonably approximates the retail value of the food; and
- The vendor has complied with signage requirements.[18]

Violations

A false entry of any record required under the Beverage Law or a violation of the excise tax provisions, when done intentionally, is a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.[19] For violations of the Beverage Law where no penalty is provided, first-time offenders are guilty of a misdemeanor of

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[7] S. 565.02(1)(a), F.S.
[8] S. 565.04(1), F.S.
[9] *See* S. 561.20, F.S.
[10] *See* S. 561.01(11), F.S. (defining "licensed premises" and requiring written approval from the county or municipality to include a sidewalk or any other outside area as part of the licensed premise).
[11] *Id.*
[12] *Id.*
[13] S. 561.695, F.S.
[14] The sale of food is considered incidental if the licensed premises receives no more than 10 percent of its gross revenue from the sale of food. S. 386.203(12), F.S.
[15] Ss. 386.203(12) and 561.695(5)(a), F.S.
[16] S. 561.695(2), F.S.
[17] S. 561.695(4), F.S.
[18] S. 561.695(5), F.S.
[19] S. 562.45(1), F.S.

the second degree and a felony of the third degree for any subsequent offenses thereafter. The Division may issue civil penalties for violations of the Beverage Law and related rules.[20] Such penalties may not exceed $1,000 per transaction. The Division may also suspend the license of a licensee that fails to pay a civil penalty.

Additionally, a vendor who violates any requirements for a stand-alone bar or the Florida Clear Air Act is subject to:

- For a first violation, a warning or fine of up to $500.
- For a second violation within two years of the first violation, a fine of $500 to $2,000.
- For a third or subsequent violation within 2 years after the first violation, a suspension of the right to maintain a stand-alone bar for up to 30 days and a fine of $500 to $2,000.
- For a fourth or subsequent violation, a suspension of the right to maintain a stand-alone bar for up to 60 days and a fine of $500 to $2,000 or a revocation of the right to maintain a stand-alone bar.[21]

Local Bill Forms

The Florida Constitution prohibits the passage of any special act unless a notice of intention to seek enactment of the bill has been published as provided by general law or the act is conditioned to take effect only upon approval by referendum vote of the electors in the area affected.[22] A legal advertisement of the proposed bill must be placed in a newspaper of general circulation or published on a publicly accessible website[23] at least 30 days prior to the introduction of the local bill in the House or Senate.[24] The bill was noticed in the Ocala Star Banner on January 28, 2025.

The House local bill policy requires a completed and signed Local Bill Certification Form and Economic Impact Statement be filed with the Clerk of the House at the time the local bill is filed or as soon thereafter as possible.[25] The following forms have been submitted for this bill:

- Local Bill Certification Form
- Economic Impact Statement

BILL HISTORY

COMMITTEE REFERENCE	ACTION	DATE	STAFF DIRECTOR/ POLICY CHIEF	ANALYSIS PREPARED BY
Intergovernmental Affairs Subcommittee	9 Y, 6 N	3/26/2025	Darden	Darden
Industries & Professional Activities Subcommittee			Anstead	Brackett
State Affairs Committee				

[20] S. 561.29, F.S.
[21] S. 561.695(7), F.S.
[22] Art. III, s. 10, Fla. Const.
[23] S. 50.0311(2), F.S.
[24] S. 11.02, F.S. If there is no newspaper circulated throughout or published in the county and no publicly accessible website has been designated, notice must be posted for at least 30 days in at least three public places in the county, one of which must be at the courthouse.
[25] Intergovernmental Affairs Subcommittee, *Local Bill Policies and Procedures Manual*, p. 11 (last visited Mar. 16, 2025).

A bill to be entitled

An act relating to special beverage licenses for equestrian sport facilities in Marion County; defining the term "equestrian sport facility"; providing for the issuance of special beverage licenses to certain equestrian sport facilities located in Marion County; authorizing the package sales of alcoholic beverages for off-premises consumption and the sales of alcoholic beverages for on-premises consumption under such licenses; providing for conditions and restrictions; providing for compliance with the Beverage Law, with certain exceptions; providing rulemaking authority; providing an effective date.

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

Section 1. (1) As used in this section, the term "equestrian sport facility" means a facility within Marion County which is at least 500 acres in size and which includes at least two transient public lodging establishments as defined in s. 509.013(4)(a)1., Florida Statutes, and at least three public food service establishments as defined in s. 509.013(5), Florida Statutes, the principal attraction of which is sport horse events, including, but not limited to, show jumping, dressage, eventing, and other equestrian competitions.

CODING: Words stricken are deletions; words underlined are additions.

(2) Notwithstanding s. 561.20, Florida Statutes, the Division of Alcoholic Beverages and Tobacco of the Department of Business and Professional Regulation may issue a special beverage license to an equestrian sport facility for the purpose of authorizing the package sale of alcoholic beverages for off-premises consumption and the sale of alcoholic beverages for on-premises consumption.

(3) The special beverage license issued under this act shall allow an equestrian sport facility to designate a venue within the licensed premises as a stand-alone bar for the purpose of allowing indoor smoking, consistent with the requirements of s. 561.695, Florida Statutes.

(4) A special beverage license issued under this act may not preclude premises with separate alcoholic beverage licenses from operating on the property of the equestrian sport facility. Any violation of the alcoholic beverage laws which occurs within the equestrian sport facility may not impact the operation of a separately licensed premises unless the violation occurs specifically within such separately licensed premises. If a violation of the alcoholic beverage laws occurs within a separately licensed premises, the penalty for such violation applies only to that separately licensed premises and not to the remainder of the premises covered by the special beverage license issued under this act.

(5) The special beverage license issued under this act is

subject to the same requirements and restrictions as other licenses issued pursuant to the Beverage Law, except as otherwise provided in this act. The Division of Alcoholic Beverages and Tobacco of the Department of Business and Professional Regulation may adopt rules necessary to implement and administer this act.

Section 2. This act shall take effect upon becoming a law.

INDUSTRIES & PROFESSIONAL ACTIVITIES SUBCOMMITTEE

HB 4067 by Rep. Chamberlin
Special Beverage Licenses for Equestrian Sport Facilities in Marion County

AMENDMENT SUMMARY
April 9, 2025

Amendment 1 by Rep. Chamberlin (line 30):

- Clarifies that the special beverage license only allows the package sale of beer and wine for off-premises consumption and all alcoholic beverages for on-premises consumption.

Amendment No. 1

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	__	(Y/N)
ADOPTED AS AMENDED	__	(Y/N)
ADOPTED W/O OBJECTION	__	(Y/N)
FAILED TO ADOPT	__	(Y/N)
WITHDRAWN	__	(Y/N)
OTHER	_____	

Committee/Subcommittee hearing bill: Industries & Professional Activities Subcommittee

Representative Chamberlin offered the following:

Amendment (with title amendment)

Remove lines 30-32 and insert:

of authorizing the package sale of only wine and malt beverages for off-premises consumption and the sale of all alcoholic beverages for on-premises consumption.

T I T L E A M E N D M E N T

Remove lines 7-8 and insert:

authorizing the package sales of wine and malt beverages for off-premises consumption and the sales of

PCS for HB 1461

FLORIDA HOUSE OF REPRESENTATIVES
BILL ANALYSIS

This bill analysis was prepared by nonpartisan committee staff and does not constitute an official statement of legislative intent.

BILL #: PCS for HB 1461	**COMPANION BILL:** SB 1452 (Truenow)
TITLE: Industries and Professional Activities	**LINKED BILLS:** None
SPONSOR(S): Industries & Professional Activities Subcommittee	**RELATED BILLS:** None

Committee References

Orig. Comm.: Industries & Professional Activities

SUMMARY

Effect of the Bill:

The bill repeals continuing education requirements for certain licensed professionals. The bill repeals certain boards, councils, and commissions from the Department of Business and Professional Regulation (DBPR) and the Department of Agriculture and Consumer Services (DACS). The bill repeals certain secondary licenses for private investigators, private security officers, and recovery agents. The bill increases the pathways to licensure for certain licensed professionals. The bill requires DBPR and DACS to conduct certain studies.

Fiscal or Economic Impact:

The bill may have a positive economic and fiscal impact for the licensed professionals who do not have to complete continuing education. The bill may have a positive fiscal impact for the state by not having to pay the operation costs for the repealed boards, councils, and commissions.

JUMP TO SUMMARY ANALYSIS RELEVANT INFORMATION BILL HISTORY

ANALYSIS

EFFECT OF THE BILL:

The bill repeals the following boards, commissions, and councils within the Department of Business and Professional Regulation (DBPR) and shifts the authority for such boards, commissions, and councils to DBPR:

- Board of Pilot Commissioners (Harbor Pilots).
- Florida Board of Auctioneers.
- Regulatory Council of Community Association Managers.
- Board of Employee Leasing Companies.
- Florida Building Code Administrators and Inspectors Board (Building Officials).
- Board of Professional Engineers.
- Board of Veterinary Medicine.
- Board of Accountancy.
- Florida Real Estate Commission.
- Barbers' Board.
- Board of Cosmetology.
- Board of Architecture and Interior Design.
- Board of Landscape Architecture.
- Construction Industry Licensing Board.
- Electrical Contractors' Licensing Board.
- Board of Professional Geologists.
- Drug Wholesale Distributor Advisory Council. (Section 2)

The bill repeals the following boards and councils within the Department of Agriculture and Consumer Services (DACS) and shifts the authority for such boards and councils to DACS:

- Board of Professional Surveyors and Mappers.
- Pest Control Enforcement Advisory Council.
- Motor Vehicle Repair Advisory Council.
- Agricultural Economic Development Project Review Committee.
- Babcock Ranch Advisory Group. (Section 2 and Section 259)

Continuing Education

The bill repeals provisions requiring continuing education for the following professions and occupations licensed by DBPR and DACS:

- Barbers. (Section 2)
- Cosmetology. (Section 2, 142, and 144)
- Home Inspectors. (Section 2)
- Mold-Related Services. (Section 2)
- Contractors. (Section 181 and 182)
- Electrical contractors. (Section 210, 211, 212, and 213)
- Engineers. (Section 87)
- Landscape architects. (Section 166 and 167)
- Accountants. (Section 2)
- Asbestos contractors (Section 79, 80, and 81)
- Architects. (Section 155 and 156)
- Community Association Managers. (Section 2)
- Building officials. (Section 71)
- Harbor Pilots. (Section 15)
- Veterinarians. (Section 118)
- Surveyors and Mappers. (Section 2)

Private Investigator, Security Officers, and Recovery Agents Secondary Licenses

The bill removes licensure requirements for secondary license types for the following licenses issued by DACS, while maintaining the main license type:

- Private Investigator Interns.
- Private Investigative Agency Branch Offices.
- Private Investigative Agency Managers
- Private Investigative/Security Agency Managers
- Security Agency Branch Offices
- Security Managers
- Security Agency/Private Investigative Agency Branch Offices
- Recovery Agent Interns
- Recovery Agency Branch Offices
- Recovery Agency Managers. (Section 241, 244, and 247)

The bill **does not** repeal the licensure requirement for private investigators, security officers, and recovery agents.

Division of Alcoholic Beverages and Tobacco (ABT) within DBPR

The bill expands the jurisdiction of ABT's law enforcement bureau to include the investigation, enforcement, and prosecution of crime related to a business or profession regulated by DBPR including unlicensed activity of a business or profession. (Section 1)

The bill allows ABT to discipline a retail tobacco products dealer or retail nicotine products dealer's permit for any violation of the laws of this state or any state or territory of the United States. (Section 283 and 284)

The bill authorizes ABT to assist DACS in enforcing the distribution and retail sale of consumable hemp in Florida, including entering any public or private premises during regular business hours in the performance of its duties relating to the retail sale of consumable hemp. (Section 285)

Division of Hotels and Restaurants

The bill allows DBPR's Division of Hotel and Restaurants to discipline a public food service establishment or public lodging establishment for violation of Florida's hemp laws. (Section 280)

Engineers and Architects

The bill allows DBPR to approve engineers and architects licensed outside the country for licensure by endorsement. (Section 266 and 272).

Barbers

The bill provides for the licensure, operation, and inspection of mobile barbershops, as follows:

- Requires DBPR to adopt rules governing the licensure, operation, and inspection of mobile barbershops, including their facilities, personnel, and safety and sanitary requirements.
- Requires mobile barbershops to comply with all licensure and operating requirements specified in the chapter of law governing barbershops, DBPR's general statutes, or DBPR rules that apply to barbershops at fixed locations.
- Requires mobile barbershops to maintain a permanent business address, located in the inspection area of the local department office, at which records of appointments, itineraries, license numbers of employees, and vehicle identification numbers of the licenseholder's mobile barbershop must be kept and made available for verification purposes by department personnel, and where correspondence from the department can be received.
- To facilitate periodic inspections, the bill requires before the beginning of each month, each mobile barbershop licenseholder to file with DBPR a written monthly itinerary listing the locations where and the dates and hours when the mobile barbershop will be operating.
- Requires the licenseholder to comply with all local laws and ordinances regulating business establishments, with all applicable requirements of the Americans with Disabilities Act relating to accommodations for persons with disabilities, and with all applicable requirements of the Occupational Safety and Health Administration.
- Pursuant to DBPR rules, authorizes the practice of barbering to be performed in a location other than a licensed barbershop when performed in connection with a special event and by a person who holds the proper license.
    - Barbers are already allowed to shampoo, cut, or arrange hair in locations outside of barbershops. (Section 270)

Certified Public Accountants

The bill revises the requirements for the licensure of Certified Public Accountants (CPAs), as follows:

- Revises the requirements for licensure of CPAs, including licensure by endorsement and of international applicants, by providing four separate pathways to qualify for a license based on education and work experience criteria. Effective January 1, 2026, a person may qualify for a CPA license if he or she:
    - Completes at least 150 semester hours of college education, including a baccalaureate or higher degree conferred by an accredited college or university, with a concentration in accounting and business as prescribed by the department, and have one year of work experience;

- Holds a master's degree in accounting or finance conferred by an accredited college or university with a concentration in accounting and business as prescribed by the department, and have one year of work experience;
- Holds a baccalaureate degree in accounting or finance conferred by an accredited college or university with a concentration in accounting and business as prescribed by the department, and have two years of work experience; or
- Holds a baccalaureate degree in any major course of study conferred by an accredited college or university, have completed coursework required for a concentration in accounting and business as prescribed by the department, and have two years of work experience. (Section 267 and 268)

The bill requires the department to prescribe the coursework required for a concentration in accounting and business. Under the bill, an applicant may satisfy the coursework requirement if the applicant receives a baccalaureate or higher degree in accounting or finance conferred by an accredited college or university in a state or territory of the United States. If the applicant has received a baccalaureate or higher degree with a major course of study other than accounting or finance, the applicant must complete the coursework required for a concentration in accounting and business as prescribed by the department. (Section 267)

The bill revises the licensure by endorsement requirements for applicants who are licensed in any state or territory of the United States. Under the bill, a person holding a license in another state or a territory of the United States may qualify for licensure by endorsement if they have maintained good moral character and, at the time of licensure by the other state or territory, were required to show evidence of having obtained at least a baccalaureate degree from an accredited college or university and having passed the Uniform CPA Examination. (Section 269)

The bill revises the requirements for the licensure of international applicants. The bill requires international applicants for licensure as a certified public accountant in this state to meet the requirements for education, work experience, and good moral character under s. 473.308, F.S.
(Section 268)

Effective January 1, 2026, the bill permits, a person who holds an active CPA license in good standing in another state or territory to provide accountancy services without obtaining a state license if at the time of licensure by the other state or territory, the individual was required to show evidence of having obtained at least a baccalaureate degree and having passed the Uniform CPA Examination. (Section 267)

Florida Drug and Cosmetic Act

The bill removes the requirement that every prescription drug wholesale distributor must have at least one designated representative, who must be certified by the department. (Section 277)

DBPR Information on Professions

The bill requires DBPR to e-mail and post information on their website at the end of each legislative session explaining new laws related to each profession. (Section 1)

Auctioneer Fees

Effective July 1, 2026, requires all fees established by DBPR related to auctioneers to be reduced by 50 percent. (Section 264)

Building Permits

Home Repairs During States of Emergency

The bill prohibits local governments from requiring a permit for repairs and renovations completed within one year after the issuance of a state of emergency for single family homes as long as the damage being repaired does not include more than 50 percent of such home and there are no changes to the footprint of the home. (Section 281)

Landscaping Violations During States of Emergency

The bill prohibits local governments from denying a certificate of occupancy based on noncompliance with a Florida-friendly landscaping ordinance for residential or commercial properties issued a permit within one year of a state of emergency for the county in which the property is located. (Section 281)

Building Permits for Playgrounds, Fences, or Landscape Irrigation

The bill prohibits local enforcement agencies from requiring a building permit for the construction of playground equipment, a fence, or a landscape irrigation system on single-family residential property. (Section 281)

Uniform Permit Applications

Requires DBPR to recommend a uniform permit application form for most routine types of building permits, and inspections for common building permits and recommend a uniform process for video inspections. (Section 3)

Elevator Accessibility

The bill revises elevator accessibility requirements to align with the Florida Building Code. (Section 260)

DBPR Licensure Fingerprint Requirements

The bill eliminates the current fingerprint requirement for active duty military personnel, as well as their spouses, who seek licensure in those professions that do not otherwise require fingerprinting for initial licensure. (Section 262)

Effective date

Except as otherwise expressly provided, the bill provides an effective date of July 1, 2025. (Section 286)

RELEVANT INFORMATION

SUBJECT OVERVIEW:

Continuing Education

Continuing education includes any additional required education undertaken by a professional after receiving licensure. Below is a chart of the continuing education requirements for licensed professionals in Florida:[1]

[1] *See* 310.081, 455.2228, 468.4337, 468.4338, 468.627, 468.8316, 468.8317, 468.8416, 471.017, 471.019, 472.018, 472.019, 473.312, 473.313, 474.211, 475.182, 475.183, 477.019, 477.0212, 481.215, 481.217, 481.313. 481.315, 482.111, 489.115, 489.116, 489.517, 489.519, F.S.; Rules 61E14-4.004, 61-30.403, 61G3-16.0091, 61G10-13.003, 61G10-18.001, and 61H1-33.003 F.A.C.

Profession	Continuing Education Requirements
Community Association Managers	• 10 hours of CE annually • 15 classroom hours of CE to reinstate an inactive license
Building Code Officials, Inspectors, and Plans Examiners	• 14 classroom hours biannually
Home Inspectors	• 14 hours of CE biannually • 14 hours of CE to reinstate an inactive license
Mold-Related Services	• 14 hours of CE biannually
Engineering	• 18 hours of CE biannually • Up to 9 hours of CE for every year the license was inactive to reinstate an inactive license
Public Accountancy	• 80 hours biannually • Up to 120 hours to reinstate inactive license
Veterinary Medicine	• Up to 30 hours of CE biannually
Cosmetologists	• Up to 10 hours of CE biannually • Up 10 hours of CE to reinstate inactive license.
Barbers	• 2 hours of CE biannually
Architects	• 20 hours of CE biannually • Up to 20 hours of CE to reinstate inactive license
Landscape Architects	• 16 hours of CE biannually • Up to 16 hours of CE to reinstate an inactive license.
Construction contractors	• 14 classroom hours of CE biannually • Up to 14 classroom hours of CE to reinstate an inactive license.
Electrical Contractors	• 2 classroom hours of CE biannually if the person is fire alarm system agent. • 6 classroom hours of CE biannually if the person is burglar alarm system agent. • 7 classroom hours of CE biannually if the licensee is an alarm system or specialty contractor. • 11 classroom hours of CE biannually if the licensee is an electrical contractor. • Up to 11 classroom hours of CE to reinstate an inactive license.
Harbor Pilots	• Board approved seminar biannually
Asbestos Contractors	• One-day course of CE biannually for asbestos contractor. • Two-day course of CE biannually for asbestos consultant. • One-day course of CE annually for onsite supervisor.
Land Surveyors and Mappers	• 24 hours of CE biannually

	• Up to 12 classroom hours of CE for each inactive year to reinstate an active license.

Department of Business and Professional Regulation

The Florida Department of Business and Professional Regulation (DBPR) regulates and licenses various businesses and professionals in Florida.[2]

The Division of Professions licenses and regulates more than 542,000 professionals through the following professional boards and programs:[3]

- Board of Architecture and Interior Design,
- Asbestos Licensing Unit,
- Athlete Agents,
- Board of Auctioneers,
- Barbers' Board,
- Building Code Administrators and Inspectors Board,
- Regulatory Council of Community Association Managers,
- Construction Industry Licensing Board,
- Board of Cosmetology,
- Electrical Contractors' Licensing Board,
- Board of Employee Leasing Companies,
- Home Inspectors,
- Board of Landscape Architecture,
- Mold-Related Services,
- Board of Pilot Commissioners,
- Board of Professional Geologists,
- Talent Agencies,
- Board of Veterinary Medicine, and
- Florida Board of Professional Engineers.

The Division of Alcoholic Beverages (ABT)

ABT regulates the manufacture, distribution, sale, and service of alcoholic beverages and tobacco products in Florida, including:

- receipt and processing of license applications;
- collection and auditing of taxes, surcharges, and fees paid by licensees; and
- enforcement of the laws and regulations governing the sale of alcoholic beverages and tobacco products.[4]

ABT's Bureau of Law Enforcement is an accredited law enforcement agency with law enforcement officers who have the authority to make arrests, carry firearms, serve court process, and seize contraband and the proceeds of illegal activities.[5]

The Bureau's law enforcement officers are responsible for enforcing the Beverage Law and the laws relating to distribution and sale of tobacco and nicotine products. They do not have authority to enforce any other state laws

[2] S. 20.165, F.S.
[3] Florida Department of Business and Professional Regulation, *Division of Professions*, http://www.myfloridalicense.com/DBPR/division-of-professions/ (last visited April 3, 2025).
[4] Florida Department of Business and Professional Regulation, *Division of Alcoholic Beverages and Tobacco*, http://www.myfloridalicense.com/DBPR/alcoholic-beverages-and-tobacco/ (last visited April 3, 2025).
[5] S. 20.165(9), F.S.; Department of Business and Professional Regulation, *Alcoholic Beverages & Tobacco – Law Enforcement*, https://www2.myfloridalicense.com/alcoholic-beverages-and-tobacco/law-enforcement/ (last visited April 3, 2025).

unless it is incidental to enforcing the Beverage Law or the laws relating to the distribution and sale of tobacco and nicotine products.[6]

The Division may discipline an alcoholic beverage license for any violation of the laws of this state or any state or territory of the United States.[7] However, the Division may only discipline a tobacco retailer or nicotine product retailer's permit for violating any of the provisions relating to the retail sale of such products. Such discipline includes administrative fines up to $1,000 and suspension or revocation of a permit.[8]

Board of Auctioneers

The Board of Auctioneers is responsible for licensing and regulating auctioneers. The board generally meets four times a year to consider applications for licensure, to review disciplinary cases, and to conduct informal hearings relating to licensure and discipline. The board engages in rulemaking to implement the provisions set forth in its statutes, administers the Auctioneer Recovery Fund, and conducts other general business, as necessary.[9]

The board consists of five members appointed by the Governor and confirmed by the Senate. Two of the members must be licensed auctioneers with at least five years of experience, two members must be laypersons, and one must be an auction company. Members serve for terms of four years.[10]

Auctioneer Fees

The Board of Auctioneers may establish application, examination, licensure, renewal, and other reasonable and necessary fees, based upon the department's estimate of the costs to regulate licensed auctioneers. Below is a table of the applicable fees for licensed auctioneers:[11]

Type of Fee	Fee amount
Application Fee	• $50 for license by exam • $75 for license by endorsement or reciprocity • $50 apprentice license • $50 auction business
Exam Fee	• $250
Initial Licensure Fee	• $150
Unlicensed Activities Fee	• $5 upon initial license and each renewal
Renewal Fees	• $150
Reactivation Fee	• $50
Examination Review Fee	• 50
Auctioneer Recovery Fund Surcharge	• $100 at the time of renewal
Change of Status	• $50
Delinquent License Fee	• $25
Reinstatement of a Void License Fee	• $150 application • $150 - $300 renewal fee for each biennium when timely renewal was missed. • $105.00 – $210.00 Unlicensed Activity fee for each biennium when timely renewal was missed.

[6] *Id.*
[7] S. 561.29, F.S.
[8] Ss. 569.006 and 569.35, F.S.
[9] Florida Department of Business and Professional Regulation, *Auctioneers*, https://www2.myfloridalicense.com/auctioneers/ (last visited April 3, 2025).
[10] S. 468.384, F.S.
[11] S. 468.386, F.S.; R. 61G2-3.001, F.A.C.

Florida Real Estate Commission

The Florida Real Estate Commission (FREC) is responsible for licensing and regulating real estate sales associates and brokers. The FREC meets for two days every month. The FREC also engages in rulemaking to implement the provisions set forth in its statutes.[12]

The commission consists of seven members appointed by the Governor and confirmed by the Senate. Four members must be licensed brokers with at least five years of experience, one member must be a licensed broker or a licensed sales associate with at least two years of experience, and two members must be laypersons. At least one member must be 60 years of age or older. Members serve for terms of four years.[13]

The Division of Real Estate (DRE) is responsible for supporting the Florida Real Estate Commission and the Florida Real Estate Appraisal Board in the regulation of real estate sales associates, brokers, and appraisers, in conjunction with the.[14] DRE's offices are located in Orlando.[15]

Division of Certified Public Accounting

The Division of Certified Public Accounting (Division of CPA) within DBPR is responsible for the regulation of certified public accountants (CPAs) and accounting firms. The Division of CPA processes applications to sit for the CPA exam, original Florida licensure applications, licensure by endorsement applications, reactivation of a delinquent or inactive CPA license, temporary permit applications, accountancy firm licensure, and continuing education reporting forms. The Division of CPA also provides administrative support to the Board of Accountancy.[16]

The offices for the Division of CPA are located in Gainesville.[17]

The Board of Accountancy is responsible for licensing and regulating CPAs. The board meets 10 times a year to consider applications, review disciplinary cases, and conduct informal hearings relating to licensure and discipline. The board also engages in rulemaking to implement the provisions set forth in its statutes and conducts other general business, as necessary.

The board consists of nine members who are appointed by the Governor and confirmed by the Senate. Seven of the members must be licensed CPAs with at least five years of experience and two must be laypersons. At least one member must be over 60 years old.[18]

In order to obtain licensure as a CPA, an applicant must:[19]

- have at least 150 semester hours of college education, including a baccalaureate or higher degree conferred by an accredited college or university, with a concentration in accounting and business.
- Have one year of experience.
- Have good moral character.
- Pass an examination.

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[12] Florida Department of Business and Professional Regulation, *Real Estate Commission – Commission Information*, https://www2.myfloridalicense.com/real-estate-commission/commission-information/#1493754459693-55f707f3-f1ea (last visited April 3, 2025).
[13] S. 475.02, F.S.
[14] S. 475.021, F.S.
[15] S. 20.165(2), F.S.
[16] Florida Department of Business and Professional Regulation, *Certified Public Accounting*, https://www2.myfloridalicense.com/certified-public-accounting/ (last visited April 4, 2025).
[17] S. 20.165(2), F.S.
[18] S. 473.303, F.S.
[19] Ss. 473.306, and 473.308, F.S.

An applicant is also eligible for licensure by endorsement if the applicant has good moral character and meets one of the following requirements:[20]

- Is not licensed, but has otherwise met the licensing requirements and has passed a licensing examination that is substantially equivalent to the Florida examination;
- Holds a valid license to practice public accounting issued by another state or territory of the United States, if the criteria for issuance of such license are substantially equivalent to a Florida license or is otherwise permitted; or
- Holds a valid license to practice public accounting issued by another state or territory of the United States for at least 10 years before the date of application and has passed a licensing examination that is substantially equivalent to the Florida examination.

Barbers' Board

The Barbers' Board is responsible for licensing and regulating barbers. The board meets regularly, which is generally six times a year, to consider applications for licensure, to review disciplinary cases, and to conduct informal hearings relating to licensure and discipline. The board also engages in rulemaking to implement the provisions set forth in its statutes and conducts other general business, as necessary.[21]

The board consists of seven members who are appointed by the Governor and confirmed by the Senate. Five members must be licensed barbers with at least five years of experience, and two members must be laypersons. No member may be connected with the manufacture, rental, or wholesale distribution of barber equipment and supplies. Members serve for terms of four years.[22]

Board of Cosmetology

The Board of Cosmetology is responsible for licensing and regulating cosmetology. The board meets approximately four times a year to consider applications for licensure, to review disciplinary cases, and to conduct informal hearings relating to licensure and discipline. The board engages in rulemaking to implement the provisions set forth in its statutes and conducts other general business, as necessary.[23]

The board consists of seven members who are appointed by the Governor and confirmed by the Senate. Five members must be licensed cosmetologists who have practiced cosmetology in Florida for at least five years and two members must be laypersons.[24]

Barbers and Mobile Cosmetology Salons

Current law requires licensed cosmetologists to only practice in licensed cosmetology salons unless expressly allowed to practice elsewhere. Current law also allows for mobile cosmetology salons, which must meet the following requirements:[25]

- Must comply with all licensure and operating requirements for fixed cosmetology salons.
- Must maintain a permanent business address located in the inspection area of the local department office. The mobile salon's records must be kept at the permanent address.
- Must file a written monthly itinerary with the Board of Cosmetology.
- Must pay a fee, which may not be more than the fee for a fixed cosmetology salon.
- Must comply with all local laws and ordinances regulating business establishments, the applicable Americans with Disabilities Act requirements, and the applicable OSHA requirements.

[20] 473.308, F.S.; Rule 61H1-29.003, F.A.C
[21] Florida Department of Business and Professional Regulation, *Barbers*, https://www2.myfloridalicense.com/barbers/ (last visited April 3, 2025)
[22] S. 476.054, F.S.
[23] Florida Department of Business and Professional Regulation, *Cosmetology*, https://www2.myfloridalicense.com/cosmetology/ (last visited April 4, 2025).
[24] S. 477.015, F.S.
[25] SS. 477.025(10), and 477.0263, F.S.

Licensed barbers are also required to practice only in licensed barbershops unless expressly allowed to practice elsewhere. However, current law does not provide for mobile barbershops.[26]

Construction Industry Licensing Board

The Construction Industry Licensing Board is responsible for licensing and regulating the construction industry. The board meets regularly, which is generally eleven times a year, to consider applications for licensure, to review disciplinary cases, and to conduct informal hearings relating to licensure and discipline. The board engages in rulemaking to implement the provisions set forth in its statutes and conducts other general business, as necessary.[27]

The board consists of 18 members who are appointed by the Governor and confirmed by the Senate. The board must consist of four general contractors, three building or residential contractors (with at least one building contractor and one residential contractor), one sheet metal contractor, one pool contractor, one plumbing contractor, two building officials of a municipality or county, one roofing contractor, one air conditioning contractor, one mechanical contractor, one underground utility and excavation contractor, and two consumer members.[28]

Electrical Contractors' Licensing Board

The Electrical Contractors' Licensing Board is responsible for licensing and regulating electrical contractors. The board meets regularly, which is generally six times a year, to consider applications for licensure, to review disciplinary cases, and to conduct informal hearings relating to licensure and discipline. The board engages in rulemaking to implement the provisions set forth in its statutes and conducts other general business, as necessary.[29]

The board consists of 11 members appointed by the Governor and confirmed by the Senate. Seven members must be certified electrical contractors, two must be consumer members, and 2 must be certified alarm system contractors.[30]

Regulatory Council of Community Association Managers

The Regulatory Council of Community Association Managers duties relate to licensure examination, continuing education requirements, continuing education providers, fees and professional practice standards relative to the Community Association Manager profession.[31] The Council holds quarterly meetings and engages in rulemaking to implement the provisions set forth in its statutes and conducts other general business, as necessary.[32]

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[26] S. 476.188, F.S.
[27] Florida Department of Business and Professional Regulation, *Construction Industry*, https://www2.myfloridalicense.com/construction-industry/ (last visited April 4, 2025).
[28] S. 489.107, F.S.
[29] Florida Department of Business and Professional Regulation, *Electrical Contractors*, https://www2.myfloridalicense.com/electrical-contractors/ (last visited April 4, 2025).
[30] S. 489.507(1), F.S.
[31] A community association manager or community association management firm manages community associations with more than 10 residential units or budgets greater than $100,000 for compensation. Florida Department of Business and Professional Regulation, *Community Association Managers and Firms – Council Information*, https://www2.myfloridalicense.com/community-association-managers-and-firms/council-information/ (last visited April 4, 2025).
[32] Florida Department of Business and Professional Regulation, *Community Association Managers and Firms*, https://www2.myfloridalicense.com/community-association-managers-and-firms/ (last visited April 4, 2025).

The Council consists of seven members who are appointed by the Governor and confirmed by the Senate. Five members must be licensed community association managers and two members must be residents of Florida who must not be or ever have been connected with the business of community association management.[33]

Drug Wholesale Distributor Advisory Council

The Drug Wholesale Distributor Advisory Council of the Division of Drugs, Devices, and Cosmetics (DDC) reviews the Florida Drug and Cosmetic Act (Act) and the rules adopted thereunder, provides input to DBPR regarding all proposed rules to administer the Act, makes recommendations to DBPR to improve the protection of prescription drugs and public health, makes recommendations to improve coordination with other states' regulatory agencies and the federal government concerning the wholesale distribution of drugs, and makes recommendations to minimize the impact of regulation of the wholesale distribution industry while ensuring protection of the public health.[34]

The Council generally meets three times a year and consists of 12 members. The Council must consist of the Secretary of DBPR (or his or her designee), the Secretary of Health Care Administration (or her or his designee), and 10 DBPR appointees. The DBPR appointees must consist of three employees of different prescription drug wholesale distributors which operate nationally, one employee of a prescription drug wholesale distributor, one employee of a retail pharmacy chain located in Florida, one licensed pharmacist who is a member of the Board of Pharmacy, one licensed physician, one employee of a licensed hospital who is a licensed pharmacist, one employee of a permitted medical gas manufacturer or medical gas wholesale distributor who has been recommended by the Compressed Gas Association,[35] and one employee of a pharmaceutical manufacturer.[36]

Drug Wholesale Distributor Designated Representative

Each establishment that is issued a permit as a prescription drug wholesale distributor or an out-of-state prescription drug wholesale distributor must designate in writing to DBPR at least one natural person to serve as the designated representative of the wholesale distributor. Such person must have an active certification as a designated representative from DBPR.[37]

A designated representative:[38]

- Must be actively involved in and aware of the actual daily operation of the wholesale distributor.
- Must be employed full time in a managerial position by the wholesale distributor.
- Must be physically present at the establishment during normal business hours, except for time periods when absent due to illness, family illness or death, scheduled vacation, or other authorized absence.
- May serve as a designated representative for only one wholesale distributor at any one time.

To be certified as a designated representative, a natural person must:[39]

- Submit an application and pay the appropriate fees.
- Be at least 18 years of age.
- Have at least 2 years of verifiable full-time:
    - Work experience in a pharmacy licensed in Florida or another state, where the person's responsibilities included, but were not limited to, recordkeeping for prescription drugs;

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[33] S. 468.4315, F.S.
[34] Florida Department of Business and Professional Regulation, *Division of Drugs, Devices and Cosmetics – Council Information*, https://www2.myfloridalicense.com/drugs-devices-and-cosmetics/council-information/ (last visited April 4, 2025).
[35] The Compressed Gas Association is an American trade association that develops and promotes safety standards and safe practices for the industrial, medical, and food gases industry. International Society of Beverage Technologists, *Resources*, https://www2.myfloridalicense.com/landscape-architecture/ (last visited April 4, 2025).
[36] S. 499.01211, F.S.
[37] S. 499.012(15), F.S.
[38] *Id.*
[39] *Id.*

    - Managerial experience with a prescription drug wholesale distributor licensed in Florida or in another state;
    - Managerial experience with the United States Armed Forces, where the person's responsibilities included, but were not limited to, recordkeeping, warehousing, distributing, or other logistics services pertaining to prescription drugs;
    - Managerial experience with a state or federal organization responsible for regulating or permitting establishments involved in the distribution of prescription drugs, whether in an administrative or a sworn law enforcement capacity; or
    - Work experience as a drug inspector or investigator with a state or federal organization, whether in an administrative or a sworn law enforcement capacity, where the person's responsibilities related primarily to compliance with state or federal requirements pertaining to the distribution of prescription drugs.
- Pass the required examination.
- Provide DBPR with a personal information statement and fingerprints.

Board of Landscape Architecture

The Board of Landscape Architecture is responsible for licensing and regulating landscape architects. The board generally meets four times a year to consider applications for licensure, review disciplinary cases, and conduct informal hearings relating to licensure and discipline. The board engages in rulemaking to implement the provisions set forth in its statutes and conducts other general business, as necessary.[40]

The board consists of seven members who are appointed by the Governor and confirmed by the Senate. Five members must be registered landscape architects and two members must be laypersons who are not and have never been registered landscape architects or members of any closely related profession.[41]

Board of Architecture and Interior Design

The Board of Architecture and Interior Design is responsible for licensing and regulating architects and interior designers. The board generally meets four times a year to consider applications for licensure, review disciplinary cases, and conduct informal hearings relating to licensure and discipline. The board engages in rulemaking to implement the provisions set forth in its statutes and conducts other general business, as necessary.[42]

The board consists of eleven members who are appointed by the Governor and confirmed by the Senate. Five members but be registered architectures who have been engaged in the practice of architecture for at least five years, three members must be registered interior designers who have been offering interior design services for at least 5 years and who are not also registered architects, and three members must be laypersons who are not, and have never been, architects, interior designers, or members of any closely related profession or occupation. At least one member of the board must be 60 years of age or older.[43]

Board of Pilot Commissioners

The Board of Pilot Commissioners is responsible for licensing and regulating state pilots and deputy pilots.[44] The board meets approximately four times a year to consider applications for licensure, review disciplinary cases, and

[40] Florida Department of Business and Professional Regulation, Cosmetology, https://www2.myfloridalicense.com/cosmetology/ (last visited April 4, 2025).
[41] S. 481.305, F.S.
[42] Florida Department of Business and Professional Regulation, *Architecture and Interior Design*, https://www2.myfloridalicense.com/architecture-and-interior-design/ (last visited April 4, 2025).
[43] S. 481.205(1), F.S.
[44] State and deputy pilots navigate vessels within channels, waters, harbors, and ports.

conduct informal hearings relating to licensure and discipline. The board engages in rulemaking to implement the provisions set forth in its statutes and conducts other general business, as necessary.[45]

The board consists of 10 members who are appointed by the Governor and confirmed by the Senate. The board consists of five licensed and active state pilots, two members who are actively involved in a professional or business capacity in the maritime industry, one CPA who has at least five years of experience in financial management, and two citizens of Florida. The latter three board members may not be involved in, or have any financial interest in, the piloting profession, the maritime industry, the marine shipping industry, or the commercial passenger cruise industry.[46]

Board of Veterinary Medicine

The Board of Veterinary Medicine is responsible for licensing and regulating veterinarians. The board meets approximately four times a year to consider applications for licensure, review disciplinary cases, and conduct informal hearings relating to licensure and discipline. The board engages in rulemaking to implement the provisions set forth in its statutes and conducts other general business, as necessary.[47]

The board consists of seven members who are appointed by the Governor and confirmed by the Senate. Five members must be licensed veterinarians and two members must be laypersons who have no connection to the veterinary profession.[48]

Board of Professional Geologists

The Board of Professional Geologists is responsible for licensing and regulating the practice of professional geology. The board meets approximately four times a year to consider applications for licensure, review disciplinary cases, and conduct informal hearings relating to licensure and discipline. The board engages in rulemaking to implement the provisions set forth in its statutes and conducts other general business, as necessary.

The board is comprised of seven members who are appointed by the Governor and confirmed by the Senate and one ex officio member. Five members must be professional geologists and two must be laypersons who have no connection to the geology profession. The chief of the Bureau of Geology in the Department of Environmental Protection (or his or her designee) must serve as an ex officio member of the board.[49]

Building Code Administrators and Inspectors Board

The Building Code Administrators and Inspectors Board is responsible for licensing and regulating building code administrators, building code inspectors, and building code plans examiners. The board meets approximately six times a year to consider applications for licensure, review disciplinary cases, and conduct informal hearings relating to licensure and discipline. The board engages in rulemaking to implement the provisions set forth in its statutes and conducts other general business, as necessary.[50]

The board is comprised of nine members who are appointed by the Governor and confirmed by the Senate. The board must consist of one member who is either a licensed architect, engineer, or contractor, two members serving as building code administrators, two members serving as building code inspectors, one member serving as a plans examiner, one member who is a representative of a city or county, and two consumer members who are not, and

[45] Florida Department of Business and Professional Regulation, *Harbor Pilots*, https://www2.myfloridalicense.com/harbor-pilots/ (last visited April 4, 2025).
[46] S. 310.011, F.S.
[47] Florida Department of Business and Professional Regulation, *Veterinary Medicine*, https://www2.myfloridalicense.com/veterinary-medicine/ (last visited April 4, 2025).
[48] S. 474.204, F.S.
[49] S. 492.103, F.S.
[50] Florida Department of Business and Professional Regulation, *Building Code Administrators & Inspectors*, https://www2.myfloridalicense.com/building-code-administrators-and-inspectors/ (last visited April 4, 2025).

have never been, members of such related professions. One of the consumer members must be a person with a disability or a representative of an organization which represents persons with disabilities.[51]

Board of Employee Leasing Companies

The Board of Employee Leasing Companies is responsible for licensing and regulating employee leasing companies.[52] The board meets approximately six times a year to consider applications for licensure, review disciplinary cases, and conduct informal hearings relating to licensure and discipline. The board engages in rulemaking to implement the provisions set forth in its statutes and conducts other general business, as necessary.[53]

The board is comprised of seven members who are appointed by the Governor and confirmed by the Senate. Five members must be engaged in the employee leasing industry and be Florida-licensed, where one of the licensed members is part of an employee leasing company that has an annual gross Florida payroll for its leased employees which is among the smallest 20 percent of licensed employee leasing companies in the state at the time of the member's appointment and each reappointment. The remaining two board members must be Florida residents who must not be, or ever have been, connected with the business of employee leasing.[54]

Florida Board of Professional Engineers

The practice of engineering is regulated by the Florida Board of Professional Engineers (FBPE) under the DBPR. FBPE is responsible for reviewing applications, administering exams, licensing qualified applicants, and regulating and enforcing the proper practice of engineering in the state. The administrative, investigative, and prosecutorial services for FBPE are administered by the Florida Engineers Management Corporation (FEMC). FEMC is a non-profit, single purpose corporation that operates through a contract with DBPR.[55]

Under current law, FBPE is required to certify as qualified for a license by endorsement an applicant who:

- Qualifies to take the fundamentals examination and the principles and practice examination under state law;
- Has passed a United States national, regional, state, or territorial licensing examination that is substantially equivalent to the fundamentals examination and principles and practice examination under state law and has satisfied certain experience requirements; or
- Holds a valid license to practice engineering issued by another state or territory of the United States, if the criteria for issuance of the license were substantially the same as the licensure criteria that existed in Florida at the time the license was issued.

FBPE must deem that an applicant who seeks licensure by endorsement has passed an examination substantially equivalent to the fundamentals examination when such applicant has held a valid professional engineer's license in another state for 10 years. FBPE must deem that an applicant who seeks licensure by endorsement has passed an examination substantially equivalent to the fundamentals examination and the principles and practices examination when such applicant has held a valid professional engineer's license in another state for 15 years.[56]

FBPE meets six times a year and consists of 11 members who are appointed by the Governor for terms of four years each. Nine members must be licensed engineers and two must be laypersons who are not and have never been engineers or members of any closely related profession or occupation. A member of the board who is a licensed engineer must be selected and appointed based on his or her qualifications to provide expertise and

[51] S. 468.605, F.S.
[52] "Employee leasing" is an arrangement where a leasing company assigns its employees to a client and allocates the direction of and control over the leased employees between the leasing company and the client. S. 468.520(4), F.S.
[53] Florida Department of Business and Professional Regulation, *Employee Leasing Companies*, https://www2.myfloridalicense.com/employee-leasing-companies/ (last visited April 4, 2025).
[54] S. 468.521, F.S.
[55] Ss. 20.165(4)(a) and 471.038(3), F.S.
[56] S. 471.015, F.S.

experience to the board at all times in civil engineering, structural engineering, electrical or electronic engineering, mechanical engineering, or engineering education.[57]

The board is made up of 11 members appointed by the Governor. Nine members must be licensed engineers and two members must be laypersons. Members are appointed to four-year terms. The board generally meets every month.[58]

Board of Professional Surveyors and Mappers

The Florida Department of Agriculture and Consumer Services (FDACS) licenses and regulates professional surveyors and mappers in Florida through the Florida Board of Professional Surveyors and Mappers.

The Florida Board of Professional Surveyors and Mappers encourages the entry of qualified individuals into the profession by approving individuals and businesses applying for licensure as professional surveyors and mappers. In addition, the board protects the public by disciplining licensees who violate professional practice standards.[59]

The board must meet at least once a year and consists of nine members who are appointed by the Commissioner of Agriculture and confirmed by the Senate. Seven members must be registered surveyors and mappers who are primarily engaged in the practice of surveying and mapping and two must be laypersons who are not and have never been surveyors and mappers or members of any closely related profession or occupation. Members serve four-year staggered terms.[60]

Division of Hotels and Restaurants

The Division of Hotels and Restaurants of the DBPR licenses, inspects and regulates public lodging and food service establishments in Florida. The division also licenses and regulates elevators, escalators and other vertical conveyance devices.[61]

The division is authorized to revoke or suspend licenses, or issue fines, for public lodging or public food service establishments found to be operating in violation of ch. 509, F.S.[62]

Fingerprint Military Spouse Licensure

Under certain circumstances, DBPR is required to issue professional licenses to applicants who are a spouse or surviving spouse of active duty members of the U.S. Armed Forces. To be eligible for such licensure, the spouse must provide the following to the department:[63]

- Proof that the applicant is or was married to a member of the U.S. Armed Forces serving on active duty.
- Proof that the applicant holds a valid license for the profession issued by another state, the District of Columbia, any possession or territory of the United States, or any foreign jurisdiction.
- Proof that the applicant, where required by the specific practice act, has complied with insurance or bonding requirements.

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[57] S. 471.007, F.S.
[58] S. 471.007, F.S.; Florida Board of Professional Engineers, *Agenda, Minutes, & Meetings*, https://fbpe.org/meetings-info/agendas-minutes-meetings/agenda-and-minutes-2024/#october (last visited April 7, 2025).
[59] Professional surveyors and mappers make exact measurements and determine property boundaries. They provide data relevant to the shape, contour, gravitation, location, elevation, or dimension of land or land features on or near the earth's surface for engineering, mapmaking, mining, land evaluation, construction and other purposes. Florida Department of Agriculture and Consumer Services, *Professional Surveyors and Mappers*, https://www.fdacs.gov/Business-Services/Surveyors-and-Mappers (last visited April 8, 2025).
[60] S. 472.007, F.S.
[61] Florida Department of Business and Professional Regulation, *Division of Hotels and Restaurants*, https://www2.myfloridalicense.com/hotels-restaurants/ (last visited April 8, 2025).
[62] S. 509.261, F.S.
[63] S. 455.02(3), F.S.

- A complete set of the applicant's fingerprints to the Department of Law Enforcement (FDLE) for a statewide criminal history check.

FDLE must forward the fingerprints to the Federal Bureau of Investigation for a national criminal history check. DBPR must, and the board may, review the results of the criminal history checks, and determine whether the applicant meets the licensure requirements.[64]

The costs of fingerprint processing are borne by the applicant. If the applicant's fingerprints are submitted through an authorized agency or vendor, the agency or vendor shall collect the required processing fees and remit the fees to the Department of Law Enforcement.[65]

Elevator Regulation

The Elevator Safety Act, located in ch. 399, F.S., establishes the minimum standards for elevator personnel in order "to provide for the safety of life and limb and to promote public safety awareness".[66]

The Elevator Safety Act requires buildings more than three stories high, or buildings in which the vertical distance between the bottom terminal landing and the top terminal landing exceeds 25 feet, to contain at least one passenger elevator that will accommodate an ambulance stretcher 76 inches long and 24 inches wide in the horizontal position.[67]

Building Permits

Chapter 553, part IV, F.S., is known as the "Florida Building Codes Act" (Act). The purpose and intent of the Act is to provide a mechanism for the uniform adoption, updating, interpretation, and enforcement of a single, unified state building code. The Florida Building Code must be applied, administered, and enforced uniformly and consistently throughout the state.[68]

It is the intent of the Legislature that local governments have the power to inspect all buildings, structures, and facilities within their jurisdiction in protection of the public's health, safety, and welfare.[69] Every local government must enforce the Florida Building Code and issue building permits.[70]

A building permit is an official document or certificate issued by the local building official that authorizes performance of a specific activity.[71] It is unlawful for a person, firm, or corporation to construct, erect, alter, repair, secure, or demolish any building without first obtaining a building permit from the local enforcement agency or from such persons as may, by resolution or regulation, be directed to issue such permit.[72]

Local governments may not require an owner of a residence to obtain a permit to paint such residence.[73]

Current law requires local governments to post their building permit applications, including a list of all required attachments, drawings, and documents for each application, on its website. However, other than fire alarm building permit applications, local governments are not required to have uniform building permit applications, and they are free to create their own applications with their own requirements.[74]

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[64] *Id.*
[65] *Id.*
[66] S. 399.001, F.S.
[67] S. 399.035(2), F.S.
[68] 553.72(1), F.S.
[69] S. 553.72, F.S.
[70] Ss. 125.01(1)(bb), 125.56(1), and 553.80(1), F.S.
[71] S. 468.603, F.S.; S. 202 of the Eighth edition of the Florida Building Code (Building).
[72] Ss. 125.56(4)(a) and 553.79(1), F.S.
[73] Ss. 125.571, and 166.0483, F.S.
[74] 553.79(1), and 553.7921, F.S.

Any construction work that requires a building permit also requires plans and inspections to ensure the work complies with the Florida Building Code. The Florida Building Code requires certain building, electrical, plumbing, mechanical, and gas inspections. Construction work may not be done beyond a certain point until it passes an inspection. Generally speaking, a permit for construction work that passes the required inspections is considered completed or closed.[75]

Consumptive Water Use Permitting

A person must apply for and obtain a consumptive use permit (CUP) from the applicable water management district (WMD) before using surface or groundwater of the state, unless the person is solely using the water for domestic use.[76] To obtain a CUP, an applicant must satisfy three requirements, commonly referred to as the "the three-prong test." To satisfy the test, an applicant must establish that the proposed use of water:

- Is for a "reasonable-beneficial use," meaning the use of water in such quantity as is necessary for economic and efficient utilization for a purpose and in a manner, which is both reasonable and consistent with the public interest;[77]
- Will not interfere with any presently existing legal use of water; and
- Is consistent with the public interest.[78]

Department of Agriculture and Consumer Services

The Department of Agriculture and Consumer Services (DACS) supports and promotes Florida agriculture, protects the environment, safeguards consumers, and ensures the safety and wholesomeness of food.[79] The Division of Licensing (Division) within DACS administers Florida's concealed weapon licensing program[80] and oversees Florida's private investigative, private security, and recovery services industries.[81] The Division's regulatory oversight of those services includes licensing, enforcing compliance standards, and ensuring public protection from unethical business practices and unlicensed activity.[82]

Private Investigative, Private Security, and Recovery Services Industries

Private Investigative, Security Services, and Recovery Services

Currently, the Division offers 22 different types of private investigative, private security, and recovery services licenses and four different types of concealed weapon or firearm licenses. As of March 31, 2025, the Division had issued a total of 213,977 private investigative, private security, and recovery services licenses. The following chart provides a breakdown of the total number of each license type.[83]

License Type	License Title	Total
C	Private Investigators	6,884
CC	Private Investigator Interns	1,380
A	Private Investigative Agencies	2,555
AA	Private Investigative Agency Branch Offices	18

[75] Section 110 of Eighth Edition of the Florida Building Code (Building).
[76] S. 373.219, F.S.
[77] S. 373.019(16), F.S.
[78] S. 373.223, F.S.
[79] Department of Agriculture and Consumer Services, *About*, https://www.fdacs.gov/About-Us (last visited April 4, 2025).
[80] S. 790.06, F.S.
[81] Ch. 493, F.S.
[82] Office of Program Policy Analysis and Government Accountability, Government Program Summaries, *Department of Agriculture and Consumer Services Licensing*, https://www.fdacs.gov/Divisions-Offices/Licensing (last visited April 4, 2025).
[83] The Florida Department of Agriculture and Consumer Services, *Division of Licensing Statistical Reports,* https://www.fdacs.gov/Divisions-Offices/Licensing/Statistical-Reports (last visited April 4, 2025).

MA	Private Investigative Agency Managers	82
M	Private Investigative/Security Agency Managers	438
D	Security Officers	167,488
B	Security Agencies	2,108
BB	Security Agency Branch Offices	178
MB	Security Managers	1,549
AB	Security Agency/Private Investigative Agency Branch Offices	10
DS	Security Officer Schools	483
DI	Security Officer Instructors	1,788
G	Statewide Firearm Licenses	26,790
K	Firearms Instructors	654
E	Recovery Agents	799
EE	Recovery Agent Interns	417
R	Recovery Agencies	293
RR	Recovery Agency Branch Offices	43
MR	Recovery Agency Managers	4
RS	Recovery Agent Schools	8
RI	Recovery Agent Instructors	8
Total of Private Investigative, Private Security, and Recovery Services Licenses		**213,977**

In order to receive a license for private investigative, private security, and recovery services industries from DACS, a person must meet the following in addition to any other specific requirements for each license:[84]

- Be at least 18 years old;
- Be one of the following:
  - A United States citizen,
  - A permanent legal resident, or
  - A holder of a work visa from the United States Citizenship and Immigration Service;
- Have no disqualifying criminal history;
- Be of good moral character;
- Have no history of:
  - Mental illness,
  - Alcohol abuse, or
  - Substance abuse;
- Submit an application with certain identifying information.

Private Investigators

A private investigator is any individual who, for consideration, advertises as providing or performs private investigations.[85] Any individual who performs the services of a private investigator must have a private investigator Class "C" license. In order to obtain a license a person must:[86]

- have two years of lawfully gained, verifiable, full-time experience to qualify for the license. This experience can be acquired through a combination of:
  - Private investigative work or related fields of work that provided equivalent experience or training;
  - College coursework related to criminal justice, criminology or law enforcement administration, or successful completion of any law enforcement-related training which may count for one year; or

[84] Ss. 493.6105 and 493. 6106, F.S.
[85] S. 493.6101(17), F.S.
[86] Ss. 493.6202, and 493.6203, F.S.

    - A Class "CC" licensed private investigator intern.
- pay a fee of $75
- pass an examination.

A private investigator intern is a person interning under a private investigator. Any person who wants to intern with a private investigator must have private investigator intern Class "CC" license. In order to obtain a license a person must:[87]

- Pay a fee of $60
- Complete 40 hours of professional training pertaining to general investigative techniques.

Any person, firm, company, partnership or corporation that engages in business as a private investigative agency must have a Class "A" license for its main location. A Class "A" license is valid for only one location. In order to obtain a Class "A" license a person must pay a fee of $450.[88]

A Class "A" license is valid for only one location. Any satellite or additional locations within a private investigative agency must obtain a Class "AA" license. In order to obtain a Class "AA" license a person must:[89]

- Have a Class "A" license for the main location.
- Pay a fee of $125.

Every location with a Class "A" license or branch location with a Class "AA" license must have a licensed manager. A manager may supervise up to three locations within a 150-mile radius. A private investigator with a Class "C" license may act as a manager; however, any person who wants to be a licensed manager must have a Class "MA" license. In order to obtain such license a person must:

- Have two years of experience in the private investigative work or related fields of work that provided equivalent experience or training;
- Pass an exam; and
- Pay a fee of $75.

Security Officers

A security officer is any individual who, for consideration, advertises or performs the following:[90]

- Providing bodyguard protection.
- Guarding property.
- Transporting prisoners.
- Providing armored car services.
- Assisting in prevention of theft.
- Assisting in prevention of the misappropriation or concealment of articles of value or assisting in the return of such articles.

In order to be a security officer, an individual must have security officer Class "D" license from DACS.[91]

Any person, firm, company, partnership or corporation that engages in business as a security agency must have a security agency Class "B" license for its main location. A Class "B" license is valid for only one location. In order to obtain a Class "B" license a person must pay a fee of $450.[92]

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[87] *Id.*
[88] *Id.*
[89] *Id.*
[90] S. 493.6101(19), F.S.
[91] S. 493.6301, F.S.
[92] Ss. 493.6301 and 493.6302, F.S.

A Class "B" license is valid for only one location. Any satellite or additional locations within a security must obtain a security agency branch office Class "BB" license. In order to obtain a Class "BB" license a person must:[93]

- Have a Class "B" license for a different location.
- Pay a fee of $125.

Every location with a Class "B" license or branch location with a Class "BB" license must have a licensed manager or a licensed security officer with at least two years of experience. Any person who wants to be a licensed manager must have a manager of a security agency Class "MB" license. In order to obtain such license a person must:[94]

- Have two years of experience in security work or related fields of work that provided equivalent experience or training (College coursework, law enforcement-related training, or managerial experience may count towards one year of experience); and
- Pay a fee of $75.

Dual Private Investigator and Security Agency licenses

If a person, firm, company, partnership or corporation holds both a private investigative agency Class "A" and security agency Class "B" license, each additional or branch office must have a Class "AB" license. In order to obtain a Class "AB" license a person must:[95]

- Have a Class "A" and Class "B" license for the main location.
- Pay a fee of $125.

A person who qualifies as manager for a private investigative agency and a security agency may obtain a manager Class "M" license, which allows the person to be a manager for both types of agencies. In order to obtain a Class "M" license a person must:[96]

- Qualify for a private investigator manager Class "MA" license;
- Qualify for a security agency manager Class "MB" license;
- Pass an exam; and
- Pay a fee of $75.

Repossession Services

Repossession means the recovery of a motor vehicle, a mobile home, a motorboat, an aircraft, a personal watercraft, an all-terrain vehicle, farm equipment, or industrial equipment, by an individual who is authorized by the legal owner, lienholder, or lessor to recover that which has been sold or leased under a security agreement that contains a repossession clause.[97]

Any individual who performs repossession services must be licensed as a recovery agent and have a recovery agent Class "E" license issued by DACs. In order to obtain a license a person must:[98]

- Have one year of lawfully gained, verifiable, full-time experience to qualify for the license. This experience can be acquired through a combination of:
    - Repossession work; or
    - Completing a repossession internship
- Complete 40 hours of professional training
- Pay a fee of $75.

[93] *Id.*
[94] *Id.*
[95] Ss. 493.6201, and 493.6202, F.S.
[96] Ss. 493.6203, and 493.6303, F.S.
[97] S. 493.6101(22), F.S.
[98] Ss. 493.6403, and 493.6403, F.S.

A recovery agent intern is a person interning under a licensed recovery agent. Any person who wants to enter the internship must have Class "EE" license issued by DACS. In order to obtain a license a person must:[99]

- Pay a fee of $60
- Complete 40 hours of professional training pertaining to general investigative techniques.

Any person, firm, company, partnership or corporation that engages in business as a recovery must have a recovery agency main office Class "R" license for their main office. A Class "R" license is valid for only one location. In order to obtain a Class "R" license a person must:[100]

- Pay a fee of $450.

Any satellite or additional locations within a recovery agency must obtain a recovery agent intern Class "RR" license. In order to obtain a Class "RR" license a person must:[101]

- Have a Class "R" license for the main location.
- Pay a fee of $125.

Every location with a Class "R" license or branch location with a Class "RR" license must have a licensed manager. However, a licensed recovery agent may also act as a manager. A licensed manager must have a manager of a recovery agency Class "MR" license. In order to obtain such license a person must:[102]

- Have one year of experience as a licensed recovery agent; and
- Pay a fee of $75.

Motor Vehicle Repair Advisory Council

The Motor Vehicle Repair Advisory Council advises and assists DACS in carrying out and reviewing the rules relating to the Florida Motor Vehicle Repair Act. The council also advises DACS on matters relating to educational grants, advancements in industry standards and practices, and other issues that require technical expertise and consultation or that promise better consumer protection in the motor vehicle repair industry.[103]

The council is made up of nine members appointed by the Commissioner of Agriculture. One person must be a motor vehicle mechanic, two persons must be laymen, and six members from the motor vehicle repair business including one from each of the below categories:[104]

- Independent automotive mechanics shop.
- Franchise or company-owned automotive mechanics shop.
- Automotive collision shop.
- Tire dealer.
- Independent motor vehicle dealer.
- Franchise motor vehicle dealer.

Pest Control Enforcement Advisory Council

The Pest Control Enforcement Advisory Council advises the Commissioner of Agriculture regarding the regulation of pest control practices. The council also advises government agencies with respect to those activities related to their responsibilities regarding pest control. The council shall serve as the statewide forum for the coordination of pest control related activities to eliminate duplication of effort and maximize protection of the public.[105]

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[99] *Id.*
[100] *Id.*
[101] *Id.*
[102] *Id.*
[103] S. 559.9221, F.S.
[104] *Id.*
[105] S. 482.243, F.S.

The council shall consist of 11 members appointed to 4-year terms by the Commissioner of Agriculture. The 11 members must include the following:[106]

- A representative of DACS.
- A citizen not involved in the conduct of pest control;
- A state university urban entomologist.
- Two pest control operators actively involved in termite control.
- Two pest control operators actively involved in general household pest control.
- Two pest control operators actively involved in structural fumigation.
- Two pest control operators actively involved in lawn and landscape pest control.

Babcock Ranch Advisory Group

The Babcock Ranch Advisory Group assists DACS by providing guidance and advice concerning the management and stewardship of the Babcock Ranch Preserve.[107]

The Advisory Group is composed of nine members appointed to 5-year terms. Members are appointed by the Commissioner of Agriculture based on recommendations from the Governor and Cabinet, and the governing boards of Charlotte County and Lee County. The nine members must include:[108]

- One member with experience in sustainable management of forest lands for commodity purposes.
- One member with experience in financial management, budget and program analysis, and small business operations.
- One member with experience in management of game and nongame wildlife and fish populations, including hunting, fishing, and other recreational activities.
- One member with experience in domesticated livestock management, production, and marketing, including range management and livestock business management.
- One member with experience in agriculture operations or forestry management.
- One member with experience in hunting, fishing, nongame species management, or wildlife habitat management, restoration, and conservation.
- One member with experience in public outreach and education.
- One member who is a resident of Lee County, to be designated by the Board of County Commissioners of Lee County.
- One member who is a resident of Charlotte County, to be designated by the Board of County Commissioners of Charlotte County.

Agriculture Economic Development Project Review Committee

In 1991, the Legislature created the Agriculture Economic Development Program within DACS to promote and coordinate efficient and beneficial agricultural economic development within agriculturally depressed areas of the state.[109]

The program is administered by the Division of Marketing and Development within DACS. At that time, an Agriculture Economic Development Project Review Committee was created within DACS to facilitate the project selection process and to make recommendations to the Commissioner regarding project prioritization and selection.[110]

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[106] *Id.*
[107] S. 259.1053(4), F.S.; The "Babcock Ranch Preserve constitutes a unique land mass that has significant scientific, cultural, historical, recreational, ecological, wildlife, fisheries, and productive values. The property is part of a potential greenway of undeveloped land extending from Lake Okeechobee to the east and Charlotte Harbor to the west. The natural beauty and abundant resources of the ranch provide numerous public recreational opportunities such as hiking, fishing, camping, horseback riding, and hunting. Ss. 259.1052, and 259.1053, F.S.
[108] S. 259.1053(4), F.S.
[109] Ch. 91-268, Laws of Florida
[110] S. 570.248, F.S.

The Agricultural Economic Development Project Review Committee includes five members appointed by the commissioner and should include: The commissioner; One representative from the Farm Credit Service; One representative from the Department of Commerce; One representative from the Florida Farm Bureau Federation; One agricultural economist from the Institute of Food and Agricultural Sciences or from Florida Agricultural and Mechanical University. The committee reviews each application for assistance that meets the basic program criteria and makes recommendations to the commissioner regarding all aspects of each eligible application, including the acceptance or rejection of each application. It also prioritizes the applications recommended for assistance and forwards all written comments and recommendations to the commissioner, which shall be included in the annual report of the department. If the commissioner does not accept the recommendations or priorities of the review committee, the annual report of the department shall include justification for any or all rejections.[111]

BILL HISTORY

COMMITTEE REFERENCE	ACTION	DATE	STAFF DIRECTOR/ POLICY CHIEF	ANALYSIS PREPARED BY
Orig. Comm.: Industries & Professional Activities Subcommittee			Anstead	Brackett

[111] *Id.*

A bill to be entitled

An act relating to industries and professional activities; amending s. 20.165, F.S.; renaming, removing, and redesignating specified boards, commissions, and councils established within the Department of Business and Professional Regulation; requiring the department to provide to the Division of Professions a summary of changes to statutory law within a specified time period after adjournment of session; repealing ss. 310.011, 310.032, 310.042, 455.2124, 455.2228, 468.384, 468.399, 468.4315, 468.4337, 468.4338, 468.521, 468.522, 468.523, 468.605, 468.8316, 468.8416, 471.007, 471.008, 471.009, 471.019, 471.0195, 471.038, 472.007, 472.008, 472.009, 472.018, 472.019, 474.204, 474.211, 473.303, 473.312, 474.206, 475.02, 475.03, 475.04, 475.045, 475.05, 475.10, 476.054, 476.064, 477.015, 481.205, 481.2055, 481.305, 482.243, 489.107, 489.507, 492.103, 493.6116, 499.01211, 559.9221, and 570.81, F.S., relating to Board of Pilot Commissioners; oath of members of the Board of Pilot Commissioners; organization and meetings of the board; proration of continuing education; barbers and cosmetologists and instruction on HIV and AIDS; Florida Board of Auctioneers; expenditure of excess funds; Regulatory

Council of Community Association Managers; continuing education; reactivation and continuing education; the Board of Employee Leasing Companies, membership, appointments, and terms; rules of the board; applicability of s. 20.165 and chapter 455; Florida Building Code Administrators and Inspectors Board; continuing education; Board of Professional Engineers; rulemaking authority of the board; board headquarters; reactivation; Florida Building Code training for engineers; Florida Engineers Management Corporation; Board of Veterinary Medicine; renewal of license; Board of Accountancy; continuing education; Barbers' Board; organization, headquarters, personnel, and meetings of the board; Board of Cosmetology; Board of Architecture and Interior Design; authority of the board to make rules; Florida Real Estate Commission; delegation of powers and duties; legal services; duty of commission to educate members of profession; Florida Real Estate Commission Education and Research Foundation; power of commission to enact bylaws and rules and decide questions of practice; seal; Board of Landscape Architecture; Pest Control Enforcement Advisory Council; Construction Industry Licensing Board; Electrical Contractors' Licensing Board; Board of Professional Geologists; sponsorship of interns;

Drug Wholesale Distributor Advisory Council; Motor Vehicle Repair Advisory Council; and Agricultural Economic Development Project Review Committee, respectively; requiring the department to conduct a specified study; amending ss. 125.01, 125.56, 212.08, 215.5586, 215.55871, 309.01, 310.0015, 310.002, 310.051, 310.061, 310.071, 310.073, 310.075, 310.081, 310.101, 310.102, 310.111, 310.1115, 310.121, 310.131, 310.142, 310.151, 310.183, 310.185, 319.28, 326.002, 326.006, 376.303, 381.0065, 403.868, 403.9329, 440.02, 448.26, 468.382, 468.385, 468.3852, 468.3855, 468.387, 468.388, 468.389, 468.392, 468.393, 468.395, 468.396, 468.397, 468.398, 468.431, 468.433, 468.4336, 468.435, 468.436, 468.520, 468.522, 468.524, 468.5245, 468.525, 468.526, 468.527, 468.5275, 468.529, 468.530, 468.531, 468.532, 468.603, 468.606, 468.607, 468.613, 468.619, 468.621, 468.627, 468.629, 468.631, 468.8312, 468.8315, 468.8415, 468.8417, 468.8419, 469.004, 469.012, 469.013, 471.003, 471.0035, 471.005, 471.011, 471.013, 471.017, 471.021, 471.023, 471.025, 471.031, 471.033, 471.045, 471.055, 473.302, 473.3035, 473.304, 473.305, 473.306, 473.309, 473.3101, 473.311, 473.3125, 473.313, 473.314, 473.315, 473.316, 473.319, 473.3205, 473.321, 473.322, 473.323, 474.202, 474.2021, 474.2065, 474.207, 474.2125, 474.213,

474.214, 474.215, 474.216, 474.2165, 474.217, 474.221, 476.034, 476.074, 476.114, 476.134, 476.144, 476.154, 476.155, 476.192, 476.204, 476.214, 476.234, 477.013, 477.0135, 477.016, 477.018, 477.019, 477.0201, 477.0212, 477.022, 477.025, 477.026, 477.0263, 477.028, 477.029, 481.203, 481.207, 481.209, 481.211, 481.215, 481.217, 481.221, 481.222, 481.225, 481.2251, 481.303, 481.306, 481.307, 481.309, 481.310, 481.311, 481.313, 481.315, 481.317, 481.319, 481.321, 481.323, 481.325, 489.103, 489.105, 489.108, 489.109, 489.113, 489.1131, 489.1136, 489.114, 489.115, 489.116, 489.117, 489.118, 489.119, 489.1195, 489.121, 489.126, 489.127, 489.129, 489.131, 489.132, 489.133, 489.1401, 489.1402, 489.141, 489.142, 489.1425, 489.143, 489.1455, 489.146, 489.509, 489.510, 489.511, 489.513, 489.514, 489.515, 489.516, 489.5161, 489.517, 489.518, 489.5185, 489.519, 489.520, 489.521, 489.522, 489.523, 489.525, 489.533, 489.5335, 489.537, 489.552, 492.102, 492.104, 492.105, 492.1051, 492.106, 492.107, 492.108, 492.1101, 492.111, 492.113, 493.6101, 493.6105, 493.6106, 493.6111, 493.6113, 493.6118, 493.6120, 493.6123, 493.6201, 493.6202, 493.6203, 493.6301, 493.6302, 493.6303, 493.6401, 493.6402, 493.6403, 514.0315, 514.075, 533.791, 553.998, 569.34, 627.192, 633.216, 713.01, and 1006.12, F.S.; providing

licensing authority to the department rather than licensing boards; amending s. 259.1053, F.S.; removing the Babcock Ranch Advisory Group; amending s. 399.035, F.S.; revising the requirements for accessibility of elevators for the physically handicapped; amending s. 373.219, F.S.; providing an exception to the permit requirement for certain landscape irrigation water users; amending s. 455.02, F.S.; specifying that certain license application requirements apply only to certain professions; amending s. 455.213, F.S.; providing regulation authority to the department to regulate a cosmetologist or cosmetology specialist review an applicant's criminal record; amending s. 468.386, F.S.; requiring the department to reduce fees by a specified percentage on a certain date; amending s. 468.609, F.S.; revising the standards for certification as a building code inspector or plans examiner; amending s. 471.015, F.S.; revising who the department must certify as qualified for a license by endorsement for the practice of engineering; amending s. 473.308, F.S.; revising the education and work experience requirements for a certified public accountant license; directing the department to prescribe specified coursework for licensure; revising requirements for licensure by endorsement; removing

provisions relating to licensure of applicants with work experience in foreign countries; providing applicability; creating s. 473.3085, F.S.; requiring an international applicant who seeks licensure as a certified public accountant in this state to meet specified criteria prescribed by the department; requiring such applicants to apply to the department; requiring such applicants to create and maintain an online account with the department; providing that the applicant's e-mail address serves as the primary means of communication from the department; requiring an applicant to submit any change in certain information within a specified timeframe through the department's online system; requiring the department to certify an applicant who meets certain requirements; requiring the department to adopt rules; amending s. 473.3141, F.S.; revising requirements for certified public accountants licensed in another state or a territory of the United States to practice in this state without obtaining a license; amending s. 476.184, F.S.; requiring the department to adopt rules; requiring a mobile barbershop to comply with all licensure and operating requirements that apply to a barbershop at a fixed location; providing an exception; requiring a mobile barbershop to have a permanent business address

in a specified location; requiring that certain records be kept at the permanent business address; requiring a mobile barbershop licenseholder to file with the department a written monthly itinerary that provides certain information; requiring that a licenseholder comply with certain laws and ordinances; amending s. 476.188, F.S.; providing that a barbershop must be licensed with the department, rather than registered; authorizing the practice of barbering to be performed in a location other than a licensed barbershop under certain circumstances; amending s. 481.213, F.S.; revising who the department shall certify as qualified for a license by endorsement in the practice of architecture; amending s. 481.219, F.S.; revising construction; amending s. 481.223, F.S.; reenacting and amending s. 499.012, F.S.; removing permit application requirements for a prescription drug wholesale distributor to include a designated representative; amending s. 499.0121, F.S.; removing a designated representative as a responsible person who must be listed by a wholesale distributor; amending s. 499.041, F.S.; removing a requirement that the department assess each person applying for certification as a designated representative a fee, plus the cost of processing a criminal history record

check; amending s. 509.261, F.S.; prohibiting a lodging establishment or a public food service establishment from selling hemp in violation of the state hemp program; amending s. 553.79, F.S.; prohibiting a local enforcement agency from denying the issuance of a certificate of occupancy to an owner of residential or commercial property based on noncompliance with Florida-friendly landscaping ordinances in certain circumstances; prohibiting a local enforcement agency from denying the issuance of a building permit for the alteration, modification, or repair of a single-family residential structure in certain circumstances; prohibiting a local enforcement agency from requiring a building permit for the construction of playground equipment or a fence on certain property; reordering and amending s. 569.002, F.S; making technical changes; amending s. 569.006, F.S.; revising the violations for which retail tobacco products dealers are penalized; amending 569.35, F.S.; revising retail nicotine product dealer administrative penalties; amending s. 581.217, F.S.; defining the term "division"; authorizing the Division of Alcoholic Beverages and Tobacco to assist any agent of the Department of Agriculture and Consumer Services in enforcing the state hemp program; authorizing the

division to enter any public or private premises during a specified timeframe in the performance of its duties; providing effective dates.

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

Section 1. Section 20.165, Florida Statutes, is amended to read:

20.165 Department of Business and Professional Regulation.—There is created a Department of Business and Professional Regulation.

(1) The head of the Department of Business and Professional Regulation is the Secretary of Business and Professional Regulation. The secretary shall be appointed by the Governor, subject to confirmation by the Senate. The secretary shall serve at the pleasure of the Governor.

(2) The following divisions of the Department of Business and Professional Regulation are established:

(a) Division of Administration.

(b) Division of Alcoholic Beverages and Tobacco.

(c) Division of Certified Public Accounting.

1. The director of the division shall be appointed by the secretary of the department~~, subject to approval by a majority of the Board of Accountancy~~.

2. The offices of the division shall be located in

Tallahassee ~~Gainesville~~.

(d) Division of Drugs, Devices, and Cosmetics.

(e) Division of Florida Condominiums, Timeshares, and Mobile Homes.

(f) Division of Hotels and Restaurants.

(g) Division of Professions.

(h) Division of Real Estate.

1. The director of the division shall be appointed by the secretary of the department~~, subject to approval by a majority of the Florida Real Estate Commission~~.

2. The offices of the division shall be located in Tallahassee ~~Orlando~~.

(i) Division of Regulation.

(j) Division of Technology.

(k) Division of Service Operations.

(3) The secretary shall appoint a director for each division established within this section. Each division director shall directly administer the division and shall be responsible to the secretary. The secretary may appoint deputy and assistant secretaries as necessary to aid the secretary in fulfilling the secretary's statutory obligations.

(4)(a) The following ~~boards and~~ programs are established within the Division of Professions:

1. ~~Board of~~ Architecture and Interior Design licensing program, created under parts ~~part~~ I and II of chapter 481.

2. ~~Florida Board of~~ Auctioneers licensing program, created under part VI of chapter 468.

3. Barbers' licensing program ~~Board~~, created under chapter 476.

4. Florida Building Code Administrators and Inspectors licensing program ~~Board~~, created under part XII of chapter 468.

5. Construction Industry licensing program ~~Board~~, created under part I of chapter 489.

6. ~~Board of~~ Cosmetology licensing program, created under chapter 477.

7. Electrical Contractors' licensing program ~~Board~~, created under part II of chapter 489.

8. ~~Board of~~ Employee Leasing Companies licensing program, created under part XI of chapter 468.

9. ~~Board of~~ Landscape Architecture licensing program, created under part II of chapter 481.

10. ~~Board of~~ Pilot Commissioners licensing program, created under chapter 310.

11. ~~Board of~~ Professional Engineers licensing program, created under chapter 471.

12. ~~Board of~~ Professional Geologists licensing program, created under chapter 492.

13. ~~Board of~~ Veterinary Medicine licensing program, created under chapter 474.

14. Home inspection services licensing program, created

under part XV of chapter 468.

15. Mold-related services licensing program, created under part XVI of chapter 468.

16. Talent agency licensing program, created under part VII of chapter 468.

17. The Florida Building Commission, created under chapter 553.

18. The Community Association Managers Licensing Program, created under part VIII of chapter 468.

19. Yacht and ship brokers licensing program, created under chapter 326.

(b) The Florida Real Estate Appraisal Board, created under part II of chapter 475 is ~~following board~~ ~~and commission are~~ established within the Division of Real Estate.~~:~~

~~1. Florida Real Estate Appraisal Board, created under part II of chapter 475.~~

~~2. Florida Real Estate Commission, created under part I of chapter 475.~~

~~(c) The following board is established within the Division of Certified Public Accounting: Board of Accountancy, created under chapter 473.~~

~~(5) The members of each board established pursuant to subsection (4) shall be appointed by the Governor, subject to confirmation by the Senate. Consumer members on the board shall be appointed pursuant to subsection (6). Members shall be~~

~~appointed for 4-year terms, and such terms shall expire on October 31. However, a term of less than 4 years may be utilized to ensure that:~~

~~(a) No more than two members' terms expire during the same calendar year for boards consisting of seven or eight members.~~

~~(b) No more than 3 members' terms expire during the same calendar year for boards consisting of 9 to 12 members.~~

~~(c) No more than 5 members' terms expire during the same calendar year for boards consisting of 13 or more members.~~

~~A member whose term has expired shall continue to serve on the board until such time as a replacement is appointed. A vacancy on the board shall be filled for the unexpired portion of the term in the same manner as the original appointment. No member may serve for more than the remaining portion of a previous member's unexpired term, plus two consecutive 4-year terms of the member's own appointment thereafter.~~

~~(6) Each board with five or more members shall have at least two consumer members who are not, and have never been, members or practitioners of the profession regulated by such board or of any closely related profession. Each board with fewer than five members shall have at least one consumer member who is not, and has never been, a member or practitioner of the profession regulated by such board or of any closely related profession.~~

~~(7) No board, with the exception of joint coordinatorships, shall be transferred from its present location unless authorized by the Legislature in the General Appropriations Act.~~

(5)~~(8)~~ Notwithstanding any other provision of law, the department shall ~~is authorized to~~ establish uniform application forms and certificates of licensure for use by the divisions within the department. However, ~~Nothing in~~ this subsection does not authorize ~~authorizes~~ the department to vary any substantive requirements, duties, or eligibilities for licensure or certification as provided by law.

(6)~~(9)~~

(a) All employees authorized by the Division of Alcoholic Beverages and Tobacco shall have access to, and shall have the right to inspect, premises licensed by the division, to collect taxes and remit them to the officers entitled to them, and to examine the books and records of all licensees. The authorized employees shall require of each licensee strict compliance with the laws of this state relating to the transaction of such business.

(b) Each employee serving as a law enforcement officer for the division must meet the qualifications for employment or appointment as a law enforcement officer set forth under s. 943.13 and must be certified as a law enforcement officer by the Department of Law Enforcement under chapter 943. Upon

certification, each law enforcement officer is subject to and has the same authority as provided for law enforcement officers generally in chapter 901 and has statewide jurisdiction. Each officer also has arrest authority as provided for state law enforcement officers in s. 901.15. Each officer possesses the full law enforcement powers granted to other peace officers of this state, including the authority to make arrests, carry firearms, serve court process, and seize contraband and the proceeds of illegal activities.

1. The primary responsibility of each officer appointed under this section is to investigate, enforce, and prosecute, throughout this ~~the~~ state, violations and violators of parts I and II of chapter 210; chapter 310; chapter 326; parts I and III of chapter 450; chapter 455; parts VI-IX, XI, XII, XV, and XVI of chapter 468; chapter 469; chapter 471; chapters 473-477; chapter 481; parts I and II of chapter 489; chapter 499; chapter 509; chapter 548; chapter 553; ~~,~~ part VII of chapter 559; ~~, and~~ chapters 561-569; chapters 718-719; chapter 721; and chapter 723; ~~,~~ and the rules adopted thereunder, as well as other state laws that the division, all state law enforcement officers, or beverage enforcement agents are specifically authorized to enforce.

2. The secondary responsibility of each officer appointed under this section is to enforce all other state laws, provided that the enforcement is incidental to exercising the officer's

primary responsibility as provided in subparagraph 1., and the officer exercises the powers of a deputy sheriff, only after consultation or coordination with the appropriate local sheriff's office or municipal police department or when the division participates in the Florida Mutual Aid Plan during a declared state emergency.

(7) The Department of Business and Professional Regulation shall provide, via email, to each person licensed by the department, as promptly after the adjournment of the legislative session as possible, a summary of changes to existing law relating to each business and profession, and the effective date of each change.

Section 2. Sections 310.011, 310.032, 310.042, 455.2124, 455.2228, 468.384, 468.399, 468.4315, 468.4337, 468.4338, 468.521, 468.522, 468.523, 468.605, 468.8316, 468.8416, 471.007, 471.008, 471.009, 471.019, 471.0195, 471.038, 472.007, 472.008, 472.009, 472.018, 472.019, 474.20, 473.303, 473.312, 474.206, 475.02, 475.03, 475.04, 475.045, 475.05, 475.10, 476.054, 476.064, 477.015, 481.205, 481.2055, 481.305, 482.243, 489.107, 489.507, 492.103, 493.6116, 499.01211, 559.9221, and 570.81, Florida Statutes, are repealed.

Section 3. (1) The Department of Business and Professional Regulation created under s. 20.165, Florida Statutes, shall conduct a study to evaluate and make recommendations regarding:

(a) The department's recommendations for creating a uniform process for permit inspections, including a uniform process for virtual inspections. The department's recommendations shall include how building officials can most efficiently perform the most common building inspections and how to reduce the number of inspections performed by such officials.

(b) The creation of a uniform permitting process in this state for common building permits issued pursuant to chapter 553, Florida Statutes.

(2) The department, created under s. 20.165, Florida Statutes, and the Department of Agriculture and Consumer Services, created under s. 20.14, Florida Statutes, shall conduct a study to evaluate and make recommendations regarding the inclusion of a pathway to licensure for all professions, regulated and licensed by the respective departments, that includes work experience only or work experience plus an examination and submit a report to the Legislature on or before January 1, 2026.

Section 4. Paragraph (uuu) of subsection (7) of section 212.08, Florida Statutes, is amended to read:

212.08 Sales, rental, use, consumption, distribution, and storage tax; specified exemptions.—The sale at retail, the rental, the use, the consumption, the distribution, and the storage to be used or consumed in this state of the following are hereby specifically exempt from the tax imposed by this

chapter.

(7) MISCELLANEOUS EXEMPTIONS.—Exemptions provided to any entity by this chapter do not inure to any transaction that is otherwise taxable under this chapter when payment is made by a representative or employee of the entity by any means, including, but not limited to, cash, check, or credit card, even when that representative or employee is subsequently reimbursed by the entity. In addition, exemptions provided to any entity by this subsection do not inure to any transaction that is otherwise taxable under this chapter unless the entity has obtained a sales tax exemption certificate from the department or the entity obtains or provides other documentation as required by the department. Eligible purchases or leases made with such a certificate must be in strict compliance with this subsection and departmental rules, and any person who makes an exempt purchase with a certificate that is not in strict compliance with this subsection and the rules is liable for and shall pay the tax. The department may adopt rules to administer this subsection.

(uuu) *Small private investigative agencies.*—

1. As used in this paragraph, the term:

a. "Private investigation services" has the same meaning as "private investigation," as defined in s. 493.6101(14) ~~s. 493.6101(17)~~.

b. "Small private investigative agency" means a private

investigator licensed under s. 493.6201 which:

(I) Employs three or fewer full-time or part-time employees, including those performing services pursuant to an employee leasing arrangement as defined in s. 468.520 ~~s. 468.520(4)~~, in total; and

(II) During the previous calendar year, performed private investigation services otherwise taxable under this chapter in which the charges for the services performed were less than $150,000 for all its businesses related through common ownership.

2. The sale of private investigation services by a small private investigative agency to a client is exempt from the tax imposed by this chapter.

3. The exemption provided by this paragraph may not apply in the first calendar year a small private investigative agency conducts sales of private investigation services taxable under this chapter.

Section 5. Paragraph (f) of subsection (1) of section 215.5586, Florida Statutes, is amended to read:

215.5586 My Safe Florida Home Program.—There is established within the Department of Financial Services the My Safe Florida Home Program. The department shall provide fiscal accountability, contract management, and strategic leadership for the program, consistent with this section. This section does not create an entitlement for property owners or obligate the

state in any way to fund the inspection or retrofitting of residential property in this state. Implementation of this program is subject to annual legislative appropriations. It is the intent of the Legislature that, subject to the availability of funds, the My Safe Florida Home Program provide licensed inspectors to perform hurricane mitigation inspections of eligible homes and grants to fund hurricane mitigation projects on those homes. The department shall implement the program in such a manner that the total amount of funding requested by accepted applications, whether for inspections, grants, or other services or assistance, does not exceed the total amount of available funds. If, after applications are processed and approved, funds remain available, the department may accept applications up to the available amount. The program shall develop and implement a comprehensive and coordinated approach for hurricane damage mitigation pursuant to the requirements provided in this section.

(1) HURRICANE MITIGATION INSPECTIONS.—

(f) To qualify for selection by the department as a wind certification entity to provide hurricane mitigation inspections, the entity must, at a minimum, meet the following requirements:

1. Use hurricane mitigation inspectors who are licensed or certified as:

a. A building inspector under s. 468.607;

b. A general, building, or residential contractor under s. 489.111;

c. A professional engineer under s. 471.015;

d. A professional architect under s. 481.213; or

e. A home inspector under s. 468.8314 and who have completed at least 3 hours of hurricane mitigation training approved by the department ~~Construction Industry Licensing Board~~, which training must include hurricane mitigation techniques, compliance with the uniform mitigation verification form, and completion of a proficiency exam.

2. Use hurricane mitigation inspectors who also have undergone drug testing and a background screening. The department may conduct criminal record checks of inspectors used by wind certification entities. Inspectors must submit a set of fingerprints to the department for state and national criminal history checks and must pay the fingerprint processing fee set forth in s. 624.501. The fingerprints must be sent by the department to the Department of Law Enforcement and forwarded to the Federal Bureau of Investigation for processing. The results must be returned to the department for screening. The fingerprints must be taken by a law enforcement agency, designated examination center, or other department-approved entity.

3. Provide a quality assurance program including a reinspection component.

Section 6. Paragraph (b) of subsection (3) of section 215.55871, Florida Statutes, is amended to read:

215.55871 My Safe Florida Condominium Pilot Program.—There is established within the Department of Financial Services the My Safe Florida Condominium Pilot Program to be implemented pursuant to appropriations. The department shall provide fiscal accountability, contract management, and strategic leadership for the pilot program, consistent with this section. This section does not create an entitlement for associations or unit owners or obligate the state in any way to fund the inspection or retrofitting of condominiums in the state. Implementation of this pilot program is subject to annual legislative appropriations. It is the intent of the Legislature that the My Safe Florida Condominium Pilot Program provide licensed inspectors to perform inspections for and grants to eligible associations as funding allows.

(3) HURRICANE MITIGATION INSPECTORS.—

(b) The department shall contract with wind certification entities to provide hurricane mitigation inspections. To qualify for selection by the department as a wind certification entity to provide hurricane mitigation inspections, the entity must, at a minimum, meet all of the following requirements:

1. Use hurricane mitigation inspectors who are licensed or certified as:

a. A building inspector under s. 468.607;

b. A general, building, or residential contractor under s. 489.111;

c. A professional engineer under s. 471.015;

d. A professional architect under s. 481.213; or

e. A home inspector under s. 468.8314 who has completed at least 3 hours of hurricane mitigation training approved by the department ~~Construction Industry Licensing Board~~, which must include hurricane mitigation techniques, compliance with the uniform mitigation verification form, and completion of a proficiency exam.

2. Use hurricane mitigation inspectors who have undergone drug testing and a background screening. The department may conduct criminal record checks of inspectors used by wind certification entities. Inspectors must submit a full set of fingerprints to the department or to a vendor, an entity, or an agency authorized under s. 943.053(13). The department, vendor, entity, or agency shall forward the fingerprints to the Department of Law Enforcement for state processing, and the Department of Law Enforcement shall forward the fingerprints to the Federal Bureau of Investigation for national processing. Fees for state and federal fingerprint processing shall be borne by the inspector. The state cost for fingerprint processing shall be as provided in s. 943.053(3)(e). The results must be returned to the department for screening. The fingerprints must be taken by a law enforcement agency, designated examination

center, or other department-approved entity.

3. Provide a quality assurance program including a reinspection component.

Section 7. Subsection (1) of section 309.01, Florida Statutes, is amended to read:

309.01 Deposit of material in tidewater regulated.—

(1) It is not lawful for any person to discharge or cause to be discharged or deposit or cause to be deposited, in the tide or salt waters of any bay, port, harbor, or river of this state, any ballast or material of any kind other than clear stone or rock, free from gravel or pebbles, which said clear stone or rock shall be deposited or discharged only in the construction of enclosures in connection with wharves, piers, quays, jetties, or in the construction of permanent bulkheads connecting the solid and permanent portion of wharves. It is lawful to construct three characters of bulkheads for retention of material in solid wharves. First, clear stone or rock enclosures, or bulkheads, may be built upon all sides to a height not less than 2 1/2 feet above high watermark; and after the enclosures have been made so solid, tight, and permanent as to prevent any sand, mud, gravel, or other material that may be discharged or deposited in them from drifting or escaping through such enclosures, any kind of ballast may be discharged or deposited within the enclosures. The enclosures may be constructed of wood, stone, and rock combined, the stone and

rocks to be placed on the outside of the wood to a height not less at any point than 2 1/2 feet above high watermark. Second, a bulkhead may be built by a permanent wharf consisting of thoroughly creosoted piles not less than 12 inches in diameter at the butt end, to be driven close together and to be capped with timber not less than 10 or 14 inches drift, bolted to each pile, and one or more longitudinal stringers to be placed on the outside of the bulkhead and securely anchored by means of iron rods to piles driven within the bulkheads, clear rock to be on the inside of the bulkhead, to a height of not less than 2 1/2 feet above high water; and after this is done, ballast or other material may be deposited within the permanent enclosure so constructed. Third, a bulkhead may be constructed to consist of creosoted piles, as described herein, driven not exceeding 4 feet apart from center to center, inside of which two or more longitudinal stringers may be placed and securely bolted to the piles. Inside of these longitudinal pieces, two thicknesses of creosoted sheet piling are to be driven, each course of the sheet piling to make a joint with the other so as to form an impenetrable wharf; and within this permanent bulkhead so constructed, any ballast or other material may be deposited. No such enclosure, pier, quay, or jetty may not begin ~~shall be begun~~ until the point at which ~~whereat~~ it is to be built shall have been connected by a substantial wharf with a shore or with a permanent wharf; except that the owners of wharves may at any

time, with the consent of the ~~Board of Pilot Commissioners of the Division of Professions of the~~ Department of Business and Professional Regulation, build wharves of clear stone or rock, or creosoted walls as hereinafter provided, on each side of their wharves from the shore to a point at which the water is not more than 15 feet deep, and when such walls have attained a height of 2 1/2 feet above high watermark and have been securely closed at the deepwater end by stone or creosoted walls of the same height, any kind of ballast may be deposited in them. Nothing contained in this section shall interfere with any rights or privileges now enjoyed by riparian owners. While this section empowers those who desire to construct the several characters of wharves, piers, quays, jetties, and bulkheads provided for and described herein, nothing in this section shall be so construed as to require any person not desiring to construct a permanent wharf by filling up with ballast, stone, or other material to construct under the specifications contained herein; and nothing in this chapter shall be so construed as to prevent any person from constructing any wharf or placing any pilings, logs, or lumber in any waters where the person would have heretofore had the right so to do.

Section 8. Subsection (3) of section 310.0015, Florida Statutes, is amended to read:

310.0015 Piloting regulation; general provisions.—

(3) The rate-setting process, the issuance of licenses

only in numbers deemed necessary or prudent by the department ~~board~~, and other aspects of the economic regulation of piloting established in this chapter are intended to protect the public from the adverse effects of unrestricted competition which would result from an unlimited number of licensed pilots being allowed to market their services on the basis of lower prices rather than safety concerns. This system of regulation benefits and protects the public interest by maximizing safety, avoiding uneconomic duplication of capital expenses and facilities, and enhancing state regulatory oversight. The system seeks to provide pilots with reasonable revenues, taking into consideration the normal uncertainties of vessel traffic and port usage, sufficient to maintain reliable, stable piloting operations. Pilots have certain restrictions and obligations under this system, including, but not limited to, the following:

(a) Pilots may not refuse to provide piloting services to any person or entity that may lawfully request such services, except for justifiable concerns relating to safety, or, in the case of a vessel planning a departure, for nonpayment of pilotage.

(b) Pilots may not unilaterally determine the pilotage rates they charge. Such pilotage rates shall instead be determined by the Pilotage Rate Review Committee, in the public interest, as set forth in s. 310.151.

(c) Pilots shall maintain or secure adequate pilot boats,

office facilities and equipment, dispatch systems, communication equipment and other facilities, and equipment and support services necessary for a modern, dependable piloting operation.

(d) The pilot or pilots in a port shall train and compensate all member deputy pilots in that port. Failure to train or compensate such deputy pilots constitutes a ground for disciplinary action under s. 310.101. Nothing in this subsection may be deemed to create an agency or employment relationship between a pilot or deputy pilot and the pilot or pilots in a port.

(e) In any instance of a payment or transfer of funds, a request for the payment or transfer of funds, or a contractual obligation assumed in respect to the payment or transfer of funds from a licensee payor to a pilot or group of pilots, or to any legal entity or fund administered or controlled by or under common control with such pilot or group of pilots, the pilot or group of pilots shall provide to the licensee payor, at the time the payment or transfer or request for the payment or transfer is made or the obligation is assumed in respect to the payment or transfer, a detailed accounting of the specific assets, tangible or intangible, in which an interest is being directly or indirectly purchased or for which the licensee payor is being granted an interest in return for such payment or transfer of funds or such contractual obligation. This paragraph does not apply to either payments or transfers of funds if their

aggregate amounts are less than $1,000. As used in this paragraph, "licensee payor" means any current or prospective state pilot or deputy pilot.

Section 9. Subsection (3) of section 310.002, Florida Statutes, is amended to read:

310.002 Definitions.—As used in this chapter, except where the context clearly indicates otherwise:

~~(3) "Board" means the Board of Pilot Commissioners.~~

Section 10. Section 310.051, Florida Statutes, is amended to read:

310.051 Personnel; employment.—

(1) The department may appoint or employ such personnel as may be necessary to assist the department and the department ~~board~~ in doing and performing any and all of the powers, duties, and obligations set forth in this chapter. Such personnel need not be licensed state pilots or members of the department ~~board~~. Such personnel shall be authorized to do and perform such duties and work as may be assigned by the department. Except as otherwise provided in this chapter, the department shall provide all legal services necessary in carrying out the provisions of this chapter.

(2) The department shall hire a person knowledgeable and experienced in matters related to piloting. Such person shall act for the department on matters of examination and investigation and, when he or she deems it necessary, in the

selection of legal counsel qualified in admiralty law. ~~On an annual basis, the board shall recommend to the department a person knowledgeable and experienced in matters related to piloting to fill this post, and the department may accept or reject the recommendation. If the department rejects the board's recommendation, the board shall continue to submit recommendations until one is accepted by the department. Unless there is affirmative action by both the board and the department, at the end of each year, the position shall be declared vacant and the board shall submit a new recommendation for a person to fill such position.~~

Section 11. Section 310.061, Florida Statutes, is amended to read:

310.061 State pilots; number; cross licensing.—The department ~~board~~ shall determine the number of pilots based on the supply and demand for piloting services and the public interest in maintaining efficient and safe piloting services. Based on the economic conditions of the port, the department ~~board~~ may adopt rules authorizing cross licensing between ports, if this will best serve the public interest.

Section 12. Paragraphs (b), (c), and (d) of subsection (1) and subsections (2) and (3) of section 310.071, Florida Statutes, are amended to read:

310.071 Deputy pilot certification.—

(1) In addition to meeting other requirements specified in

this chapter, each applicant for certification as a deputy pilot must:

(b) Have successfully completed 12 years of formal education, as evidenced by a high school diploma or by equivalent evidence thereof that is satisfactory to the department ~~board~~.

(c) Be in good physical and mental health, as evidenced by documentary proof of having satisfactorily passed a complete physical examination administered by a licensed physician within the preceding 6 months. The department ~~board~~ shall adopt rules to establish requirements for passing the physical examination, which rules shall establish minimum standards for the physical or mental capabilities necessary to carry out the professional duties of a certificated deputy pilot. Such standards shall include zero tolerance for any controlled substance regulated under chapter 893 unless that individual is under the care of a physician, an advanced practice registered nurse, or a physician assistant and that controlled substance was prescribed by that physician, advanced practice registered nurse, or physician assistant. To maintain eligibility as a certificated deputy pilot, each certificated deputy pilot must annually provide documentary proof of having satisfactorily passed a complete physical examination administered by a licensed physician. The physician must know the minimum standards and certify that the certificateholder satisfactorily meets the standards. The

776 standards for certificateholders shall include a drug test.
777 (d) Have had maritime experience satisfactory to the
778 department ~~board~~ prior to taking the examination required under
779 s. 310.081(2), as evidenced by documentation of the following
780 service while holding a United States Coast Guard license:
781 1. At least 2 years of service at sea during the 5-year
782 period immediately preceding the examination, 1 year of which
783 must have been in at least the capacity of an unlimited second
784 mate;
785 2. At least 2 years of service during the 5-year period
786 immediately preceding the examination in a deepwater United
787 States port as an active first-class unlimited pilot serving on
788 at least an unlimited second mate's license or a license as
789 master of freight and towing vessel of at least 1,600 gross
790 registered tons upon oceans, and acting under authority of a
791 duly constituted governmental regulatory entity;
792 3. At least 2 years of service during the 5-year period
793 immediately preceding the examination as an active first-class
794 unlimited pilot serving on a Great Lakes unlimited master's
795 license;
796 4. At least 2 years of towing experience during the 5-year
797 period immediately preceding the examination, 1 year of which
798 must have been in the capacity of master of a tugboat/barge
799 combination of at least 5,000 gross registered tons, combined
800 tonnage, while holding a license as master of freight and towing

vessel of at least 1,600 gross registered tons upon oceans; or

5. At least 3 years of experience as a deck watch officer during the 10-year period immediately preceding the examination, 1 year of which in the 5-year period immediately preceding the exam must have been as the commanding officer, executive officer, or operations officer of a United States Navy vessel or a United States Coast Guard vessel of at least 1,600 gross tons, and must currently hold a United States Coast Guard license of at least an unlimited second mate.

(2) The department ~~board~~ may adopt rules authorizing equivalent combinations of service from two or more of the areas specified in subparagraphs (1)(d)1., 2., 3., 4., and 5. However, the department ~~board~~ may waive the maritime experience requirements prescribed in paragraph (1)(d) when necessary to fill an opening, provided an applicant meeting such requirements has not applied for the opening and the opening has been advertised more than once.

(3) The initial certificate issued to a deputy pilot shall be valid for a period of 12 months, and at the end of this period, the certificate shall automatically expire and may ~~shall~~ not be renewed. During this period, the department ~~board~~ shall thoroughly evaluate the deputy pilot's performance for suitability to continue training ~~and shall make appropriate recommendations to the department~~. Upon the finding ~~receipt~~ of a favorable evaluation ~~recommendation by the board~~, the department

shall issue a certificate to the deputy pilot, which shall be valid for a period of 2 years. The certificate may be renewed only two times, except in the case of a fully licensed pilot who is cross-licensed as a deputy pilot in another port, and provided the deputy pilot meets the requirements specified for pilots in paragraph (1)(c).

Section 13. Section 310.073, Florida Statutes, is amended to read:

310.073 State pilot licensing.—In addition to meeting other requirements specified in this chapter, each applicant for license as a state pilot must:

(1) Be at least 21 years of age, as evidenced by a copy of a birth certificate or other legal proof of age.

(2) Have successfully completed 12 years of formal education, as evidenced by a high school diploma or by equivalent evidence thereof that is satisfactory to the department ~~board~~.

(3) Be in good physical and mental health, as evidenced by documentary proof of having satisfactorily passed a complete physical examination administered by a licensed physician within the preceding 6 months. The department ~~board~~ shall adopt rules to establish requirements for passing the physical examination, which rules shall establish minimum standards for the physical or mental capabilities necessary to carry out the professional duties of a licensed state pilot. Such standards shall include

zero tolerance for any controlled substance regulated under chapter 893 unless that individual is under the care of a physician, an advanced practice registered nurse, or a physician assistant and that controlled substance was prescribed by that physician, advanced practice registered nurse, or physician assistant. To maintain eligibility as a licensed state pilot, each licensed state pilot must annually provide documentary proof of having satisfactorily passed a complete physical examination administered by a licensed physician. The physician must know the minimum standards and certify that the licensee satisfactorily meets the standards. The standards for licensees shall include a drug test.

(4) Have had at least 2 years of service as a deputy pilot in the port in which license as a licensed state pilot is desired, which service must have been attained during the period immediately preceding the examination required under s. 310.081(1). Further, at the time of application, each applicant must have a valid United States Coast Guard first-class unlimited pilot's license covering all of the waters of the port in which license as a state pilot is desired and must have successfully completed the department-approved ~~board-approved~~ deputy pilot training program in the port in which license as a state pilot is desired.

Section 14. Section 310.075, Florida Statutes, is amended to read:

310.075 Deputy pilot training program.—The licensed state pilots in each port shall submit to the department ~~board~~ for its approval a deputy pilot training program of not less than 2 years' duration, applicable to all deputy pilots appointed to serve at such port. The following requirements constitute the parameters within which deputy pilot training programs are to be established and carried out by the licensed state pilots at all ports in this state:

(1) Upon receiving his or her appointment, a deputy pilot must report to the licensed state pilots at the port he or she is appointed to serve and must serve a period of not less than 90 days as an observer trainee. During such period:

(a) The observer trainee must accompany licensed state pilots, becoming thoroughly familiar with all of the waters, the channels, the harbor, and the port under varied conditions.

(b) The observer trainee must obtain a valid United States Coast Guard first-class unlimited pilot's license covering all of the waters of the port before the department ~~board~~ may authorize him or her to pilot vessels within the limits and specifications established by the licensed state pilots of the port.

(2) Upon completion of the observer-trainee period, the deputy pilot must submit to the department ~~board~~ a deputy pilot vessel handling form for each vessel upon which he or she has accompanied a licensed state pilot. Each such form must be

signed by the pilot in charge who accompanied the deputy pilot and must accurately recite:

(a) The vessel's registry, length, gross tonnage, and draft;

(b) The name of the berth from which or to which the vessel was piloted;

(c) The weather and sea conditions encountered;

(d) The time of day;

(e) Any marine incidents required to be reported under s. 310.111; and

(f) The comments of the pilot in charge, including whether, under his or her supervision, the pilot in charge turned the navigation of the vessel over to the deputy pilot.

(3) Each request to increase the limits and specifications under which a deputy pilot is authorized to pilot must be submitted to the department ~~board~~ and must be accompanied by a deputy pilot vessel handling form as provided in subsection (2) for each vessel the deputy pilot has piloted since his or her limits and specifications were last increased by the department ~~board~~.

(4) For successful completion of the deputy pilot training program, a deputy pilot must have gradually been increased in his or her authorized limits and specifications until the deputy pilot has been authorized by the department ~~board~~ to pilot vessels with a maximum draft of not more than 3 feet less than

the normal maximum draft allowable in the port in which the deputy pilot is authorized to pilot, as proposed by the licensed state pilots in that port and approved by the department ~~board~~.

Section 15. Section 310.081, Florida Statutes, is amended to read:

310.081 Department to examine and license state pilots and certificate deputy pilots; vacancies.—

(1) The department shall examine persons who file application as state pilot in all matters pertaining to the management of vessels and in regard to their knowledge of the channels, waters, harbors, and port where they wish to serve, and, if upon examination to determine proficiency the department finds them qualified to pilot all classes of vessels liable to enter that port and thoroughly familiar with the waters, the channels, the harbor, and the port, the department shall appoint and license as state pilots such number of pilots as in the discretion of the department ~~board~~ are required to act in the ports of the state. However, the number of pilots appointed and licensed by the department may ~~shall~~ not exceed the number provided for in s. 310.061.

(2) The department shall similarly examine persons who file applications for certificate as deputy pilot, and, if upon examination to determine proficiency the department finds them qualified, the department must certify as qualified all applicants who pass the examination, provided that not more than

five persons who passed the examination are certified for each declared opening. If more than five applicants per opening pass the examination, the persons having the highest scores must be certified as qualified up to the number of openings times five. The department shall appoint and certificate such number of deputy pilots from those applicants deemed qualified as in the discretion of the department ~~board~~ are required in the respective ports of the state. A deputy pilot shall be authorized by the department to pilot vessels within the limits and specifications established by the licensed state pilots at the port where the deputy is appointed to serve.

(3) Pilots shall hold their licenses or certificates pursuant to the requirements of this chapter so long as they:

(a) Possess the qualifications set out in this chapter.

(b) Are in good physical and mental health as evidenced by documentary proof of having satisfactorily passed a physical examination administered by a licensed physician or physician assistant within each calendar year. The department ~~board~~ shall adopt rules to establish requirements for passing the physical examination, which rules shall establish minimum standards for the physical or mental capabilities necessary to carry out the professional duties of a licensed state pilot or a certificated deputy pilot. Such standards shall include zero tolerance for any controlled substance regulated under chapter 893 unless that individual is under the care of a physician, an advanced

practice registered nurse, or a physician assistant and that controlled substance was prescribed by that physician, advanced practice registered nurse, or physician assistant. To maintain eligibility as a certificated deputy pilot or licensed state pilot, each certificated deputy pilot or licensed state pilot must annually provide documentary proof of having satisfactorily passed a complete physical examination administered by a licensed physician. The physician must know the minimum standards and certify that the certificateholder or licensee satisfactorily meets the standards. The standards for certificateholders and for licensees shall include a drug test.

(c) Are subject to a substance abuse program that has been approved by the department ~~board~~, which includes provisions for drug testing.

~~(d) Attend a board-approved seminar for continuing education which includes radar certification.~~

(d)~~(e)~~ Remain in active service in the ports for which they are appointed.

Upon resignation or in the case of disability permanently affecting a pilot's ability to serve, the state license or certificate issued under this chapter shall be revoked by the department.

Section 16. Paragraphs (d), (g), and (h) of subsection (1) and subsections (2), (3), and (4) of section 310.101, Florida

Statutes, are amended to read:

310.101 Grounds for disciplinary action by the department ~~board~~.—

(1) Any act of misconduct, inattention to duty, negligence, or incompetence; any willful violation of any law or rule, including the rules of the road, applicable to a licensed state pilot or certificated deputy pilot; or any failure to exercise that care which a reasonable and prudent licensed state pilot or certificated deputy pilot would exercise under the same or similar circumstances may result in disciplinary action. Examples of acts by a licensed state pilot or certificated deputy pilot which constitute grounds for disciplinary action include, but are not limited to:

(d) Navigating in channels where the depth of water under the keel is less than the prescribed bottom clearance as recommended by the licensed state pilots of that port and approved by the department ~~board~~.

(g) Making or filing, or inducing another person to make or file, a report which the pilot knows to be false or intentionally or negligently failing to file, or willfully impeding or obstructing the filing of, a report or record required by state law or by rule of the ~~board or the~~ department. Such reports or records include only those which are signed by the pilot in his or her capacity as a licensed state pilot or certificated deputy pilot.

(h) Being unable to perform the duties of a pilot with reasonable skill and safety by reason of illness or use of alcohol, drugs, narcotics, chemicals, or any other type of material or as a result of any mental or physical condition such as, but not limited to, poor eyesight or hearing, heart disease, or diabetes. In enforcing this paragraph, the department shall have authority, upon recommendation of the probable cause panel of the department ~~board~~, to compel a licensed state pilot or certificated deputy pilot to submit to a mental or physical examination by physicians designated by the department. The failure of a pilot to submit to such an examination when so directed constitutes an admission of the allegations against the pilot, unless the failure is due to circumstances beyond his or her control, consequent upon which an emergency suspension order may be entered by the department suspending the pilot's license until he or she complies with the order for a compulsory mental or physical examination. A licensed state pilot or certificated deputy pilot affected under this paragraph must be afforded, at reasonable intervals, an opportunity to demonstrate that he or she can resume the competent practice of piloting with reasonable skill and safety.

(2) When the department ~~board~~ finds any person has committed any act set forth in subsection (1), it may enter an order imposing one or more of the following penalties:

(a) Refusing to certify to the department an application

for license or certification.

(b) Revoking or suspending the license or certificate.

(c) Restricting the practice of the violator.

(d) Imposing an administrative fine not to exceed $5,000 for each count or separate offense.

(e) Issuing a reprimand.

(f) Placing the licensed state pilot or certificated deputy pilot on probation for such period of time and subject to such conditions as the department ~~board~~ may specify, including, but not limited to, requiring the pilot to submit to treatment, submit to additional or remedial training, submit to reexamination, or undergo a complete physical examination.

(3) The department ~~board~~ shall not reinstate the license or certificate of a state pilot or deputy pilot or cause a license or certificate to be issued to a person whom it has determined to be unqualified until the department ~~board~~ is satisfied that such person has complied with all the terms and conditions set forth in the final order and that such person is capable of safely engaging in the practice of piloting.

(4) In any foreign vessel or foreign trading vessel movement that an individual holding a state pilot license or deputy pilot certificate is engaged in directing, whether movement of the vessel in or out of the port or movement in close proximity to a dock or any other movement undertaken in furtherance of his or her piloting duties, such individual is

operating under the authority of his or her state license or certificate and is accountable to the department ~~board~~ for his or her actions.

Section 17. Subsections (4) and (6) of section 310.102, Florida Statutes, are amended to read:

310.102 Treatment programs for impaired pilots and deputy pilots.—

(4) In any disciplinary action for a violation other than impairment, if a pilot or deputy pilot establishes that the violation for which the pilot or deputy pilot is being prosecuted was due to or connected with impairment and further establishes that the pilot or deputy pilot is satisfactorily progressing through or has successfully completed an approved treatment program pursuant to this section, such information may be considered by the department ~~board~~ as a mitigating factor in determining the appropriate penalty. This subsection does not limit mitigating factors the department ~~board~~ may consider.

(6) A consultant, licensee, or approved treatment provider who makes a disclosure pursuant to this section is not subject to civil liability for such disclosure or its consequences. The provisions of s. 766.101 apply to any officer, employee, or agent of the department or the department ~~board~~ and to any officer, employee, or agent of any entity with which the department has contracted pursuant to this section.

Section 18. Section 310.111, Florida Statutes, is amended

to read:

310.111 Marine incident reports.—Each collision, grounding, stranding, or other marine peril sustained or caused by a vessel on which there was employed a licensed state pilot or certificated deputy pilot shall be reported to the office of the department ~~board~~ or the piloting consultant within 48 hours of the occurrence. In addition, a written report shall be submitted to the department on forms and in the manner prescribed by the department within 7 days of the occurrence. However, any marine incident involving oil spillage, pollution, physical injury, or death shall be reported to the department ~~board~~ or the piloting consultant by telephone or telegram within 24 hours of the occurrence in addition to submission of the required written report.

Section 19. Subsection (1) of section 310.1115, Florida Statutes, is amended to read:

310.1115 Bridge electronic navigation protection equipment; duty of pilot.—

(1) When a piloted vessel passes under a bridge located in a harbor, in the approaches to a harbor, or in a river, and when electronic navigation protection equipment is available, it is the duty of the pilot or certificated deputy pilot on department ~~board~~ to use the electronic navigation protection equipment. If the electronic navigation protection equipment can be utilized only in conjunction with a portable device or devices located on

department ~~board~~ the piloted vessel, it is the responsibility of the pilot to bring such device or devices on department ~~board~~ the piloted vessel and to remove such device or devices upon completion of the pilot's duties aboard the piloted vessel.

Section 20. Section 310.121, Florida Statutes, is amended to read:

310.121 Application, examination, and biennial fees.—

(1) The department shall, in accordance with rules set by the department ~~board~~, assess and collect the following fees:

(a) A fee not to exceed $300 for each application for licensure as a state pilot or certification as a deputy pilot. This fee shall be nonrefundable.

(b) A fee not to exceed $300 for each examination for licensure as a state pilot or certification as a deputy pilot.

(c) A fee not to exceed $300 for each examination review.

(2) The department shall assess and collect biennially from each licensed state pilot and each certificated deputy pilot a fee, not to exceed $200 in the case of a licensed state pilot or $100 in the case of a certificated deputy pilot, such fees to be set by the department ~~board~~.

Section 21. Section 310.131, Florida Statutes, is amended to read:

310.131 Assessment of percentage of gross pilotage.—The department shall assess the licensed state pilots in the respective ports of the state a percentage of the gross amount

of pilotage earned by such pilots during each year, which percentage will be established by the department ~~board~~ not to exceed 2 percent, to be paid into the Professional Regulation Trust Fund by such pilots at such time and in such manner as the department ~~board~~ prescribes or as is set forth in the General Appropriations Act. The financial records of all pilots and deputy pilots relating to pilotage are subject to audit by the department and the Auditor General. The department shall by rule set a procedure for verifying the amount of pilotage at each port and may charge costs to the appropriate port if the port does not comply with such procedure.

Section 22. Section 310.142, Florida Statutes, is amended to read:

310.142 Pilotage at St. Marys Entrance.—The department may exercise ~~board is authorized to enter into an agreement with the Board of Pilotage Commissioners for the~~ corporate authority of St. Marys, Georgia, for reciprocal pilotage of vessels in the boundary waters and tributaries of St. Marys Entrance.

Section 23. Subsections (1) and (7) of section 310.151, Florida Statutes, are amended to read:

310.151 Rates of pilotage; Pilotage Rate Review Committee.—

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

1. "Committee" means the Pilotage Rate Review Committee established under this section ~~as part of the Board of Pilot~~

~~Commissioners~~.

2. "Department" means the Department of Business and Professional Regulation.

~~2. "Board" means the Board of Pilot Commissioners.~~

(b) To carry out ~~the provisions of~~ this section, the Pilotage Rate Review Committee is established as part of the ~~Board of Pilot Commissioners within the~~ department ~~of Business and Professional Regulation~~. The committee shall consist of the following seven members ~~of the board~~: two ~~board~~ members who are licensed state pilots actively practicing their profession~~, who shall be appointed by majority vote of the licensed state pilots serving on the board~~; two ~~board~~ members who are actively involved in a professional or business capacity in the maritime industry, marine shipping industry, or commercial passenger cruise industry; one ~~board~~ member who is a certified public accountant with at least 5 years of experience in financial management; and two ~~board~~ members who are citizens of the state.

(c) Committee members shall comply with the disclosure requirements of s. 112.3143(4) if participating in any matter that would result in special private gain or loss as described in that subsection.

(d) The committee may ~~has authority to~~ adopt rules pursuant to ss. 120.536(1) and 120.54 to implement ~~provisions of~~ this section conferring duties upon it. The department shall provide the staff required by the committee to carry out its

duties under this section.

(e) All funds received pursuant to this section shall be placed in the account of the department ~~Board of Pilot Commissioners~~, and the department ~~Board of Pilot Commissioners~~ shall pay for all expenses incurred pursuant to this section.

(7) The decisions of the committee regarding rates are not appealable to the department ~~board~~.

Section 24. Section 310.183, Florida Statutes, is amended to read:

310.183 Immediate inactivation of license or certificate for certain violations.—The department shall issue an emergency order placing on inactive status, for a period not to exceed 15 days, the license of any pilot or certificate of any deputy pilot who, while providing piloting services, is involved in a marine incident that results in the death of a human or, as determined by rule ~~of the board~~, substantial physical injury to a human or significant property or environmental damage, unless the department determines that the incident is clearly not the result of the actions of the pilot or deputy pilot.

Section 25. Subsection (1) of section 310.185, Florida Statutes, is amended to read:

310.185 Rulemaking.—

(1) The department ~~board~~ has authority to adopt rules pursuant to ss. 120.536(1) and 120.54 to implement ~~the provisions of~~ this chapter.

Section 26. Subsection (3) of section 319.28, Florida Statutes, is amended to read:

319.28 Transfer of ownership by operation of law.—

(3) A dealer of industrial equipment who conducts a repossession, as defined in s. 493.6101(19) ~~s. 493.6101(22)~~, of such equipment is not subject to licensure as a recovery agent or recovery agency if the dealer is regularly engaged in the sale of the equipment for a particular manufacturer, the lender is affiliated with that manufacturer, and the dealer uses his or her own employees to make such repossessions.

Section 27. Subsections (2) of section 326.002, Florida Statutes, is amended to read:

326.002 Definitions.—As used in ss. 326.001-326.006, the term:

(2) "Division" means the Division of Professions ~~Florida Condominiums, Timeshares, and Mobile Homes~~ of the Department of Business and Professional Regulation.

Section 28. Subsection (3) of section 326.006, Florida Statutes, is amended to read:

326.006 Powers and duties ~~of division~~.—

(3) All fees must be deposited in the Professional Regulation ~~Division of Florida Condominiums, Timeshares, and Mobile Homes~~ Trust Fund as provided by law.

Section 29. Paragraph (a) of subsection (3) of section 376.303, Florida Statutes, is amended to read:

376.303 Powers and duties of the Department of Environmental Protection.—

(3)(a) The department may inspect the installation of any pollutant storage tank. Any person installing a pollutant storage tank, as defined in s. 489.105(16) ~~s. 489.105(17)~~, shall certify that such installation is in accordance with the standards adopted pursuant to this section. The department shall promulgate a form for such certification which shall at a minimum include:

1. A signed statement by the certified pollutant storage systems contractor, as defined in s. 489.105(2)(p) ~~s. 489.105(3)(p)~~, that such installation is in accordance with standards adopted pursuant to this section; and

2. Signed statements by the onsite persons performing or supervising the installation of a pollutant storage tank, which statements shall be required of tasks that are necessary for the proper installation of such tank.

Section 30. Paragraph (n) of subsection (3) of section 381.0065, Florida Statutes, is amended to read:

381.0065 Onsite sewage treatment and disposal systems; regulation.—

(3) DUTIES AND POWERS OF THE DEPARTMENT OF ENVIRONMENTAL PROTECTION.—The department shall:

(n) Regulate and permit maintenance entities for performance-based treatment systems and aerobic treatment unit

systems. To ensure systems are maintained and operated according to manufacturer's specifications and designs, the department shall establish by rule minimum qualifying criteria for maintenance entities. The criteria shall include training, access to approved spare parts and components, access to manufacturer's maintenance and operation manuals, and service response time. The maintenance entity shall employ a contractor licensed under s. 489.105(2)(m) ~~s. 489.105(3)(m)~~, or part III of chapter 489, or a state-licensed wastewater plant operator, who is responsible for maintenance and repair of all systems under contract.

Section 31. Section 403.868, Florida Statutes, is amended to read:

403.868 Requirements by a utility.—A utility may have more stringent requirements than set by law, including certification requirements for water distribution systems and domestic wastewater collection systems operations, except that a utility may not require a licensed contractor, as defined in s. 489.105(2) ~~s. 489.105(3)~~ to have any additional license for work in water distribution systems or domestic wastewater collection systems.

Section 32. Paragraph (e) of subsection (1) of section 403.9329, Florida Statutes, is amended to read:

403.9329 Professional mangrove trimmers.—

(1) For purposes of ss. 403.9321-403.9333, the following

persons are considered professional mangrove trimmers:

(e) Persons licensed under part II of chapter 481. The department ~~Board of Landscape Architecture~~ shall establish appropriate standards and continuing legal education requirements to assure the competence of licensees to conduct the activities authorized under ss. 403.9321-403.9333. Trimming by landscape architects as professional mangrove trimmers is not allowed until the establishment of standards by the department ~~board~~. The department ~~board~~ shall also establish penalties for violating ss. 403.9321-403.9333. Only those landscape architects who are certified in the state may qualify as professional mangrove trimmers under ss. 403.9321-403.9333, notwithstanding any reciprocity agreements that may exist between this state and other states;

Section 33. Paragraph (a) of subsection (19) of section 440.02, Florida Statutes, is amended to read:

440.02 Definitions.—When used in this chapter, unless the context clearly requires otherwise, the following terms shall have the following meanings:

(19)(a) "Employer" means the state and all political subdivisions thereof, all public and quasi-public corporations therein, every person carrying on any employment, and the legal representative of a deceased person or the receiver or trustees of any person. The term also includes employee leasing companies, as defined in s. 468.520(4) ~~s. 468.520(5)~~, and

employment agencies that provide their own employees to other persons. If the employer is a corporation, parties in actual control of the corporation, including, but not limited to, the president, officers who exercise broad corporate powers, directors, and all shareholders who directly or indirectly own a controlling interest in the corporation, are considered the employer for the purposes of ss. 440.105, 440.106, and 440.107.

Section 34. Section 448.26, Florida Statutes, is amended to read:

448.26 Application.—Nothing in this part shall exempt any client of any labor pool or temporary help arrangement entity as defined in s. 468.520(3)(a) ~~s. 468.520(4)(a)~~ or any assigned employee from any other license requirements of state, local, or federal law. Any employee assigned to a client who is licensed, registered, or certified pursuant to law shall be deemed an employee of the client for such licensure purposes but shall remain an employee of the labor pool or temporary help arrangement entity for purposes of chapters 440 and 443.

Section 35. Subsection (4) of section 468.382, Florida Statutes, is amended to read:

468.382 Definitions.—As used in this act, the term:

~~(4) "Board" means the Florida Board of Auctioneers.~~

Section 36. Subsections (1), (4), (5), (6) and (7) of section 468.385, Florida Statutes, are amended, and subsection (3) of that section is republished, to read:

468.385 Licenses required; qualifications; examination.—

(1) The department shall license any applicant who ~~the board certifies~~ is certified and qualified to practice auctioneering.

(3) A ~~No~~ person may not ~~shall~~ be licensed as an auctioneer or apprentice if he or she:

(a) Is under 18 years of age; or

(b) Has committed any act or offense in this state or any other jurisdiction which would constitute a basis for disciplinary action under s. 468.389.

(4) Any person seeking a license as an auctioneer must pass a written examination approved by the department ~~board~~ which tests his or her general knowledge of the laws of this state relating to provisions of the Uniform Commercial Code that are relevant to auctions, the laws of agency, and ~~the provisions of~~ this act.

(5) Each apprentice application and license shall name a licensed auctioneer who has agreed to serve as the supervisor of the apprentice. An ~~No~~ apprentice may not conduct, or contract to conduct, an auction without the express approval of his or her supervisor. The supervisor shall regularly review the apprentice's records, which are required by the department ~~board~~ to be maintained, to determine whether ~~if~~ such records are accurate and current.

(6) A ~~No~~ person may not ~~shall~~ be licensed as an auctioneer

unless he or she:

(a) Has held an apprentice license and has served as an apprentice for 1 year or more, or has completed a course of study, consisting of not less than 80 classroom hours of instruction, that meets standards adopted by the department ~~board~~;

(b) Has passed the required examination; and

(c) Is approved by the department ~~board~~.

(7)(a) Any auction that is subject to ~~the provisions of~~ this part must be conducted by an auctioneer who has an active license or an apprentice who has an active apprentice auctioneer license and who has received prior written sponsor consent.

(b) A ~~No~~ business may not ~~shall~~ auction or offer to auction any property in this state unless it is licensed as an auction business by the department ~~board~~ or is exempt from licensure under this act. An ~~Each~~ application for licensure must ~~shall~~ include the names of the owner and the business, the business mailing address and location, and any other information which the department ~~board~~ may require. The owner of an auction business shall report to the department ~~board~~ within 30 days after ~~of~~ any change in this required information.

Section 37. Section 468.3852, Florida Statutes, is amended to read:

468.3852 Reactivation of license; fee.—The department ~~board~~ shall prescribe a fee not to exceed $250 for the

reactivation of an inactive license. The fee shall be in addition to the current biennial renewal fee.

Section 38. Subsections (2), (3), (4), (5), and (8) of section 468.3855, Florida Statutes, are amended to read:

468.3855 Apprenticeship training requirements.—

(2) Any auctioneer who undertakes the sponsorship of an apprentice shall ensure that the apprentice receives training as required by department ~~board~~ rule.

(3) An apprentice must actively participate in auction sales as required by department ~~board~~ rule, and a record of each auction for which participation credit is claimed must be made as required by department ~~board~~ rule.

(4) Apprentices are prohibited from conducting any auction without the prior express written consent of the sponsor. The apprentice's sponsor must be present at the auction site at any time the apprentice is actively participating in the conduct of the auction. If the apprentice's sponsor cannot attend a particular auction, the sponsor may appoint a qualified auctioneer who meets the requirements of department ~~board~~ rule to attend the auction in his or her place. Prior written consent must be given by the apprentice's sponsor for each substitution.

(5) Each apprentice and sponsor shall file reports as required by department ~~board~~ rule.

(8) All apprentice applications shall be valid for a period of 6 months after department ~~board~~ approval. Any

applicant who fails to complete the licensure process within that time shall be required to make application as a new applicant.

Section 39. Section 468.387, Florida Statutes, is amended to read:

468.387 Licensing of nonresidents; endorsement; reciprocity.—The department shall issue a license by endorsement to practice auctioneering to an applicant who, upon applying to the department and remitting the required fee, set by the department ~~board~~, demonstrates to the department ~~board~~ that he or she satisfies the requirements of s. 468.385(3) and holds a valid license to practice auctioneering in another state, provided that the requirements for licensure in that state are substantially equivalent to or more stringent than those existing in this state. The endorsement and reciprocity provisions of this section shall apply to auctioneers only and not to professions or occupations regulated by other statutes.

Section 40. Subsections (3) and (9) and paragraph (b) of subsection (10) of section 468.388, Florida Statutes, are amended to read:

468.388 Conduct of an auction.—

(3) Each auctioneer or auction business shall maintain a record book of all sales. The record book shall be open to inspection by the department ~~board~~ at reasonable times.

(9) The auction business under which the auction is

conducted is responsible for all other aspects of the auction as required by department ~~board~~ rule. The auction business may delegate in whole, or in part, different aspects of the auction only to the extent that such delegation is permitted by law and that such delegation will not impede the principal auctioneer's ability to ensure the proper conduct of his or her independent responsibility for the auction. The auction business under whose auspices the auction is conducted is responsible for ensuring compliance as required by department ~~board~~ rule.

(10)

(b) Each auction business shall maintain, for not less than 2 years, a separate ledger showing the funds held for another person deposited and disbursed by the auction business for each auction. The escrow or trust account must be reconciled monthly with the bank statement. A signed and dated record shall be maintained for a 2-year period and be available for inspection by the department or at the request of the department ~~board~~.

Section 41. Paragraph (j) of subsection (1), subsection (2), and paragraph (a) of subsection (3) of section 468.389, Florida Statutes, are amended to read:

468.389 Prohibited acts; penalties.—

(1) The following acts shall be grounds for the disciplinary activities provided in subsections (2) and (3):

(j) Violating a statute or administrative rule regulating

practice under this part or a lawful disciplinary order of the ~~board or the~~ department.

(2) When the department ~~board~~ finds any person guilty of any of the prohibited acts set forth in subsection (1), it may enter an order imposing one or more of the following penalties:

(a) Refusal to certify to the department an application for licensure.

(b) Revocation or suspension of a license.

(c) Imposition of an administrative fine not to exceed $1,000 for each count or separate offense.

(d) Issuance of a reprimand.

(e) Placement of the auctioneer on probation for a period of time and subject to conditions as the department ~~board~~ may specify, including requiring the auctioneer to successfully complete the licensure examination.

(f) Requirement that the person in violation make restitution to each consumer affected by that violation. Proof of such restitution shall be a signed and notarized release executed by the consumer or the consumer's estate.

(3)(a) Failure to pay a fine within a reasonable time, as prescribed by department ~~board~~ rule, may be grounds for disciplinary action.

Section 42. Section 468.392, Florida Statutes, is amended to read:

468.392 Auctioneer Recovery Fund.—There is created the

Auctioneer Recovery Fund as a separate account in the Professional Regulation Trust Fund. The fund shall be administered by the department ~~Florida Board of Auctioneers~~.

(1) The Chief Financial Officer shall invest the money not currently needed to meet the obligations of the fund in the same manner as other public funds may be invested. Interest that accrues from these investments shall be deposited to the credit of the Auctioneer Recovery Fund and shall be available for the same purposes as other moneys deposited in the Auctioneer Recovery Fund.

(2) All payments and disbursements from the Auctioneer Recovery Fund shall be made by the Chief Financial Officer upon a voucher signed by the Secretary of Business and Professional Regulation or the secretary's designee.

(3) If at any time the moneys in the Auctioneer Recovery Fund are insufficient to satisfy any valid claim or portion thereof, the department ~~board~~ shall satisfy such unpaid claim or portion thereof as soon as a sufficient amount has been deposited in or transferred to the fund. When there is more than one unsatisfied claim outstanding, such claims shall be paid in the order in which the claims were made.

(4) Upon the payment of any amount from the Auctioneer Recovery Fund in settlement of a claim in satisfaction of a judgment against an auctioneer or auction business as described in s. 468.395, the license of such auctioneer or auction

business shall be automatically suspended until the licensee has complied with s. 468.398. A discharge of bankruptcy does ~~shall~~ not relieve a person from the penalties and disabilities provided in this section.

(5) Moneys in the fund at the end of a fiscal year shall be retained in the fund and shall accrue for the benefit of auctioneers and auction businesses. When the fund exceeds the amount as set forth in s. 468.393(2), all surcharges shall be suspended until such time as the fund is reduced below the amount as set forth in s. 468.393(3).

Section 43. Subsections (1), (3), and (4) of section 468.393, Florida Statutes, are amended to read:

468.393 Surcharge to license fee; assessments.—

(1) At the time of licensure under s. 468.385, s. 468.3851, or s. 468.3852, each licensee shall pay, in addition to an application and license fee, a surcharge in an amount to be determined by the department ~~board~~, not to exceed $300, which shall be deposited in the Auctioneer Recovery Fund.

(3) After October 1, 1995, if the total amount in the Auctioneer Recovery Fund, including principal and interest, is less than $200,000 at the end of the fiscal year after the payment of all claims and expenses, the department ~~board~~ shall assess, in addition to any other fees under s. 468.3852, a surcharge against a licensee at the time of initial licensure or at the time of license renewal, according to the following

formula in order to maintain the fund at $500,000:

(a) Determine the amount remaining in the fund at the end of the state fiscal year after all expenses and claims have been paid.

(b) Subtract the amount determined under paragraph (a) from $500,000.

(c) Determine the number of initial licenses and license renewals in the fiscal year that precedes the current fiscal year.

(d) Divide the amount determined under paragraph (b) by the number determined under paragraph (c).

(4) The department ~~board~~ shall assess the surcharge described in subsection (3) against each licensee who receives an initial license or receives a renewal license during the fiscal year that follows the year in which the amount remaining in the fund was less than $200,000.

Section 44. Subsections (1) and (4) of section 468.395, Florida Statutes, are amended to read:

468.395 Conditions of recovery; eligibility.—

(1) Recovery from the Auctioneer Recovery Fund may be obtained as follows:

(a) Any aggrieved person is eligible to receive recovery from the Auctioneer Recovery Fund if the department ~~Florida Board of Auctioneers~~ has issued a final order directing an offending licensee to pay restitution to the claimant as the

result of the licensee violating, within this state, any provision of s. 468.389 or any rule adopted by the department ~~board~~ and if the department ~~board~~ determined that the order of restitution cannot be enforced; or

(b) Any aggrieved person who obtains a final judgment in any court against any licensee to recover damages for any actual loss that results from the violation, within this state, by a licensee of any provision of s. 468.389 or any rule adopted by the department ~~board~~ may, upon termination of all proceedings, including appeals and proceedings supplemental to judgment for collection purposes, file a verified application to the department ~~board~~ for an order directing payment out of the Auctioneer Recovery Fund of the amount of actual loss in the transaction that remains unpaid upon the judgment. The amount of actual loss may include court costs, but may ~~shall~~ not include attorney's fees or punitive damages awarded.

(4) The department ~~board~~ may ~~shall~~ not issue an order for payment of a claim from the Auctioneer Recovery Fund unless the claimant has reasonably established to the department ~~board~~ that she or he has taken proper and reasonable action to collect the amount of her or his claim from the licensee responsible for the loss and that any recovery made has been applied to reduce the amount of the claim on the Auctioneer Recovery Fund.

Section 45. Subsections (2) and (3) of section 468.396, Florida Statutes, are amended to read:

468.396 Claims against a single licensee in excess of dollar limitation; joinder of claims, payment; insufficient funds.—

(2) Upon petition of the department ~~board~~, the court may require all claimants and prospective claimants against one licensee to be joined in one action, to the end that the respective rights of all the claimants to the department ~~board~~ may be equitably adjudicated and settled.

(3) On June 30 and December 31 of each year, the department ~~board~~ shall identify each claim that the court orders to be paid during the 6-month period that ended on that day. The department ~~board~~ shall pay the part of each claim that is so identified within 15 days after the end of the 6-month period in which the claim is ordered paid. However, if the balance in the fund is insufficient to pay the full payable amount of each claim that is ordered to be paid during a 6-month period, the department ~~board~~ shall pay a prorated portion of each claim that is ordered to be paid during the period. Any part of the payable amount of a claim left unpaid due to the prorating of payments under this subsection shall be paid, subject to the $50,000 limit described in s. 468.395, before the payment of claims ordered to be paid during the following 6 months.

Section 46. Section 468.397, Florida Statutes, is amended to read:

468.397 Payment of claim.—Upon a final order of the court

directing that payment be made out of the Auctioneer Recovery Fund, the department ~~board~~ shall, subject to the provisions of this part, make the payment out of the Auctioneer Recovery Fund as provided in s. 468.395.

Section 47. Section 468.398, Florida Statutes, is amended to read:

468.398 Suspension of judgment debtor's license; repayment by licensee; interest.—If the department ~~board~~ is required to make any payment from the Auctioneer Recovery Fund in settlement of a claim or toward the satisfaction of a judgment under this part, the department ~~board~~ shall suspend the judgment debtor's license. The licensee is not eligible to be licensed again as either an auctioneer or auction business until the licensee has repaid in full the amount paid from the Auctioneer Recovery Fund, with interest at the current applicable rate.

Section 48. Subsection (5) of section 468.431, Florida Statutes, is amended to read:

468.431 Definitions.—As used in this part:

~~(5) "Council" means the Regulatory Council of Community Association Managers.~~

Section 49. Paragraph (d) of subsection (2) and subsection (3) of section 468.433, Florida Statutes, are amended to read:

468.433 Licensure by examination.—

(2) The department shall examine each applicant who is at least 18 years of age, who has successfully completed all

prelicensure education requirements, and who the department certifies is of good moral character.

(d) The department ~~council~~ shall establish by rule the required amount of prelicensure education, which shall consist of not more than 24 hours of in-person instruction by a department-approved provider and which shall cover all areas of the examination specified in subsection (3). Such instruction shall be completed within 12 months before ~~prior to~~ the date of the examination. ~~Prelicensure education providers shall be considered continuing education providers for purposes of establishing provider approval fees. A licensee shall not be required to comply with the continuing education requirements of s. 468.4337 prior to the first license renewal.~~ The department shall, by rule, set standards for exceptions to the requirement of in-person instruction in cases of hardship or disability.

(3) The department ~~council~~ shall approve an examination for licensure. The examination must demonstrate that the applicant has a fundamental knowledge of state and federal laws relating to the operation of all types of community associations and state laws relating to corporations and nonprofit corporations, proper preparation of community association budgets, proper procedures for noticing and conducting community association meetings, insurance matters relating to community associations, and management skills.

Section 50. Subsection (1) of section 468.4336, Florida

Statutes, is amended to read:

468.4336 Renewal of license.—

(1) The department shall renew a license upon receipt of the renewal application and fee ~~and upon proof of compliance with the continuing education requirements of s. 468.4337~~.

Section 51. Section 468.435, Florida Statutes, is amended to read:

468.435 Fees; establishment; disposition.—

(1) The department ~~council~~ shall establish fees for the described purposes and within the ranges specified in this section:

(a) Application fee: not less than $25, or more than $50.

(b) Examination fee: not less than $25, or more than $100.

(c) Initial license fee: not less than $25, or more than $100.

(d) Renewal of license fee: not less than $25, or more than $100.

(e) Delinquent license fee: not less than $25, or more than $50.

(f) Inactive license fee: not less than $10, or more than $25.

(2) Until the department ~~council~~ establishes fees under subsection (1), the lower amount in each range shall apply.

(3) Fees collected under this section shall be deposited to the credit of the Professional Regulation Trust Fund.

(4) The department ~~council~~ shall establish fees that are adequate to fund the cost to implement the provisions of this part. Fees shall be based on the department estimates of the revenue required to implement this part and the provisions of law with respect to the regulation of community association managers.

Section 52. Paragraph (b) of subsection (2) and subsection (3) of section 468.436, Florida Statutes, are amended to read:

468.436 Disciplinary proceedings.—

(2) The following acts constitute grounds for which the disciplinary actions in subsection (4) may be taken:

(b)1. Violation of this part.

2. Violation of any lawful order or rule rendered or adopted by the department ~~or the council~~.

3. Being convicted of or pleading nolo contendere to a felony in any court in the United States.

4. Obtaining a license or certification or any other order, ruling, or authorization by means of fraud, misrepresentation, or concealment of material facts.

5. Committing acts of gross misconduct or gross negligence in connection with the profession.

6. Contracting, on behalf of an association, with any entity in which the licensee has a financial interest that is not disclosed.

7. Failing to disclose any conflict of interest as

required by s. 468.4335.

8. Violating chapter 718, chapter 719, or chapter 720 during the course of performing community association management services pursuant to a contract with a community association as defined in s. 468.431(1).

(3) The department ~~council~~ shall specify by rule the acts or omissions that constitute a violation of subsection (2).

Section 53. Subsection (2) of section 468.520, Florida Statutes, is amended to read:

468.520 Definitions.—As used in this part:

~~(2) "Board" means the Board of Employee Leasing Companies.~~

Section 54. Section 468.522, Florida Statutes, is amended to read:

468.522 Rules of the department ~~board~~.—The department ~~board~~ has authority to adopt rules pursuant to ss. 120.536(1) and 120.54 to implement the provisions of this part. Every licensee shall be governed and controlled by this part and the rules adopted by the department ~~board~~.

Section 55. Subsection (2) and paragraph (b) of subsection (4) of section 468.524, Florida Statutes, are amended to read:

468.524 Application for license.—

(2) The department ~~board~~ may require information and certifications necessary to determine that the applicant is of good moral character and meets other licensure requirements of this part.

(4) An applicant or licensee is ineligible to reapply for a license for a period of 1 year following final agency action on the denial or revocation of a license applied for or issued under this part. This time restriction does not apply to administrative denials or revocations entered because:

(b) The experience documented to the department ~~board~~ was insufficient at the time of the previous application;

Section 56. Section 468.5245, Florida Statutes, is amended to read:

468.5245 Change of ownership.—

(1) A license or registration issued to any entity under this part may not be transferred or assigned. The department ~~board~~ shall adopt rules to provide for a licensee's or registrant's change of name or location.

(2) A person or entity that seeks to purchase or acquire control of an employee leasing company or group licensed or registered under this part must first apply to the department ~~board~~ for a certificate of approval for the proposed change of ownership. However, prior approval is not required if, at the time the purchase or acquisition occurs, a controlling person of the employee leasing company or group maintains a controlling person license under this part. Notification must be provided to the department ~~board~~ within 30 days after the purchase or acquisition of such company in the manner prescribed by the department ~~board~~.

(3) Any application that is submitted to the department ~~board~~ under this section shall be deemed approved if the board has not approved the application or rejected the application, and provided the applicant with the basis for a rejection, within 90 days after the receipt of the completed application.

(4) The department ~~board~~ shall establish filing fees for a change-of-ownership application in accordance with s. 468.524(1).

Section 57. Subsection (2) and paragraphs (c), (d), (e), and (f) of subsection (3) of section 468.525, Florida Statutes, are amended to read:

468.525 License requirements.—

(2)(a) As used in this part, "good moral character" means a personal history of honesty, trustworthiness, fairness, a good reputation for fair dealings, and respect for the rights of others and for the laws of this state and nation. A thorough background investigation of the individual's good moral character shall be instituted by the department. Such investigation shall require:

1. The submission of fingerprints, for processing through appropriate law enforcement agencies, by the applicant and the examination of police records by the department ~~board~~.

2. Such other investigation of the individual as the department ~~board~~ may deem necessary.

(b) The department ~~board~~ may deny an application for

licensure or renewal citing lack of good moral character. Conviction of a crime within the last 7 years may ~~shall~~ not automatically bar any applicant or licensee from obtaining a license or continuing as a licensee. The department ~~board~~ shall consider the type of crime committed, the crime's relevancy to the employee leasing industry, the length of time since the conviction and any other factors deemed relevant by the department ~~board~~.

(3) Each employee leasing company licensed by the department shall have a registered agent for service of process in this state and at least one licensed controlling person. In addition, each licensed employee leasing company shall comply with the following requirements:

(c) An applicant for initial or renewal license of an employee leasing company license or employee leasing company group shall have an accounting net worth or shall have guaranties, letters of credit, or other security acceptable to the department ~~board~~ in sufficient amounts to offset any deficiency. A guaranty will not be acceptable to satisfy this requirement unless the applicant submits sufficient evidence to satisfy the department ~~board~~ that the guarantor has adequate resources to satisfy the obligation of the guaranty.

(d) Each employee leasing company shall maintain an accounting net worth and positive working capital, as determined in accordance with generally accepted accounting principles, or

shall have guaranties, letters of credit, or other security acceptable to the department ~~board~~ in sufficient amounts to offset any deficiency. A guaranty will not be acceptable to satisfy this requirement unless the licensee submits sufficient evidence, as defined by rule, that the guarantor has adequate resources to satisfy the obligation of the guaranty. In determining the amount of working capital, a licensee shall include adequate reserves for all taxes and insurance, including plans of self-insurance or partial self-insurance for claims incurred but not paid and for claims incurred but not reported. Compliance with the requirements of this paragraph is subject to verification by department ~~or board~~ audit.

(e) Each employee leasing company or employee leasing company group shall submit annual financial statements audited by an independent certified public accountant, with the application and within 120 days after the end of each fiscal year, in a manner and time prescribed by the department ~~board~~, provided however, that any employee leasing company or employee leasing company group with gross Florida payroll of less than $2.5 million during any fiscal year may submit financial statements reviewed by an independent certified public accountant for that year.

(f) The licensee shall notify the department ~~or board~~ in writing within 30 days after any change in the application or status of the license.

Section 58. Subsections (3) and (5) of section 468.526, Florida Statutes, are amended to read:

468.526 License required; fees.—

(3) Each employee leasing company and employee leasing company group licensee shall pay to the department upon the initial issuance of a license and upon each renewal thereafter a license fee not to exceed $2,500 to be established by the department ~~board~~. In addition to the license fee, the department ~~board~~ shall establish an annual assessment for each employee leasing company and each employee leasing company group sufficient to cover all costs for regulation of the profession pursuant to this chapter, chapter 455, and any other applicable provisions of law. The annual assessment shall:

(a) Be due and payable upon initial licensure and subsequent renewals thereof and 1 year before the expiration of any licensure period; and

(b) Be based on a fixed percentage, variable classes, or a combination of both, as determined by the department ~~board~~, of gross Florida payroll for employees leased to clients by the applicant or licensee during the period beginning five quarters before and ending one quarter before each assessment. It is the intent of the Legislature that the greater weight of total fees for licensure and assessments should be on larger companies and groups.

(5) Each controlling person licensee shall pay to the

department upon the initial issuance of a license and upon each renewal thereafter a license fee to be established by the department ~~board~~ in an amount not to exceed $2,000.

Section 59. Section 468.527, Florida Statutes, is amended to read:

468.527 Licensure and license renewal.—

(1) The department shall license any applicant who the department ~~board~~ certifies is qualified to practice employee leasing as an employee leasing company, employee leasing company group, or controlling person.

(2) Each license issued to an employee leasing company, employee leasing company group, or controlling person shall be renewed biennially. The department shall renew a license upon receipt of a renewal application and the applicable renewal fee.

Section 60. Subsection (2) of section 468.5275, Florida Statutes, is amended to read:

468.5275 Registration and exemption of de minimis operations.—

(2) A registration is valid for 1 year. Each registrant shall pay to the department upon initial registration, and upon each renewal thereafter, a registration fee to be established by the department ~~board~~ in an amount not to exceed:

(a) Two hundred and fifty dollars for an employee leasing company.

(b) Five hundred dollars for an employee leasing company

group.

Section 61. Subsections (2), (4), and (5) of section 468.529, Florida Statutes, are amended to read:

468.529 Licensee's insurance; employment tax; benefit plans.—

(2) An initial or renewal license may not be issued to any employee leasing company unless the employee leasing company first files with the department ~~board~~ evidence of workers' compensation coverage for all leased employees in this state. Each employee leasing company shall maintain and make available to its workers' compensation carrier the following information:

(a) The correct name and federal identification number of each client company.

(b) A listing of all covered employees provided to each client company, by classification code.

(c) The total eligible wages by classification code and the premiums due to the carrier for the employees provided to each client company.

(4) An initial or renewal license may not be issued to any employee leasing company unless the employee leasing company first provides evidence to the department ~~board~~, as required by department ~~board~~ rule, that the employee leasing company has paid all of the employee leasing company's obligations for payroll, payroll-related taxes, workers' compensation insurance, and employee benefits. All disputed amounts must be disclosed in

the application.

(5) The provisions of this section are subject to verification by department ~~or board~~ audit.

Section 62. Subsections (3) and (4) of section 468.530, Florida Statutes, are amended to read:

468.530 License, contents; posting.—

(3) A ~~No~~ license is not ~~shall be~~ valid for any person or entity who engages in the business under any name other than that specified in the license. A license issued under this part is ~~shall~~ not ~~be~~ assignable, and a ~~no~~ licensee may not conduct a business under a fictitious name without prior written authorization of the department ~~board~~ to do so. The department ~~board~~ may not authorize the use of a name which is so similar to that of a public officer or agency, or of that used by another licensee, that the public may be confused or misled thereby. A ~~No~~ licensee ~~shall be~~ permitted to conduct business under more than one name unless it has obtained a separate license. A licensee desiring to change its licensed name at any time except upon license renewal shall notify the department ~~board~~ and pay a fee not to exceed $50 for each authorized change of name.

(4) Each employee leasing company or employee leasing company group licensed under this part shall be properly identified in all advertisements, which must include the license number, licensed business name, and other appropriate information in accordance with rules established by the

department ~~board~~.

Section 63. Paragraph (e) of subsection (1) of section 468.531, Florida Statutes, is amended to read:

468.531 Prohibitions; penalties.—

(1) No person or entity shall:

(e) Knowingly give false or forged evidence to the department ~~board~~ or a member thereof; or

Section 64. Section 468.532, Florida Statutes, is amended to read:

468.532 Discipline.—

(1) The following constitute grounds for which disciplinary action against a licensee may be taken by the department ~~board~~:

(a) Being convicted or found guilty of, or entering a plea of nolo contendere to, regardless of adjudication, bribery, fraud, or willful misrepresentation in obtaining, attempting to obtain, or renewing a license.

(b) Being convicted or found guilty of, or entering a plea of nolo contendere to, regardless of adjudication, a crime in any jurisdiction which relates to the operation of an employee leasing business or the ability to engage in business as an employee leasing company.

(c) Being convicted or found guilty of, or entering a plea of nolo contendere to, regardless of adjudication, fraud, deceit, or misconduct in the classification of employees

pursuant to chapter 440.

(d) Being convicted or found guilty of, or entering a plea of nolo contendere to, regardless of adjudication, fraud, deceit, or misconduct in the establishment or maintenance of self-insurance, be it health insurance or workers' compensation insurance.

(e) Being convicted or found guilty of, or entering a plea of nolo contendere to, regardless of adjudication, fraud, deceit, or misconduct in the operation of an employee leasing company.

(f) Conducting business without an active license.

(g) Failing to maintain workers' compensation insurance as required in s. 468.529.

(h) Transferring or attempting to transfer a license issued pursuant to this part.

(i) Violating any provision of this part or any lawful order or rule issued under the provisions of this part or chapter 455.

(j) Failing to notify the department ~~board~~, in writing, of any change of the primary business address or the addresses of any of the licensee's offices in the state.

(k) Having been confined in any county jail, postadjudication, or being confined in any state or federal prison or mental institution, or when through mental disease or deterioration, the licensee can no longer safely be entrusted to

deal with the public or in a confidential capacity.

(l) Having been found guilty for a second time of any misconduct that warrants suspension or being found guilty of a course of conduct or practices which shows that the licensee is so incompetent, negligent, dishonest, or untruthful that the money, property, transactions, and rights of investors, or those with whom the licensee may sustain a confidential relationship, may not safely be entrusted to the licensee.

(m) Failing to inform the department ~~board~~ in writing within 30 days after being convicted or found guilty of, or entering a plea of nolo contendere to, any felony, regardless of adjudication.

(n) Failing to conform to any lawful order of the department ~~board~~.

(o) Being determined liable for civil fraud by a court in any jurisdiction.

(p) Having adverse material final action taken by any state or federal regulatory agency for violations within the scope of control of the licensee.

(q) Failing to inform the department ~~board~~ in writing within 30 days after any adverse material final action by a state or federal regulatory agency.

(r) Failing to meet or maintain the requirements for licensure as an employee leasing company or controlling person.

(s) Engaging as a controlling person any person who is not

licensed as a controlling person by the department ~~board~~.

(t) Attempting to obtain, obtaining, or renewing a license to practice employee leasing by bribery, misrepresentation, or fraud.

(2) When the department ~~board~~ finds any violation of subsection (1), it may do one or more of the following:

(a) Deny an application for licensure.

(b) Permanently revoke, suspend, restrict, or not renew a license.

(c) Impose an administrative fine not to exceed $5,000 for every count or separate offense.

(d) Issue a reprimand.

(e) Place the licensee on probation for a period of time and subject to such conditions as the department ~~board~~ may specify.

(f) Assess costs associated with investigation and prosecution.

(3) Upon revocation or suspension of a license, the licensee must immediately return to the department the license that was revoked or suspended.

(4) The department ~~board~~ shall specify the penalties for any violation of this part.

Section 65. Subsection (1) of section 468.603, Florida Statutes, is amended to read:

468.603 Definitions.—As used in this part:

~~(1) "Board" means the Florida Building Code Administrators and Inspectors Board.~~

Section 66. Section 468.606, Florida Statutes, is amended to read:

468.606 Authority of the department ~~board~~.—The department may ~~board is authorized to~~:

(1) Adopt rules pursuant to ss. 120.536(1) and 120.54 to implement the provisions of this part.

(2) Certify individuals as being qualified under the provisions of this part to be building code administrators, plans examiners, and building code inspectors.

Section 67. Section 468.607, Florida Statutes, is amended to read:

468.607 Certification of building code administration and inspection personnel.—The department ~~board~~ shall issue a certificate to any individual whom the department ~~board~~ determines to be qualified, within such class and level as provided in this part and with such limitations as the department ~~board~~ may place upon it. A ~~No~~ person may not be employed by a state agency or local governmental authority to perform the duties of a building code administrator, plans examiner, or building code inspector after October 1, 1993, without possessing the proper valid certificate issued in accordance with the provisions of this part. Any person who acts as an inspector and plans examiner under s. 1013.37 while

conducting activities authorized by certification under that section is certified to continue to conduct inspections for a local enforcement agency until the person's UBCI certification expires, after which time such person must possess the proper valid certificate issued in accordance with this part.

Section 68. Section 468.613, Florida Statutes, is amended to read:

468.613 Certification by endorsement.—The department ~~board~~ shall examine other certification or training programs, as applicable, upon submission to the department ~~board~~ for its consideration of an application for certification by endorsement. The department ~~board~~ shall waive its examination, qualification, education, or training requirements, to the extent that such examination, qualification, education, or training requirements of the applicant are determined by the department ~~board~~ to be comparable with those established by the department ~~board~~. The department ~~board~~ shall waive its examination, qualification, education, or training requirements if an applicant for certification by endorsement is at least 18 years of age; is of good moral character; has held a valid building administrator, inspector, plans examiner, or the equivalent, certification issued by another state or territory of the United States for at least 10 years before the date of application; and has successfully passed an applicable examination administered by the International Code Council. Such

application must be made either when the license in another state or territory is active or within 2 years after such license was last active.

Section 69. Subsections (5) and (7) of section 468.619, Florida Statutes, are amended to read:

468.619 Building code enforcement officials' bill of rights.—

(5) The enforcement official shall be considered an agent of the governmental entity employing him or her and as such shall be defended by that entity in any action brought by the department ~~or the board~~, provided the enforcement official is working within the scope of his or her employment.

(7) If any action taken against the enforcement official by the department ~~or the board~~ is found to be without merit by a court of competent jurisdiction, or if judgment in such an action is awarded to the enforcement official, the department ~~or the board~~, or the assignee of the department ~~or board~~, shall reimburse the enforcement official or his or her employer, as appropriate, for reasonable legal costs and reasonable attorney's fees incurred. The amount awarded may ~~shall~~ not exceed the limit provided in s. 120.595.

Section 70. Paragraphs (a) and (k) of subsection (1) and subsections (2), (3), and (4) of section 468.621, Florida Statutes, are amended to read:

468.621 Disciplinary proceedings.—

(1) The following acts constitute grounds for which the disciplinary actions in subsection (2) may be taken:

(a) Violating or failing to comply with any provision of this part, or a valid rule or lawful order of the ~~board or~~ department pursuant thereto.

(k) Obstructing an investigation or providing or inducing another to provide forged documents, false forensic evidence, or false testimony to a local or state board or member thereof or to a licensing investigator.

(2) When the department ~~board~~ finds any person guilty of any of the grounds set forth in subsection (1), it may enter an order imposing one or more of the following penalties:

(a) Denial of an application for certification.

(b) Permanent revocation.

(c) Suspension of a certificate.

(d) Imposition of an administrative fine not to exceed $5,000 for each separate offense. Such fine must be rationally related to the gravity of the violation.

(e) Issuance of a reprimand.

(f) Placement of the certificateholder on probation for a period of time and subject to such conditions as the department ~~board~~ may impose, including alteration of performance level.

(g) Satisfactory completion of continuing education.

(h) Issuance of a citation.

(3) Where a certificate is suspended, placed on probation,

or has conditions imposed, the department ~~board~~ shall reinstate the certificate of a disciplined building code administrator, plans examiner, or building code inspector upon proof the disciplined individual has complied with all terms and conditions set forth in the final order.

(4) A ~~No~~ person may not ~~be allowed to~~ apply for certification under this part for a minimum of 5 years after the date of revocation of any certificate issued pursuant to this part. The department ~~board~~ may by rule establish additional criteria for certification following revocation.

Section 71. Subsections (1) and (5) of section 468.627, Florida Statutes, are amended to read:

468.627 Application; examination; renewal; fees.—

(1) The department ~~board~~ shall establish by rule fees to be paid for application, examination, reexamination, certification and certification renewal, inactive status application, and reactivation of inactive certificates. The department ~~board~~ may establish by rule a late renewal penalty. The department ~~board~~ shall establish fees which are adequate, when combined with revenue generated by the provisions of s. 468.631, to ensure the continued operation of this part. Fees shall be based on department estimates of the revenue required to implement this part.

~~(5) The certificateholder shall provide proof, in a form established by board rule, that the certificateholder has~~

~~completed at least 14 classroom hours of at least 50 minutes each of continuing education courses during each biennium since the issuance or renewal of the certificate, including the specialized or advanced coursework approved by the Florida Building Commission, as part of the building code training program established pursuant to s. 553.841, appropriate to the licensing category sought. A minimum of 3 of the required 14 classroom hours must be on state law, rules, and ethics relating to professional standards of practice, duties, and responsibilities of the certificateholder. The board shall by rule establish criteria for approval of continuing education courses and providers, and may by rule establish criteria for accepting alternative nonclassroom continuing education on an hour-for-hour basis.~~

Section 72. Paragraph (d) of subsection (1) of section 468.629, Florida Statutes, is amended to read:

468.629 Prohibitions; penalties.—

(1) No person may:

(d) Give false or forged evidence to the ~~board or the~~ department, or a member, an employee, or an officer thereof, for the purpose of obtaining a certificate.

Section 73. Subsection (1) of section 468.631, Florida Statutes, is amended to read:

468.631 Building Code Administrators and Inspectors Fund.—

(1) This part shall be funded through a surcharge, to be

assessed pursuant to s. 125.56(4) or s. 166.201 at the rate of 1.5 percent of all permit fees associated with enforcement of the Florida Building Code as defined by the uniform account criteria and specifically the uniform account code for building permits adopted for local government financial reporting pursuant to s. 218.32. The minimum amount collected on any permit issued shall be $2. The unit of government responsible for collecting permit fees pursuant to s. 125.56 or s. 166.201 shall collect such surcharge and shall remit the funds to the department on a quarterly calendar basis beginning not later than December 31, 2010, for the preceding quarter, and continuing each third month thereafter; and such unit of government shall retain 10 percent of the surcharge collected to fund the participation of building departments in the national and state building code adoption processes and to provide education related to enforcement of the Florida Building Code. There is created within the Professional Regulation Trust Fund a separate account to be known as the Building Code Administrators and Inspectors Fund, which shall deposit and disburse funds as necessary for the implementation of this part. The proceeds from this surcharge shall be allocated equally to fund the Florida Homeowners' Construction Recovery Fund established by s. 489.140 ~~and the functions of the Building Code Administrators and Inspectors Board~~. The department may transfer excess cash to the Florida Homeowners' Construction Recovery Fund that it

determines is not required to fund the implementation of this part ~~board from the board's account within the Professional Regulation Trust Fund~~. However, the department may not transfer excess cash that would exceed the amount appropriated in the General Appropriations Act, and any amount approved by the Legislative Budget Commission pursuant to s. 216.181, to be used for the payment of claims from the Florida Homeowners' Construction Recovery Fund.

Section 74. Subsection (7) of section 468.8312, Florida Statutes, is amended to read:

468.8312 Fees.—

~~(7) The fee for applications from providers of continuing education may not exceed $500.~~

Section 75. Subsection (1) of section 468.8315, Florida Statutes, is amended to read:

468.8315 Renewal of license.—

(1) The department shall renew a license upon receipt of the renewal application ~~and upon certification by the department that the licensee has satisfactorily completed the continuing education requirements of s. 468.8316~~.

Section 76. Subsection (1) of section 468.8415, Florida Statutes, is amended to read:

468.8415 Renewal of license.—

(1) The department shall renew a license upon receipt of the renewal application ~~and fee and upon certification by the~~

~~department that the licensee has satisfactorily completed the continuing education requirements of s. 468.8416~~.

Section 77. Subsection (2) of section 468.8417, Florida Statutes, is amended to read:

468.8417 Inactive license.—

(2) A license that becomes inactive may be reactivated upon application to the department. ~~The department may prescribe by rule continuing education requirements as a condition of reactivating a license. The rules may not require more than one renewal cycle of continuing education to reactivate a license.~~

Section 78. Paragraph (d) of subsection (1) and paragraph (d) of subsection (2) of section 468.8419, Florida Statutes, are amended to read:

468.8419 Prohibitions; penalties.—

(1) A person may not:

(d) Perform or offer to perform any mold remediation to a structure on which the mold assessor or the mold assessor's company provided a mold assessment within the last 12 months. This paragraph does not apply to a certified contractor who is classified in s. 489.105(2) ~~s. 489.105(3)~~ as a Division I contractor. However, the department may adopt rules requiring that, if such contractor performs the mold assessment and offers to perform the mold remediation, the contract for mold remediation provided to the homeowner discloses that he or she has the right to request competitive bids.

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

(d) Perform or offer to perform any mold assessment to a structure on which the mold remediator or the mold remediator's company provided a mold remediation within the last 12 months. This paragraph does not apply to a certified contractor who is classified in s. 489.105(2) ~~s. 489.105(3)~~ as a Division I contractor. However, the department may adopt rules requiring that, if such contractor performs the mold remediation and offers to perform the mold assessment, the contract for mold assessment provided to the homeowner discloses that he or she has the right to request competitive bids.

Section 79. Subsection (4) of section 469.004, Florida Statutes, is amended to read:

469.004 License; asbestos consultant; asbestos contractor.—

(4) A license issued under this chapter must be renewed every 2 years. ~~Before an asbestos contractor's license may be renewed, the licensee must complete a 1-day course of continuing education during each of the preceding 2 years. Before an asbestos consultant's license may be renewed, the licensee must complete a 2-day course of continuing education during each of the preceding 2 years.~~

Section 80. Subsection (5) of section 469.012, Florida Statutes, is renumbered as subsection (4) and subsection (1) and present subsection (4) of that section are amended, to read:

469.012 Course requirements for onsite supervisors and asbestos abatement workers.—

(1) Each asbestos contractor's onsite supervisor must complete an asbestos contractor/supervisor course of not less than 5 days before ~~prior to~~ engaging in onsite supervision. Such training shall cover the nature of the health risks, the medical effects of exposure, federal and state asbestos laws and regulations, worker protection, and work area protection. ~~Each onsite supervisor must also complete a continuing education course of not less than 1 day in length each year.~~

~~(4) All asbestos abatement workers, including onsite supervisors, must complete, as a condition of renewal of accreditation, such courses of continuing education each year as are approved and required by the department.~~

Section 81. Subsection (1) of section 469.013, Florida Statutes, is amended to read:

469.013 Course requirements for asbestos surveyors, management planners, project monitors, and project designers.—

(1) All asbestos surveyors, management planners, and project monitors must comply with the requirements under ~~set forth in~~ this section before ~~prior to~~ commencing such activities ~~and must also complete the continuing education necessary to~~

~~maintain accreditation each year~~.

(a) Management planners must complete all requirements of s. 469.005(2)(b) and (d).

(b) Asbestos surveyors must complete all requirements of s. 469.005(2)(a).

(c) Project monitors must complete all requirements of s. 469.005(3)(a) and must also complete an asbestos sampling course which is equivalent to NIOSH Course 582.

(d) Project designers must complete all requirements of s. 469.005(2)(d).

Section 82. Paragraph (b) of subsection (2) of section 471.003, Florida Statutes, is amended to read:

471.003 Qualifications for practice; exemptions.—

(2) The following persons are not required to be licensed under the provisions of this chapter as a licensed engineer:

(b)1. A person acting as a public officer employed by any state, county, municipal, or other governmental unit of this state when working on any project the total estimated cost of which is $10,000 or less.

2. Persons who are employees of any state, county, municipal, or other governmental unit of this state and who are the subordinates of a person in responsible charge licensed under this chapter, to the extent that the supervision meets standards adopted by rule of the department ~~board~~.

Section 83. Section 471.0035, Florida Statutes, is amended

to read:

471.0035 Instructors in postsecondary educational institutions; exemption from licensure requirement.—For the sole purpose of teaching the principles and methods of engineering design, notwithstanding the provisions of s. 471.005(6) ~~s. 471.005(7)~~, a person employed by a public postsecondary educational institution, or by an independent postsecondary educational institution licensed or exempt from licensure pursuant to the provisions of chapter 1005, is not required to be licensed under the provisions of this chapter as a professional engineer.

Section 84. Subsections (2) through (12) of section 471.005, Florida Statutes, are renumbered as subsections (1) through (11), respectively, and present subsections (1), (6), and (10) of that section are amended, to read:

471.005 Definitions.—As used in this chapter, the term:

~~(1) "Board" means the Board of Professional Engineers.~~

(6) "Engineer intern" means a person who has graduated from an engineering curriculum approved by the department ~~board~~ and has passed the fundamentals of engineering examination as provided by rules adopted by the department ~~board~~.

(10) "Retired professional engineer" or "professional engineer, retired" means a person who has been duly licensed as a professional engineer by the department ~~board~~ and who chooses to relinquish or not to renew his or her license and applies to

and is approved by the department ~~board~~ to be granted the title "Professional Engineer, Retired."

Section 85. Subsection (1) of section 471.011, Florida Statutes, is amended to read:

471.011 Fees.—

(1) The department ~~board~~ by rule may establish fees to be paid for applications, examination, reexamination, licensing and renewal, inactive status application and reactivation of inactive licenses, and recordmaking and recordkeeping. The department ~~board~~ may also establish by rule a delinquency fee. ~~The board shall establish fees that are adequate to ensure the continued operation of the board.~~ Fees shall be based on department estimates of the revenue required to implement this chapter and the provisions of law with respect to the regulation of engineers.

Section 86. Section 471.013, Florida Statutes, is amended to read:

471.013 Examinations; prerequisites.—

(1)(a) A person shall be entitled to take an examination for the purpose of determining whether she or he is qualified to practice in this state as an engineer if the person is of good moral character and:

1. Is a graduate from an approved engineering science curriculum of 4 years or more in a school, college, or university which has been approved by the department ~~board~~; or

2. Is a graduate of an approved engineering technology curriculum of 4 years or more in a school, college, or university which has been approved by the department ~~board~~.

The department ~~board~~ shall adopt rules providing for the review and approval of schools or colleges and the courses of study in engineering in such schools and colleges. The rules shall be based on the educational requirements for engineering as defined in s. 471.005. The department ~~board~~ may adopt rules providing for the acceptance of the approval and accreditation of schools and courses of study by a nationally accepted accreditation organization.

(b) A person shall be entitled to take the fundamentals examination for the purpose of determining whether she or he is qualified to practice in this state as an engineer intern if she or he is in the final year of, or is a graduate of, an approved engineering curriculum in a school, college, or university approved by the department ~~board~~.

(c) A person may ~~shall~~ not be entitled to take the principles and practice examination until that person has successfully completed the fundamentals examination.

(2)~~(d)~~ The department ~~board~~ shall deem that an applicant who seeks licensure by examination has passed the fundamentals examination when such applicant has received a doctorate degree in engineering from an institution that has an undergraduate

engineering program that is accredited by the Engineering Accreditation Commission of the Accreditation Board for Engineering and Technology, Inc., and has taught engineering full time for at least 3 years, at the baccalaureate level or higher, after receiving that degree.

(3) ~~(c)~~ Every applicant who is qualified to take the fundamentals examination or the principles and practice examination shall be allowed to take either examination three times, notwithstanding the number of times either examination has been previously failed. If an applicant fails either examination three times, the department ~~board~~ shall require the applicant to complete additional college-level education courses or a department-approved ~~board-approved~~ relevant examination review course as a condition of future eligibility to take that examination. If the applicant is delayed in taking the examination due to reserve or active duty service in the United States Armed Forces or National Guard, the applicant is allowed an additional two attempts to take the examination before the department ~~board~~ may require additional college-level education or review courses.

(4) ~~(2)~~ (a) The department ~~board~~ may refuse to certify an applicant for failure to satisfy the requirement of good moral character only if:

1. There is a substantial connection between the lack of good moral character of the applicant and the professional

responsibilities of a licensed engineer; and

2. The finding by the department ~~board~~ of lack of good moral character is supported by clear and convincing evidence.

(b) When an applicant is found to be unqualified for a license because of a lack of good moral character, the department ~~board~~ shall furnish the applicant a statement containing the findings of the department ~~board~~, a complete record of the evidence upon which the determination was based, and a notice of the rights of the applicant to a rehearing and appeal.

Section 87. Section 471.017, Florida Statutes, is amended to read:

471.017 Renewal of license.—

(1) The department ~~management corporation~~ shall renew a license upon receipt of the renewal application and fee.

(2) The department ~~board~~ shall adopt rules establishing a procedure for the biennial renewal of licenses.

~~(3)(a) The board shall require a demonstration of continuing professional competency of engineers as a condition of license renewal or relicensure. Every licensee must complete 9 continuing education hours for each year of the license renewal period, totaling 18 continuing education hours for the license renewal period. For each renewal period for such continuing education:~~

~~1. One hour must relate to this chapter and the rules~~

~~adopted under this chapter.~~

~~2. One hour must relate to professional ethics.~~

~~3. Four hours must relate to the licensee's area of practice.~~

~~4. The remaining hours may relate to any topic pertinent to the practice of engineering.~~

~~Continuing education hours may be earned by presenting or attending seminars, in-house or nonclassroom courses, workshops, or professional or technical presentations made at meetings, webinars, conventions, or conferences, including those presented by vendors with specific knowledge related to the licensee's area of practice. Up to 4 hours may be earned by serving as an officer or actively participating on a committee of a board-recognized professional or technical engineering society. The 2 required continuing education hours relating to this chapter, the rules adopted pursuant to this chapter, and ethics may be earned by serving as a member of the Legislature or as an elected state or local official. The hours required pursuant to s. 471.0195 may apply to any requirements of this section except for those required under subparagraph 1.~~

~~(b) The board shall adopt rules that are substantially consistent with the most recent published version of the Continuing Professional Competency Guidelines of the National Council of Examiners for Engineering and Surveying, and shall~~

~~allow nonclassroom hours to be credited. The board may, by rule, exempt from continuing professional competency requirements retired professional engineers who no longer sign and seal engineering documents and licensees in unique circumstances that severely limit opportunities to obtain the required continuing education hours.~~

Section 88. Subsections (1) and (2) of section 471.021, Florida Statutes, are amended to read:

471.021 Engineers and firms of other states; temporary registration to practice in Florida.—

(1) Upon approval of the department ~~board~~ and payment of the fee set in s. 471.011, the department ~~management corporation~~ shall issue a temporary registration for work on one specified project in this state for a period not to exceed 1 year to an engineer holding a certificate to practice in another state, provided Florida licensees are similarly permitted to engage in work in such state and provided that the engineer be qualified for licensure by endorsement.

(2) Upon approval by the department ~~board~~ and payment of the fee set in s. 471.011, the department ~~management corporation~~ shall issue a temporary registration for work on one specified project in this state for a period not to exceed 1 year to an out-of-state corporation, partnership, or firm, provided one of the principal officers of the corporation, one of the partners of the partnership, or one of the principals in the fictitiously

named firm has obtained a temporary registration in accordance with subsection (1).

Section 89. Subsection (4) of section 471.023, Florida Statutes, is amended to read:

471.023 Qualification of business organizations.—

(4) Each qualifying agent of a business organization qualified under this section must notify the department ~~board~~ within 30 days after any change in the information contained in the application upon which the qualification is based.

(a) A qualifying agent who terminates an affiliation with a qualified business organization shall notify the department ~~management corporation~~ of such termination within 24 hours. If such qualifying agent is the only qualifying agent for that business organization, the business organization must be qualified by another qualifying agent within 60 days after the termination. Except as provided in paragraph (b), the business organization may not engage in the practice of engineering until it is qualified by another qualifying agent.

(b) In the event a qualifying agent ceases employment with a qualified business organization and the qualifying agent is the only licensed individual affiliated with the business organization, the executive director of the department ~~management corporation or the chair of the board~~ may authorize another licensee employed by the business organization to temporarily serve as its qualifying agent for a period of no

more than 60 days to proceed with incomplete contracts. The business organization is not authorized to operate beyond such period under this chapter absent replacement of the qualifying agent.

(c) A qualifying agent shall notify the department in writing before engaging in the practice of engineering in the licensee's name or in affiliation with a different business organization.

Section 90. Subsections (1) and (2) of section 471.025, Florida Statutes, are amended to read:

471.025 Seals.—

(1) The department ~~board~~ shall prescribe, by rule, one or more forms of seal to be used by licensees. Each licensee shall obtain at least one seal in the form approved by rule of the department ~~board~~ and may, in addition, register his or her seal electronically in accordance with ss. 668.001-668.006. All final drawings, specifications, plans, reports, or documents prepared or issued by the licensee and being filed for public record and all final documents provided to the owner or the owner's representative shall be signed by the licensee, dated, and sealed with said seal. Such signature, date, and seal shall be evidence of the authenticity of that to which they are affixed. Drawings, specifications, plans, reports, final documents, or documents prepared or issued by a licensee may be transmitted electronically and may be signed by the licensee, dated, and

sealed electronically with said seal in accordance with ss. 668.001-668.006.

(2) It is unlawful for any person to seal or digitally sign any document with a seal or digital signature after his or her license has expired or been revoked or suspended, unless such license has been reinstated or reissued. When an engineer's license has been revoked or suspended by the department ~~board~~, the licensee shall, within a period of 30 days after the revocation or suspension has become effective, surrender his or her seal to the executive director of the department ~~board~~ and confirm to the department ~~executive director~~ the cancellation of the licensee's digital signature in accordance with ss. 668.001-668.006. In the event the engineer's license has been suspended for a period of time, his or her seal shall be returned to him or her upon expiration of the suspension period.

Section 91. Paragraphs (b) and (d) of subsection (1) of section 471.031, Florida Statutes, are amended to read:

471.031 Prohibitions; penalties.—

(1) A person may not:

(b)1. Except as provided in subparagraph 2. or subparagraph 3., use the name or title "professional engineer" or any other title, designation, words, letters, abbreviations, or device tending to indicate that such person holds an active license as an engineer when the person is not licensed under this chapter, including, but not limited to, the following

titles: "agricultural engineer," "air-conditioning engineer," "architectural engineer," "building engineer," "chemical engineer," "civil engineer," "control systems engineer," "electrical engineer," "environmental engineer," "fire protection engineer," "industrial engineer," "manufacturing engineer," "mechanical engineer," "metallurgical engineer," "mining engineer," "minerals engineer," "marine engineer," "nuclear engineer," "petroleum engineer," "plumbing engineer," "structural engineer," "transportation engineer," "software engineer," "computer hardware engineer," or "systems engineer."

2. Any person who is exempt from licensure under s. 471.003(2)(j) may use the title or personnel classification of "engineer" in the scope of his or her work under that exemption if the title does not include or connote the term "professional engineer," "registered engineer," "licensed engineer," "registered professional engineer," or "licensed professional engineer."

3. Any person who is exempt from licensure under s. 471.003(2)(c) or (e) may use the title or personnel classification of "engineer" in the scope of his or her work under that exemption if the title does not include or connote the term "professional engineer," "registered engineer," "licensed engineer," "registered professional engineer," or "licensed professional engineer" and if that person is a graduate from an approved engineering curriculum of 4 years or

more in a school, college, or university which has been approved by the department ~~board~~.

(d) Give false or forged evidence to the department ~~board~~ or a member thereof.

Section 92. Paragraphs (a) and (k) of subsection (1) and subsections (2), (3), and (4) of section 471.033, Florida Statutes, are amended to read:

471.033 Disciplinary proceedings.—

(1) The following acts constitute grounds for which the disciplinary actions in subsection (3) may be taken:

(a) Violating any provision of s. 455.227(1), s. 471.025, or s. 471.031, or any other provision of this chapter or rule of the ~~board or~~ department.

(k) Violating any order of the ~~board or~~ department previously entered in a disciplinary hearing.

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

(3) When the department ~~board~~ finds any person guilty of any of the grounds set forth in subsection (1), it may enter an order imposing one or more of the following penalties:

(a) Denial of an application for licensure.

(b) Revocation or suspension of a license.

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

(d) Issuance of a reprimand.

(e) Placement of the licensee on probation for a period of time and subject to such conditions as the department ~~board~~ may specify.

(f) Restriction of the authorized scope of practice by the licensee.

(g) Restitution.

(4) The department ~~management corporation~~ shall reissue the license of a disciplined engineer or business upon certification by the department ~~board~~ that the disciplined person has complied with all of the terms and conditions set forth in the final order.

Section 93. Section 471.045, Florida Statutes, is amended to read:

471.045 Professional engineers performing building code inspector duties.—Notwithstanding any other provision of law, a person who is currently licensed under this chapter to practice as a professional engineer may provide building code inspection services described in s. 468.603(4) and (7) ~~s. 468.603(5) and (8)~~ to a local government or state agency upon its request, without being certified by the Florida Building Code Administrators and Inspectors licensing program ~~Board~~ under part XII of chapter 468. When performing these building code inspection services, the professional engineer is subject to the disciplinary guidelines of this chapter and s. 468.621(1)(c)-(h). Any complaint processing, investigation, and discipline

that arise out of a professional engineer's performing building code inspection services shall be conducted by the department ~~Board of Professional Engineers rather than the Florida Building Code Administrators and Inspectors Board~~. A professional engineer may not perform plans review as an employee of a local government upon any job that the professional engineer or the professional engineer's company designed.

Section 94. Subsections (1), (2), and (5) of section 471.055, Florida Statutes, are amended to read:

471.055 Structural Engineering Recognition Program for Professional Engineers.—

(1) The department ~~board~~ shall establish the Structural Engineering Recognition Program for Professional Engineers to recognize professional engineers who specialize in structural engineering and have gone above and beyond the required minimum professional engineer licensing standards. The department ~~board~~ shall establish minimum requirements to receive recognition through the program. The department ~~board~~ must recognize any licensed professional engineer who has successfully passed the National Council of Examiners for Engineering and Surveying Structural Engineering 16-hour PE Structural examination or any other examination approved by the department ~~board~~. In addition, the department ~~board~~ may recognize any licensed professional engineer who specializes in structural engineering based on alternative criteria determined by the department ~~board~~.

(2) Upon application to the department ~~board~~, a professional engineer who has the minimum program requirements shall be recognized as a professional engineer who has gone above and beyond in the field of structural engineering. The department ~~board~~ may not collect a fee for such application or for recognition by the program.

(5) The department ~~board~~ shall adopt rules to implement this section.

Section 95. Subsection (1) of section 472.005, Florida Statutes, is amended to read:

472.005 Definitions.—As used in ss. 472.001-472.037:

(1) ~~"Board" means the Board of Professional Surveyors and Mappers.~~

Section 96. Subsections (2) through (9) of section 473.302, Florida Statutes, are renumbered as subsections (1) through (8), respectively, and subsection (1), paragraph (c) of present subsection (8), and present subsection (9) of that section are amended, to read:

473.302 Definitions.—As used in this chapter, the term:

~~(1) "Board" means the Board of Accountancy.~~

(7)~~(8)~~ "Practice of," "practicing public accountancy," or "public accounting" means:

(c) Offering to perform or performing for the public one or more types of service involving the preparation of financial statements not included within paragraph (a), by a certified

public accountant who holds an active license, issued pursuant to this chapter, or who is authorized to practice public accounting pursuant to the practice privileges granted in s. 473.3141; by a firm of certified public accountants; or by a firm in which a certified public accountant has an ownership interest, including the performance of such services in the employ of another person. The department ~~board~~ shall adopt rules establishing standards of practice for such reports and financial statements; provided, however, that nothing in this paragraph shall be construed to permit the department ~~board~~ to adopt rules that have the result of prohibiting Florida certified public accountants employed by unlicensed firms from preparing financial statements as authorized by this paragraph; or

(9) "Uniform Accountancy Act" means the Uniform Accountancy Act, Eighth Edition, dated January 2018 and published by the American Institute of Certified Public Accountants and the National Association of State Boards of Accountancy.

However, these terms may ~~shall~~ not include services provided by the American Institute of Certified Public Accountants or the Florida Institute of Certified Public Accountants, or any full service association of certified public accounting firms whose plans of administration have been approved by the department

~~board~~, to their members or services performed by these entities in reviewing the services provided to the public by members of these entities.

Section 97. Section 473.3035, Florida Statutes, is amended to read:

473.3035 Division of Certified Public Accounting.—

(1) All services concerning this chapter, including, but not limited to, recordkeeping services, examination services, legal services, and investigative services, and those services in chapter 455 necessary to perform the duties of this chapter shall be provided by the Division of Certified Public Accounting. The department ~~board~~ may~~, by majority vote,~~ delegate a duty or duties to the appropriate division within the department. The department ~~board~~ may~~, by majority vote,~~ rescind any such delegation of duties at any time.

(2) The Division of Certified Public Accounting shall be funded by fees and assessments of the department ~~board~~, and funds collected by the department ~~board~~ shall be used only to fund public accounting regulation. Funding for the Division of Certified Public Accounting shall be governed by ss. 215.37 and 455.219.

Section 98. Section 473.304, Florida Statutes, is amended to read:

473.304 Rules of department ~~board~~; powers and duties; legal services.—

(1) The department ~~board~~ shall adopt rules pursuant to ss. 120.536(1) and 120.54 to implement the provisions of this act. Every certified public accountant and firm shall be governed and controlled by this act and the rules adopted by the department ~~board~~.

(2) Subject to the prior approval of the Attorney General, the department ~~board~~ may retain independent legal counsel to provide legal advice to the department ~~board~~ on a specific matter.

(3) An attorney employed or used by the department ~~board~~ may not both prosecute a matter and provide legal services to the department ~~board~~ with respect to the same matter.

Section 99. Section 473.305, Florida Statutes, is amended to read:

473.305 Fees.—The department ~~board~~, by rule, may establish fees to be paid for applications, examination, reexamination, licensing and renewal, reinstatement, and recordmaking and recordkeeping. The fee for the examination shall be established at an amount that covers the costs for the procurement or development, administration, grading, and review of the examination. The fee for the examination is refundable if the applicant is found to be ineligible to sit for the examination. The fee for initial application is nonrefundable, and the combined fees for application and examination may not exceed $250 plus the actual per applicant cost to the department for

purchase of the examination from the American Institute of Certified Public Accountants or a similar national organization. The biennial renewal fee may not exceed $250. The department ~~board~~ may also establish, by rule, a reactivation fee, and a delinquency fee not to exceed $50 for continuing professional education reporting forms. The department ~~board~~ shall establish fees which are adequate to ensure the continued operation of the department ~~board~~ and to fund the proportionate expenses incurred by the department which are allocated to the regulation of public accountants. Fees shall be based on department estimates of the revenue required to implement this chapter and the provisions of law with respect to the regulation of certified public accountants.

Section 100. Paragraph (b) of subsection (3) and subsections (4), (5), and (6) of section 473.306, Florida Statutes, are amended to read:

473.306 Examinations.—

(3) An applicant is entitled to take the licensure examination to practice in this state as a certified public accountant if:

(b) The applicant shows that she or he has good moral character. For purposes of this paragraph, the term "good moral character" has the same meaning as provided in s. 473.308(6)(a) ~~s. 473.308(7)(a)~~. The department ~~board~~ may refuse to allow an applicant to take the licensure examination for failure to

satisfy this requirement if:

1. The department ~~board~~ finds a reasonable relationship between the lack of good moral character of the applicant and the professional responsibilities of a certified public accountant; and

2. The finding by the department ~~board~~ of lack of good moral character is supported by competent substantial evidence.

If an applicant is found pursuant to this paragraph to be unqualified to take the licensure examination because of a lack of good moral character, the department ~~board~~ shall furnish to the applicant a statement containing the findings of the department ~~board~~, a complete record of the evidence upon which the determination was based, and a notice of the rights of the applicant to a rehearing and appeal.

(4) The department ~~board~~ shall have the authority to establish the standards for determining and shall determine:

(a) What constitutes a passing grade for each subject or part of the licensure examination;

(b) Which educational institutions, in addition to the universities in the State University System of Florida, shall be deemed to be accredited colleges or universities;

(c) What courses and number of hours constitute a major in accounting; and

(d) What courses and number of hours constitute additional

accounting courses acceptable under s. 473.308(4).

(5) The department ~~board~~ may adopt an alternative licensure examination for persons who have been licensed to practice public accountancy or its equivalent in a foreign country so long as the International Qualifications Appraisal Board of the National Association of State Boards of Accountancy has ratified an agreement with that country for reciprocal licensure.

(6) For the purposes of maintaining the proper educational qualifications for licensure under this chapter, the department ~~board~~ may appoint an Educational Advisory Committee, which shall be composed of one member of the department ~~board~~, two persons in public practice who are licensed under this chapter, and four academicians on faculties of universities in this state.

Section 101. Subsections (1), (2), and (3) of section 473.309, Florida Statutes, are amended to read:

473.309 Practice requirements for partnerships, corporations, and limited liability companies; business entities practicing public accounting.—

(1) A partnership may not engage in the practice of public accounting, as defined in s. 473.302(7)(a) ~~s. 473.302(8)(a)~~, or meet the requirements of s. 473.3101(1)(b), unless:

(a) It is a form of partnership recognized by Florida law.

(b) Partners owning at least 51 percent of the financial interest and voting rights of the partnership are certified

public accountants in some state. However, each partner who is a certified public accountant in another state and is domiciled in this state must be a certified public accountant of this state and hold an active license.

(c) At least one general partner is a certified public accountant of this state and holds an active license or, in the case of a firm that must have a license pursuant to s. 473.3101(1)(c), at least one general partner is a certified public accountant in some state and meets the requirements of s. 473.3141(1) ~~s. 473.3141(1)(a) or (b)~~.

(d) All partners who are not certified public accountants in any state are engaged in the business of the partnership as their principal occupation.

(e) It is in compliance with rules adopted by the department ~~board~~ pertaining to minimum capitalization, letters of credit, and adequate public liability insurance.

(2) A corporation may not engage in the practice of public accounting, as defined in s. 473.302(7)(a) ~~s. 473.302(8)(a)~~, or meet the requirements of s. 473.3101(1)(b), unless:

(a) It is a corporation duly organized in this or some other state.

(b) Shareholders of the corporation owning at least 51 percent of the financial interest and voting rights of the corporation are certified public accountants in some state and are principally engaged in the business of the corporation.

However, each shareholder who is a certified public accountant in another state and is domiciled in this state must be a certified public accountant of this state and hold an active license.

(c) The principal officer of the corporation is a certified public accountant in some state.

(d) At least one shareholder of the corporation is a certified public accountant and holds an active license in this state or, in the case of a firm that must have a license pursuant to s. 473.3101(1)(c), at least one shareholder is a certified public accountant in some state and meets the requirements of s. 473.3141(1) ~~s. 473.3141(1)(a) or (b)~~.

(e) All shareholders who are not certified public accountants in any state are engaged in the business of the corporation as their principal occupation.

(f) It is in compliance with rules adopted by the department ~~board~~ pertaining to minimum capitalization, letters of credit, and adequate public liability insurance.

(3) A limited liability company may not engage in the practice of public accounting, as defined in s. 473.302(7)(a) ~~s. 473.302(8)(a)~~, or meet the requirements of s. 473.3101(1)(b), unless:

(a) It is a limited liability company duly organized in this or some other state.

(b) Members of the limited liability company owning at

least 51 percent of the financial interest and voting rights of the company are certified public accountants in some state. However, each member who is a certified public accountant in some state and is domiciled in this state must be a certified public accountant of this state and hold an active license.

(c) At least one member of the limited liability company is a certified public accountant and holds an active license in this state or, in the case of a firm that must have a license pursuant to s. 473.3101(1)(c), at least one member is a certified public accountant in some state and meets the requirements of s. 473.3141(1) ~~s. 473.3141(1)(a) or (b)~~.

(d) All members who are not certified public accountants in any state are engaged in the business of the company as their principal occupation.

(e) It is in compliance with rules adopted by the department ~~board~~ pertaining to minimum capitalization, letters of credit, and adequate public liability insurance.

(f) It is currently licensed as required by s. 473.3101.

Section 102. Subsections (1) and (4) of section 473.3101, Florida Statutes, are amended to read:

473.3101 Licensure of firms or public accounting firms.—

(1) The following must hold a license issued under this section:

(a) Any firm with an office in this state which performs services as defined in s. 473.302(7)(a) ~~s. 473.302(8)(a)~~;

(b) Any firm with an office in this state which uses the title "CPA," "CPA firm," or any other title, designation, words, letters, abbreviations, or device tending to indicate that it is a CPA firm. The department ~~board~~ shall define by rule what constitutes a CPA firm; or

(c)1. Any firm that does not have an office in this state but performs the services described in s. 473.3141(4) for a client having its home office in this state, unless it:

a. Complies with the qualifications described in s. 473.309.

b. Is enrolled in a peer review program pursuant to s. 473.3125(4).

c. Performs services through an individual with practice privileges under s. 473.3141.

d. Lawfully performs services in a state where an individual with practice privileges granted under s. 473.3141 has his or her principal place of business.

2. The department ~~board~~ shall define by rule what constitutes an office.

(4) The department ~~board~~ shall determine whether the firm or public accounting firm meets the requirements for practice and, pending that determination, may certify to the department the firm or public accounting firm for provisional licensure.

Section 103. Subsection (1) of section 473.311, Florida Statutes, is amended to read:

473.311 Renewal of license.—

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

~~(b) A nonresident licensee seeking renewal of a license in this state shall be determined to have met the continuing education requirements in s. 473.312, except for the requirements in s. 473.312(1)(c), if the licensee has complied with the continuing education requirements applicable in the state in which his or her office is located. If the state in which the nonresident licensee's office is located has no continuing education requirements for license renewals, the nonresident licensee must comply with the continuing education requirements in s. 473.312.~~

Section 104. Paragraph (a) of subsection (1), and subsections (2), (3), and (4) of section 473.3125, Florida Statutes, are amended to read:

473.3125 Peer review.—

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

(a) "Licensee" means a licensed firm or public accounting firm as defined in s. 473.302 ~~s. 473.302(7)~~ and engaged in the practice of public accounting as defined in s. 473.302(7)(a) ~~s. 473.302(8)(a)~~ that is required to be licensed under s. 473.3101.

(2) The department ~~board~~ shall adopt rules establishing minimum standards for peer review programs, including, but not limited to, standards for administering, performing, and reporting peer reviews. The department ~~board~~ shall also adopt rules establishing minimum criteria for the department's ~~board's~~ approval of one or more organizations that facilitate and administer peer review programs.

(3) For the purposes of maintaining oversight of the license renewal requirements of s. 473.311(2), the department ~~board~~ may establish a peer review oversight committee, which shall be composed of at least three, but no more than five, members who are licensed under this chapter and whose firms are subject to s. 473.311(2) and have received a review rating of "pass" on the most recent peer review.

(4) Effective January 1, 2015, a licensed firm or public accounting firm as defined in s. 473.302 ~~s. 473.302(7)~~ and licensed under s. 473.3101 and engaged in the practice of public accounting as defined in s. 473.302(7)(a) ~~s. 473.302(8)(a)~~, except for the performance of compilations and reviews as those terms are defined by the department ~~board~~, must be enrolled in a peer review program.

Section 105. Section 473.313, Florida Statutes, is amended to read:

473.313 Inactive status; retired status.—

(1) A Florida certified public accountant may request that

her or his license be placed in an inactive status by making application to the department. The department ~~board~~ may prescribe by rule fees for placing a license on inactive status, renewal of inactive status, and reactivation of an inactive license.

~~(a) A license that has become inactive under this subsection or for failure to complete the requirements in s. 473.312 may be reactivated under s. 473.311 upon application to the department. The board may prescribe by rule continuing education requirements as a condition of reactivating a license. The maximum continuing education requirements for reactivating a license are 120 hours, including at least 30 hours in accounting-related and auditing-related subjects, not more than 30 hours in behavioral subjects, and a minimum of 8 hours in ethics subjects approved by the board, for the reactivation of a license that is inactive or delinquent.~~

~~(b) A license that is delinquent for failure to report completion of the requirements in s. 473.312 may be reactivated under s. 473.311 upon application to the department. Reactivation requires the payment of an application fee as determined by the board and certification by the Florida certified public accountant that the applicant satisfactorily completed the continuing education requirements set forth under s. 473.311. If the license is delinquent on January 1 because of failure to report completed continuing education requirements,~~

~~the applicant must submit a complete application to the board by March 15 immediately after the delinquent period.~~

(a) ~~(c)~~ Any Florida certified public accountant holding an inactive license may be permitted to reactivate such license in a conditional manner. The conditions of reactivation shall require the payment of fees ~~and the completion of required continuing education~~.

(b) ~~(d)~~ Notwithstanding ~~the provisions of~~ s. 455.271, the department ~~board~~ may, at its discretion, reinstate the license of an individual whose license has become null and void if the individual has made a good faith effort to comply with this section but has failed to comply because of illness or unusual hardship. The individual shall apply to the department ~~board~~ for reinstatement in a manner prescribed by rules of the department ~~board~~ and shall pay an application fee in an amount determined by rule of the department ~~board~~. The department ~~board~~ shall require that the individual ~~meet all continuing education requirements as provided in paragraph (a),~~ pay appropriate licensing fees~~,~~ and otherwise be eligible for renewal of licensure under this chapter.

(2) A Florida certified public accountant who is at least 65 years of age, currently holds an active or inactive license in good standing under this chapter, and is not the subject of any sanction or disciplinary action may request that her or his license be placed on retired status by making application to the

department. The department ~~board~~ may prescribe by rule the application for placing a license on retired status, which must state that the applicant has no association with accounting or any of the services described in s. 473.302 ~~s. 473.302(8)~~. If a licensee who has been granted retired status reenters the workforce in a position that has an association with accounting or any of the services described in s. 473.302 ~~s. 473.302(8)~~, the licensee automatically loses her or his retired status.

(a) A retired licensee may, without losing her or his retired status, ~~serve without compensation on a board of directors or board of trustees,~~ provide volunteer tax preparation services, participate in a government-sponsored business mentoring program such as the Internal Revenue Service's Volunteer Income Tax Assistance program or the Small Business Administration's SCORE program, or participate in an advisory role for a similar charitable, civic, or other non-profit organization.

(b) The department ~~board~~ shall require a retired licensee to affirm in writing her or his understanding of the limited types of activities in which she or he may engage while in retired status and that she or he has a professional duty to ensure that she or he holds the professional competencies necessary to participate in such activities.

(c) A retired licensee may accept routine reimbursement for actual costs of travel and meals associated with volunteer

services or de minimis per diem amounts paid to the licensee to cover such expenses as allowed by law.

(d) A retired licensee may use the title of "retired CPA" on any business card or letterhead or any other printed or electronic document. However, such title must not be applied in such a manner that could confuse the public as to the current status of the licensee. The licensee is not required to have a certificate issued with the word "retired" on the certificate.

~~(e) A retired licensee is not required to maintain the continuing education requirements under s. 473.312.~~

(e)~~(f)~~ A retired licensee may not offer or render professional services that require her or his signature and the use of the CPA title, regardless of whether "retired" is attached to such title.

(f)~~(g)~~ A retired licensee may be permitted to reactivate her or his license in a conditional manner as determined by the department ~~board~~. The conditions of reactivation must require the payment of fees ~~and the completion of required continuing education~~. The department ~~board~~ may prescribe by rule an application for reactivating a license placed on retired status ~~and continuing education requirements as a condition of reactivating a license placed on retired status~~. ~~The minimum continuing education requirements for reactivating a license placed on retired status are those of the most recent biennium plus one-half of the requirements in s. 473.312 for each~~

~~biennium or part thereof during which the license was on retired status.~~

For the purposes of this subsection, the term "retired licensee" means a licensee whose license has been placed in retired status by the department.

Section 106. Subsections (1), (2), and (4) of section 473.314, Florida Statutes, are amended to read:

473.314 Temporary license.—

(1) The department ~~board~~ shall adopt rules providing for the issuance of temporary licenses to certified public accountants or firms of other states who do not meet the requirements of s. 473.3141, for the purpose of enabling them or their employees to perform specific engagements involving the practice of public accountancy in this state. No temporary license shall be valid for more than 90 days after its issuance, and no license shall cover more than one engagement. After the expiration of 90 days, a new license shall be required.

(2) Each application for a temporary license shall state the names of all persons who are to enter this state and shall be accompanied by a fee in an amount established by the department ~~board~~ not to exceed $400.

(4) Upon certification of the applicant by the department ~~board~~, the department shall issue a temporary license to the applicant.

Section 107. Subsections (3) and (4) of section 473.315, Florida Statutes, are amended to read:

473.315 Independence, technical standards.—

(3) The department ~~board~~ shall adopt rules establishing the standards of practice of public accounting, including, but not limited to, independence, competence, and technical standards.

(4) Attorneys who are admitted to practice law by the Supreme Court of Florida are exempt from the standards of practice of public accounting as defined in s. 473.302(7)(b) and (c) ~~s. 473.302(8)(b) and (c)~~ when such standards conflict with the rules of The Florida Bar or orders of the Florida Supreme Court.

Section 108. Subsections (5) and (6) of section 473.316, Florida Statutes, are amended to read:

473.316 Communications between the accountant and client privileged.—

(5) Communications are not privileged from disclosure in any disciplinary investigation or proceeding conducted pursuant to this act by the department or before the department ~~board~~ or in any judicial review of such a proceeding. In any such proceeding, a certified public accountant or public accountant, without the consent of her or his client, may testify with respect to any communication between the accountant and the accountant's client or be compelled, pursuant to a subpoena of

the department ~~or the board~~, to testify or produce records, books, or papers. Such a communication disclosed to the department ~~board~~ and records of the department ~~board~~ relating to the communication shall for all other purposes and proceedings be a privileged communication in all of the courts of this state.

(6) The proceedings, records, and workpapers of a review committee are privileged and are not subject to discovery, subpoena, or other means of legal process or to introduction into evidence in a civil action or arbitration, administrative proceeding~~, or state accountancy board proceeding~~. A member of a review committee or person who was involved in a quality review may not testify in a civil action or arbitration, administrative proceeding~~, or state accountancy board proceeding~~ as to any matter produced or disclosed during the quality review or as to any findings, recommendations, evaluations, opinions, or other actions of the review committee or any members thereof. Public records and materials prepared for a particular engagement are not privileged merely because they were presented during the quality review. This privilege does not apply to disputes between a review committee and a person subject to a quality review.

Section 109. Section 473.319, Florida Statutes, is amended to read:

473.319 Contingent fees.—Public accounting services as

defined in s. 473.302(7)(a) and (c) ~~s. 473.302(8)(a) and (c)~~, and those that include tax filings with federal, state, or local government, may ~~shall~~ not be offered or rendered for a fee contingent upon the findings or results of such service. This section does not apply to services involving federal, state, or other taxes in which the findings are those of the tax authorities and not those of the certified public accountant or firm. Fees to be fixed by courts or other public authorities, which are of an indeterminate amount at the time a public accounting service is undertaken, may ~~shall~~ not be regarded as contingent fees for purposes of this section.

Section 110. Section 473.3205, Florida Statutes, is amended to read:

473.3205 Commissions or referral fees.—A certified public accountant or firm may not accept or pay a commission or referral fee in connection with the sale or referral of public accounting services as defined in s. 473.302(7)(a) and (c) ~~s. 473.302(8)(a) and (c)~~. Any certified public accountant or firm that is engaged in the practice of public accounting and that accepts a commission for the sale of a product or service to a client must disclose that fact to the client in writing in accordance with rules adopted by the department ~~board~~. However, this section may ~~shall~~ not prohibit:

(1) Payments for the purchase of an accounting practice;

(2) Retirement payments to individuals formerly engaged in

the practice of public accounting or payments to their heirs or estates; or

(3) Payment of fees to a referring certified public accountant or firm for public accounting services to the successor certified public accountant or firm or the client in connection with an engagement.

Section 111. Subsection (3) of section 473.321, Florida Statutes, is amended to read:

473.321 Fictitious names.—

(3) The department ~~board~~ shall adopt rules for interpretation of this section.

Section 112. Paragraphs (c) and (e) of subsection (1) of section 473.322, Florida Statutes, are amended to read:

473.322 Prohibitions; penalties.—

(1) A person may not knowingly:

(c) Perform or offer to perform any services described in s. 473.302(7)(a) or (d) ~~s. 473.302(8)(a) or (d)~~ unless such person holds an active license under this chapter and is a licensed firm, provides such services through a licensed firm, or complies with ss. 473.3101 and 473.3141. This paragraph does not prohibit the performance by persons other than certified public accountants of other services involving the use of accounting skills, including the preparation of tax returns and the preparation of financial statements without expression of opinion thereon;

(e) Give false or forged evidence to the department ~~board or a member thereof~~;

Section 113. Paragraph (m) of subsection (1) and subsections (2), (3), and (4) of section 473.323, Florida Statutes, are amended to read:

473.323 Disciplinary proceedings.—

(1) The following acts constitute grounds for which the disciplinary actions in subsection (3) may be taken:

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

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

(3) When the department ~~board~~ finds any certified public accountant or firm guilty of any of the grounds set forth in subsection (1), it may enter an order imposing one or more of the following penalties:

(a) Denial of an application for licensure.

(b) Revocation or suspension of the certified public accountant or firm's license or practice privileges in this state.

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

(d) Issuance of a reprimand.

(e) Placement of the certified public accountant on

probation for a period of time and subject to such conditions as the department ~~board~~ may specify, including requiring the certified public accountant to attend continuing education courses or to work under the supervision of another licensee.

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

(4) The department shall reissue the license of a disciplined licensee upon certification by the department ~~board~~ that the disciplined licensee has complied with all of the terms and conditions set forth in the final order.

Section 114. Subsections (2) of section 474.202, Florida Statutes, is amended to read:

474.202 Definitions.—As used in this chapter:

~~(2) "Board" means the Board of Veterinary Medicine.~~

Section 115. Subsection (3) of section 474.2021, Florida Statutes, is amended to read:

474.2021 Veterinary telehealth.—

(3) The department ~~board~~ has jurisdiction over a veterinarian practicing veterinary telehealth, regardless of where the veterinarian's physical office is located. The practice of veterinary medicine is deemed to occur when the veterinarian, the patient, or both are located within this state at the time the veterinarian practices veterinary telehealth.

Section 116. Section 474.2065, Florida Statutes, is amended to read:

474.2065 Fees.—The department ~~board~~, by rule, shall establish fees for application and examination, reexamination, license renewal, inactive status, renewal of inactive status, license reactivation, periodic inspection of veterinary establishments, and duplicate copies of licenses, certificates, and permits. The fee for the initial application and examination may not exceed $650 plus the actual per applicant cost to the department for purchase of portions of the examination from the Professional Examination Service for the American Veterinary Medical Association or a similar national organization. The fee for licensure by endorsement may not exceed $500. The fee for temporary licensure may not exceed $200. The department ~~board~~ shall establish fees that are adequate to ensure its continued operation and to fund the proportionate expenses incurred by the department which are allocated to the regulation of veterinarians. Fees shall be based on departmental estimates of the revenue required to administer this chapter and the provisions relating to the regulation of veterinarians.

Section 117. Subsections (1) through (4) of section 474.207, Florida Statutes, are amended to read:

474.207 Licensure by examination.—

(1) Any person desiring to be licensed as a veterinarian shall apply to the department to take a licensure examination. The department ~~board~~ may by rule adopt use of a national examination in lieu of part or all of the examination required

by this section, with a reasonable passing score to be set by rule of the department ~~board~~.

(2) The department shall license each applicant who the board certifies has:

(a) Completed the application form and remitted an examination fee set by the department ~~board~~.

(b)1. Graduated from a college of veterinary medicine accredited by the American Veterinary Medical Association Council on Education; or

2. Graduated from a college of veterinary medicine listed in the American Veterinary Medical Association Roster of Veterinary Colleges of the World and obtained a certificate from the Education Commission for Foreign Veterinary Graduates or the Program for the Assessment of Veterinary Education Equivalence.

(c) Successfully completed the examination provided by the department for this purpose, or an examination determined by the department ~~board~~ to be equivalent.

(d) Demonstrated knowledge of the laws and rules governing the practice of veterinary medicine in Florida in a manner designated by rules of the department ~~board~~.

The department may ~~shall~~ not issue a license to any applicant who is under investigation in any state or territory of the United States or in the District of Columbia for an act which would constitute a violation of this chapter until the

investigation is complete and disciplinary proceedings have been terminated, at which time the provisions of s. 474.214 shall apply.

(3) Notwithstanding ~~the provisions of~~ paragraph (2)(b), an applicant shall be deemed to have met the education requirements for licensure upon submission of evidence that the applicant meets one of the following:

(a) The applicant was certified for examination by the board prior to October 1, 1989; or

(b) The applicant immigrated to the United States after leaving her or his home country because of political reasons, provided such country is located in the Western Hemisphere and lacks diplomatic relations with the United States; and

1. Was a Florida resident immediately preceding her or his application for licensure;

2. Demonstrates to the department ~~board~~, through submission of documentation verified by the applicant's respective professional association in exile, that she or he received a professional degree in veterinary medicine from a college or university located in the country from which she or he emigrated. However, the department ~~board~~ may not require receipt transcripts from the Republic of Cuba as a condition of eligibility under this section; and

3. Lawfully practiced her or his profession for at least 3 years.

(4) Applicants certified for examination or reexamination under subsection (3) who fail the examination three times subsequent to October 1, 1989, shall be required to demonstrate to the department ~~board~~ that they meet the requirements of paragraph (2)(b) before ~~prior to~~ any further reexamination or certification for licensure.

Section 118. Section 474.211, Florida Statutes, is amended to read:

474.211 Renewal of license.—

(1) The department shall renew a license upon receipt of the renewal application and fee ~~and an affidavit of compliance with continuing education requirements set by rule of the board~~.

(2) The department shall adopt rules establishing a procedure for the biennial renewal of licenses.

~~(3) The board may by rule prescribe continuing education, not to exceed 30 hours biennially, as a condition for renewal of a license or certificate. The criteria for such programs, providers, and courses shall be approved by the board.~~

Section 119. Subsections (1), (2), and (3) of section 474.2125, Florida Statutes, are amended to read:

474.2125 Temporary license.—

(1) The department ~~board~~ shall adopt rules providing for the issuance of a temporary license to a licensed veterinarian of another state for the purpose of enabling her or him to provide veterinary medical services in this state for the

animals of a specific owner or, as may be needed in an emergency as defined in s. 252.34(4), for the animals of multiple owners, provided the applicant would qualify for licensure by endorsement under s. 474.217. No temporary license shall be valid for more than 30 days after its issuance, and no license shall cover more than the treatment of the animals of one owner except in an emergency as defined in s. 252.34(4). After the expiration of 30 days, a new license is required.

(2) Each application for a temporary license shall state the names of all persons who are to enter this state and shall be accompanied by a fee in an amount established by the department ~~board~~.

(3) Upon certification of the applicant by the department ~~board~~, the department shall issue a temporary license to the applicant.

Section 120. Paragraph (d) of subsection (1) of section 474.213, Florida Statutes, is amended to read:

474.213 Prohibitions; penalties.—

(1) No person shall:

(d) Give false or forged evidence to the department ~~board~~ or a member thereof for the purpose of obtaining a license;

Section 121. Paragraphs (a), (f), (h), (j), (v), (aa), (ee), (jj), and (nn) of subsection (1) and subsections (2) and (3) of section 474.214, Florida Statutes, are amended to read:

474.214 Disciplinary proceedings.—

(1) The following acts shall constitute grounds for which the disciplinary actions in subsection (2) may be taken:

(a) Attempting to procure a license to practice veterinary medicine by bribery, by fraudulent representations, or through an error of the department ~~or the board~~.

(f) Violating any provision of this chapter or chapter 455, a rule of the ~~board or~~ department, or a lawful order of the ~~board or~~ department previously entered in a disciplinary hearing, or failing to comply with a lawfully issued subpoena of the department.

(h) Being unable to practice veterinary medicine with reasonable skill or safety to patients by reason of illness, drunkenness, use of drugs, narcotics, chemicals, or any other material or substance or as a result of any mental or physical condition. In enforcing this paragraph, upon a finding by the secretary, the secretary's designee, or the probable cause panel of the department ~~board~~ that probable cause exists to believe that the licensee is unable to practice the profession because of the reasons stated in this paragraph, the department shall have the authority to compel a licensee to submit to a mental or physical examination by a physician designated by the department. If the licensee refuses to comply with the department's order, the department may file a petition for enforcement in the circuit court of the circuit in which the licensee resides or does business. The licensee may ~~shall~~ not be

named or identified by initials in any other public court records or documents and the enforcement proceedings shall be closed to the public. The department shall be entitled to the summary procedure provided in s. 51.011. A licensee affected under this paragraph shall be afforded an opportunity at reasonable intervals to demonstrate that she or he can resume the competent practice for which she or he is licensed with reasonable skill and safety to patients. Neither the record of proceedings nor the orders entered by the department ~~board~~ in any proceedings under this paragraph shall be used against a licensee in any other proceedings.

(j) Knowingly maintaining a professional connection or association with any person who is in violation of the provisions of this chapter or the rules of the ~~board or~~ department. However, if the licensee verifies that the person is actively participating in a department-approved ~~board-approved~~ program for the treatment of a physical or mental condition, the licensee is required only to report such person to the consultant.

(v) Failing to keep the equipment and premises of the business establishment in a clean and sanitary condition, having a premises permit suspended or revoked pursuant to s. 474.215, or operating or managing premises that do not comply with requirements established by rule of the department ~~board~~.

(aa) Failing to report to the department any person the

licensee knows to be in violation of this chapter or of the rules of the department ~~or board~~. However, if the licensee verifies that the person is actively participating in a department-approved ~~board-approved~~ program for the treatment of a physical or mental condition, the licensee is required only to report such person to the consultant.

(ee) Failing to keep contemporaneously written medical records as required by rule of the department ~~board~~.

(jj) Failing to report to the department ~~board~~ within 30 days, in writing, any action set forth in paragraph (b) that has been taken against the practitioner's license to practice veterinary medicine by any jurisdiction, including any agency or subdivision thereof.

(nn) Failing to report a change of address to the department ~~board~~ within 60 days thereof.

(2) When the department ~~board~~ finds any applicant or veterinarian guilty of any of the grounds set forth in subsection (1), regardless of whether the violation occurred before ~~prior to~~ licensure, it may enter an order imposing one or more of the following penalties:

(a) Denial of certification for examination or licensure.

(b) Revocation or suspension of a license.

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

(d) Issuance of a reprimand.

(e) Placement of the veterinarian on probation for a period of time and subject to such conditions as the department ~~board~~ may specify, including requiring the veterinarian to attend continuing education courses or to work under the supervision of another veterinarian.

(f) Restricting the authorized scope of practice.

(g) Imposition of costs of the investigation and prosecution.

(h) Requiring the veterinarian to undergo remedial education.

In determining appropriate action, the department ~~board~~ must first consider those sanctions necessary to protect the public. Only after those sanctions have been imposed may the disciplining authority consider and include in its order requirements designed to rehabilitate the veterinarian. All costs associated with compliance with any order issued under this subsection are the obligation of the veterinarian.

(3) The department shall reissue the license of a disciplined veterinarian upon certification by the department ~~board~~ that the disciplined veterinarian has complied with all of the terms and conditions set forth in the final order and is capable of competently and safely engaging in the practice of veterinary medicine.

Section 122. Subsections (1), (5), (7), (8), and (9) of

section 474.215, Florida Statutes, are amended to read:

474.215 Premises permits.—

(1) Any establishment, permanent or mobile, where a licensed veterinarian practices must have a premises permit issued by the department. Upon application and payment of a fee not to exceed $250, ~~as set by rule of the board,~~ the department shall cause such establishment to be inspected. A premises permit shall be issued if the establishment meets minimum standards, to be adopted by rule of the department ~~board~~, as to sanitary conditions, recordkeeping, equipment, radiation monitoring, services required, and physical plant.

(5) The department may issue a temporary premises permit to a responsible veterinarian who has submitted the application fee and a completed application form affirming compliance with the standards set by rule of the department ~~board~~. If the department inspects the establishment and discovers that it is not in compliance with the department's standards, the department shall notify the veterinarian in writing of the deficiencies and shall provide 30 days for correction of the deficiencies and reinspection. Such temporary permit shall become void upon notification by the department that the establishment has failed, after reinspection, to meet those standards. Upon receipt of such notice, the responsible veterinarian shall close the establishment until completion of a subsequent inspection affirming that the required standards have

been met and until another permit has been issued by the department.

(7) The department ~~board~~ by rule shall establish minimum standards for the operation of limited service veterinary medical practices. Such rules may ~~shall~~ not restrict limited service veterinary medical practices and shall be consistent with the type of limited veterinary medical service provided.

(a) Any person that offers or provides limited service veterinary medical practice shall obtain a biennial permit from the department ~~board~~ the cost of which may ~~shall~~ not exceed $250. The limited service permittee shall register each location where a limited service clinic is held and shall pay a fee set by rule not to exceed $25 to register each such location.

(b) All permits issued under this subsection are subject to the provisions of ss. 474.213 and 474.214.

(c) Notwithstanding any provision of this subsection to the contrary, any temporary rabies vaccination effort operated by a county health department in response to a public health threat, as declared by the State Health Officer in consultation with the State Veterinarian, is not subject to any preregistration, time limitation, or fee requirements, but must adhere to all other requirements for limited service veterinary medical practice as prescribed by rule. The fee charged to the public for a rabies vaccination administered during such temporary rabies vaccination effort may not exceed the actual

cost of administering the rabies vaccine. Such rabies vaccination efforts may not be used for any purpose other than to address the public health consequences of the rabies outbreak. The department ~~board~~ shall be immediately notified in writing of any temporary rabies vaccination effort operated under this paragraph.

(8) Any person who is not a veterinarian licensed under this chapter but who desires to own and operate a veterinary medical establishment or limited service clinic shall apply to the department ~~board~~ for a premises permit. If the department ~~board~~ certifies that the applicant complies with the applicable laws and rules of the department ~~board~~, the department shall issue a premises permit. No permit shall be issued unless a licensed veterinarian is designated to undertake the professional supervision of the veterinary medical practice and the minimum standards set by rule of the department ~~board~~ for premises where veterinary medicine is practiced. Upon application, the department shall submit the permittee's name for a statewide criminal records correspondence check through the Department of Law Enforcement. The permittee shall notify the department ~~board~~ within 10 days after any designation of a new licensed veterinarian responsible for such duties. A permittee under this subsection is subject to the provisions of subsection (9) and s. 474.214.

(9)(a) The department ~~or the board~~ may deny, revoke, or

suspend the permit of any permittee under this section and may fine, place on probation, or otherwise discipline any such permittee who has:

1. Obtained a permit by misrepresentation or fraud or through an error of the department ~~or board~~;

2. Attempted to procure, or has procured, a permit for any other person by making, or causing to be made, any false representation;

3. Violated any of the requirements of this chapter or any rule of the department ~~board~~; or

4. Been convicted or found guilty of, or entered a plea of nolo contendere to, regardless of adjudication, a felony in any court of this state, of any other state, or of the United States.

(b) If the permit is revoked or suspended, the owner, manager, or proprietor shall cease to operate the premises as a veterinary medical practice as of the effective date of the suspension or revocation. In the event of such revocation or suspension, the owner, manager, or proprietor shall remove from the premises all signs and symbols identifying the premises as a veterinary medical practice. The period of any such suspension shall be prescribed by rule of the department ~~board~~, but may not exceed 1 year. If the permit is revoked, the person owning or operating the establishment may not apply for a permit to operate a premises for a period of 1 year after the effective

date of such revocation. Upon the effective date of such revocation, the permittee must advise the department ~~board~~ of the disposition of all medicinal drugs and must provide for ensuring the security, confidentiality, and availability to clients of all patient medical records.

Section 123. Section 474.216, Florida Statutes, is amended to read:

474.216 License and premises permit to be displayed.—Each person to whom a license or premises permit is issued shall keep such document conspicuously displayed in her or his office, place of business, or place of employment, whether a permanent or mobile veterinary establishment or clinic, and shall, whenever required, exhibit said document to any member or authorized representative of the department ~~board~~.

Section 124. Subsections (6), (8), (10), and (11) of section 474.2165, Florida Statutes, are amended to read:

474.2165 Ownership and control of veterinary medical patient records; report or copies of records to be furnished.—

(6) The department may obtain patient records pursuant to a subpoena without written authorization from the client if the department ~~and the probable cause panel of the board~~ find reasonable cause to believe that a veterinarian has excessively or inappropriately prescribed any controlled substance specified in chapter 893 in violation of this chapter or that a veterinarian has practiced his or her profession below that

level of care, skill, and treatment required as defined by this chapter.

(8) Notwithstanding the provisions of s. 455.242, records owners shall notify the department ~~board office~~ when they are terminating practice, retiring, or relocating and are no longer available to patients, specifying who the new records owner is and where the medical records can be found.

(10) Veterinarians in violation of the provisions of this section shall be disciplined by the department ~~board~~.

(11) A records owner furnishing copies of reports or records pursuant to this section shall charge no more than the actual cost of copying, including reasonable staff time, or the amount specified in administrative rule by the department ~~board~~.

Section 125. Subsection (1) of section 474.217, Florida Statutes, is amended to read:

474.217 Licensure by endorsement.—

(1) The department shall issue a license by endorsement to any applicant who, upon applying to the department and remitting a fee set by the department ~~board~~, demonstrates to the department ~~board~~ that she or he:

(a) Has demonstrated, in a manner designated by rule of the department ~~board~~, knowledge of the laws and rules governing the practice of veterinary medicine in this state; and

(b)1. Holds, and has held for the 3 years immediately preceding the application for licensure, a valid, active license

to practice veterinary medicine in another state of the United States, the District of Columbia, or a territory of the United States, provided that the applicant has successfully completed a state, regional, national, or other examination that is equivalent to or more stringent than the examination required by the department ~~board~~; or

2. Meets the qualifications of s. 474.207(2)(b) and has successfully completed a state, regional, national, or other examination which is equivalent to or more stringent than the examination given by the department and has passed the ~~board's~~ clinical competency examination or another clinical competency examination specified by rule of the department ~~board~~.

Section 126. Section 474.221, Florida Statutes, is amended to read:

474.221 Impaired practitioner provisions; applicability.—Notwithstanding the transfer of the Division of Medical Quality Assurance to the Department of Health or any other provision of law to the contrary, veterinarians licensed under this chapter shall be governed by the impaired practitioner program provisions of s. 456.076 as if they were under the jurisdiction of the Division of Medical Quality Assurance, except that for veterinarians the Department of Business and Professional Regulation shall, at its option, exercise any of the powers granted to the Department of Health by that section~~, and "board" shall mean board as defined in this chapter~~.

Section 127. Subsection (4) of section 476.034, Florida Statutes, is amended to read:

476.034 Definitions.—As used in this act:

~~(4) "Board" means the Barbers' Board.~~

Section 128. Subsection (2) of section 476.074, Florida Statutes, is amended to read:

476.074 Legal, investigative, and inspection services.—

(2) The department shall provide all investigative services required by the ~~board or the~~ department in carrying out ~~the provisions of~~ this act.

Section 129. Paragraph (c) of subsection (2) and subsection (3) of section 476.114, Florida Statutes, are amended to read:

476.114 Examination; prerequisites.—

(2) An applicant is eligible for licensure by examination to practice barbering if the applicant:

(c) Has received a minimum of 900 hours of training in sanitation, safety, and laws and rules, as established by the department ~~board~~, which must include, but is not limited to, the equivalent of completion of services directly related to the practice of barbering at one of the following:

1. A school of barbering licensed pursuant to chapter 1005;

2. A barbering program within the public school system; or

3. A government-operated barbering program in this state.

The department ~~board~~ shall establish by rule procedures whereby the school or program may certify that a person is qualified to take the required examination after the completion of a minimum of 600 actual school hours. If the person passes the examination, she or he has satisfied this requirement; but if the person fails the examination, she or he may not be qualified to take the examination again until the completion of the full requirements provided by this section.

(3) An applicant who meets the requirements set forth in paragraph (2)(c) who fails to pass the examination may take subsequent examinations as many times as necessary to pass, except that the department ~~board~~ may specify by rule reasonable timeframes for rescheduling the examination and additional training requirements for applicants who, after the third attempt, fail to pass the examination. Before ~~Prior to~~ reexamination, the applicant must file the appropriate form and pay the reexamination fee as required by rule.

Section 130. Subsections (1) and (2) of section 476.134, Florida Statutes, are amended to read:

476.134 Examinations.—

(1) Examinations of applicants for licenses as barbers shall be offered not less than four times each year. The examination of applicants for licenses as barbers shall include a written test. The department may ~~board shall have the~~

~~authority to~~ adopt rules with respect to the examination of applicants for licensure. The department ~~board~~ may provide rules with respect to written examinations in such manner as the department ~~board~~ may deem fit.

(2) The department ~~board~~ shall adopt rules specifying the areas of competency to be covered by the examination. Such rules shall include the relative weight assigned in grading each area. All areas tested shall be reasonably related to the protection of the public and the applicant's competency to practice barbering in a manner which will not endanger the public.

Section 131. Subsections (1), (2), (5), and (6) of section 476.144, Florida Statutes, are amended to read:

476.144 Licensure.—

(1) The department shall license any applicant who the department ~~board~~ certifies is qualified to practice barbering in this state.

(2) The department ~~board~~ shall certify for licensure any applicant who satisfies the requirements of s. 476.114, and who passes the required examination, achieving a passing grade as established by department ~~board~~ rule.

(5) The department ~~board~~ shall certify as qualified for licensure by endorsement as a barber in this state an applicant who holds a current active license to practice barbering in another state. The department ~~board~~ shall adopt rules specifying procedures for the licensure by endorsement of practitioners

desiring to be licensed in this state who hold a current active license in another country and who have met qualifications substantially similar to, equivalent to, or greater than the qualifications required of applicants from this state.

(6) A person may apply for a restricted license to practice barbering. The department ~~board~~ shall adopt rules specifying procedures for an applicant to obtain a restricted license if the applicant:

(a)1. Has successfully completed a restricted barber course, as established by rule of the department ~~board~~, at a school of barbering licensed pursuant to chapter 1005, a barbering program within the public school system, or a government-operated barbering program in this state; or

2.a. Holds or has within the previous 5 years held an active valid license to practice barbering in another state or country or has held a Florida barbering license which has been declared null and void for failure to renew the license, and the applicant fulfilled the requirements of s. 476.114(2)(c) for initial licensure; and

b. Has not been disciplined relating to the practice of barbering in the previous 5 years; and

(b) Passes a written examination on the laws and rules governing the practice of barbering in Florida, as established by the department ~~board~~.

The restricted license shall limit the licensee's practice to those specific areas in which the applicant has demonstrated competence pursuant to rules adopted by the department ~~board~~.

Section 132. Subsection (2) of section 476.154, Florida Statutes, is amended to read:

476.154 Biennial renewal of licenses.—

(2) Any license or certificate of registration issued pursuant to this act for a period less than the established biennial issuance period may be issued for that lesser period of time, and the department shall adjust the required fee accordingly. The department ~~board~~ shall adopt rules providing for such partial period fee adjustments.

Section 133. Subsection (2) of section 476.155, Florida Statutes, is amended to read:

476.155 Inactive status; reactivation of inactive license.—

(2) The department ~~board~~ shall adopt ~~promulgate~~ rules relating to licenses which have become inactive and for the renewal of inactive licenses. The department ~~board~~ shall prescribe by rule a fee not to exceed $100 for the reactivation of an inactive license and a fee not to exceed $50 for the renewal of an inactive license.

Section 134. Subsection (1) of section 476.192, Florida Statutes, is amended to read:

476.192 Fees; disposition.—

(1) The department ~~board~~ shall set by rule fees according to the following schedule:

(a) For barbers, fees for original licensing, license renewal, and delinquent renewal may ~~shall~~ not exceed $100.

(b) For barbers, fees for endorsement application, examination, and reexamination may ~~shall~~ not exceed $150.

(c) For barbershops, fees for license application, original licensing, license renewal, and delinquent renewal may ~~shall~~ not exceed $150.

(d) For duplicate licenses and certificates, fees may ~~shall~~ not exceed $25.

Section 135. Paragraph (i) of subsection (1) and subsection (2) of section 476.204, Florida Statutes, are amended to read:

476.204 Penalties.—

(1) It is unlawful for any person to:

(i) Violate or refuse to comply with any provision of this chapter or chapter 455 or a rule or final order of the department ~~board~~.

(2) Any person who violates any provision of this section shall be subject to one or more of the following penalties, as determined by the department ~~board~~:

(a) Revocation or suspension of any license or registration issued pursuant to this chapter.

(b) Issuance of a reprimand or censure.

(c) Imposition of an administrative fine not to exceed $500 for each count or separate offense.

(d) Placement on probation for a period of time and subject to such reasonable conditions as the department ~~board~~ may specify.

(e) Refusal to certify to the department an applicant for licensure.

Section 136. Section 476.214, Florida Statutes, is amended to read:

476.214 Grounds for suspending, revoking, or refusing to grant license or certificate.—

(1) The department may ~~board shall have the power to~~ revoke or suspend any license, registration card, or certificate of registration issued pursuant to this act, or to reprimand, censure, deny subsequent licensure of, or otherwise discipline any holder of a license, registration card, or certificate of registration issued pursuant to this act, for any of the following causes:

(a) Gross malpractice or gross incompetency in the practice of barbering;

(b) Practice by a person knowingly having an infectious or contagious disease; or

(c) Commission of any of the offenses described in s. 476.194.

(2) The department ~~board~~ shall keep a record of its

disciplinary proceedings against holders of licenses or certificates of registration issued pursuant to this act.

(3) The department may ~~shall~~ not issue or renew a license or certificate of registration under this chapter to any person against whom or barbershop against which the department ~~board~~ has assessed a fine, interest, or costs associated with investigation and prosecution until the person or barbershop has paid in full such fine, interest, or costs associated with investigation and prosecution or until the person or barbershop complies with or satisfies all terms and conditions of the final order.

Section 137. Section 476.234, Florida Statutes, is amended to read:

476.234 Civil proceedings.—In addition to any other remedy, the department may file a proceeding in the name of the state seeking issuance of a restraining order, injunction, or writ of mandamus against any person who is or has been violating any of the provisions of this act or the lawful rules or orders of the ~~board,~~ commission~~,~~ or department.

Section 138. Subsections (2) through (13) of section 477.013, Florida Statutes, are renumbered as subsections (1) through (12), respectively, and present subsections (1) and (8) of that section are amended, to read:

477.013 Definitions.—As used in this chapter:

~~(1) "Board" means the Board of Cosmetology.~~

(8) "Specialty salon" means any place of business wherein the practice of one or all of the specialties as defined in subsection (5) ~~(6)~~ are engaged in or carried on.

Section 139. Subsections (7), (8), and (9) of section 477.0135, Florida Statutes, are amended to read:

477.0135 Exemptions.—

(7) A license or registration is not required for a person whose occupation or practice is confined solely to hair braiding as defined in s. 477.013(8) ~~s. 477.013(9)~~.

(8) A license or registration is not required for a person whose occupation or practice is confined solely to hair wrapping as defined in s. 477.013(9) ~~s. 477.013(10)~~.

(9) A license or registration is not required for a person whose occupation or practice is confined solely to body wrapping as defined in s. 477.013(11) ~~s. 477.013(12)~~.

Section 140. Section 477.016, Florida Statutes, is amended to read:

477.016 Rulemaking.—

(1) The department ~~board~~ may adopt rules pursuant to ss. 120.536(1) and 120.54 to implement the provisions of this chapter conferring duties upon it.

(2) The department ~~board~~ may by rule adopt any restriction established by a regulation of the United States Food and Drug Administration related to the use of a cosmetic product or any substance used in the practice of cosmetology if the department

~~board~~ finds that the product or substance poses a risk to the health, safety, and welfare of clients or persons providing cosmetology services.

Section 141. Section 477.018, Florida Statutes, is amended to read:

477.018 Investigative services.—The department shall provide all investigative services required by the ~~board or the~~ department in carrying out the provisions of this act.

Section 142. Subsections (2), (3), (5), (6), and (7) of section 477.019, Florida Statutes, are amended to read:

477.019 Cosmetologists; qualifications; licensure; supervised practice; license renewal; endorsement~~; continuing education~~.—

(2) An applicant is eligible for licensure by examination to practice cosmetology if the applicant:

(a) Is at least 16 years of age or has received a high school diploma;

(b) Pays the required application fee, which is not refundable, and the required examination fee, which is refundable if the applicant is determined to not be eligible for licensure for any reason other than failure to successfully complete the licensure examination; and

(c) Has received a minimum of 1,200 hours of training as established by the department ~~board~~, which must include, but is not limited to, the equivalent of completion of services

directly related to the practice of cosmetology at one of the following:

1. A school of cosmetology licensed pursuant to chapter 1005.

2. A cosmetology program within the public school system.

3. The Cosmetology Division of the Florida School for the Deaf and the Blind, provided the division meets the standards of this chapter.

4. A government-operated cosmetology program in this state.

The department ~~board~~ shall establish by rule procedures whereby the school or program may certify that a person is qualified to take the required examination after the completion of a minimum of 1,000 actual school hours. If the person then passes the examination, he or she has satisfied this requirement; but if the person fails the examination, he or she may not be qualified to take the examination again until the completion of the full requirements provided by this section.

(3) Upon an applicant receiving a passing grade, as established by department ~~board~~ rule, on the examination and paying the initial licensing fee, the department shall issue a license to practice cosmetology.

(5) Renewal of license registration shall be accomplished pursuant to rules adopted by the department ~~board~~.

(6) The department ~~board~~ shall certify as qualified for licensure by endorsement as a cosmetologist in this state an applicant who holds a current active license to practice cosmetology in another state.

~~(7)(a) The board shall prescribe by rule continuing education requirements intended to ensure protection of the public through updated training of licensees and registered specialists, not to exceed 10 hours biennially, as a condition for renewal of a license or registration as a specialist under this chapter. Continuing education courses shall include, but not be limited to, the following subjects as they relate to the practice of cosmetology: human immunodeficiency virus and acquired immune deficiency syndrome; Occupational Safety and Health Administration regulations; workers' compensation issues; state and federal laws and rules as they pertain to cosmetologists, cosmetology, salons, specialists, specialty salons, and booth renters; chemical makeup as it pertains to hair, skin, and nails; and environmental issues. Courses given at cosmetology conferences may be counted toward the number of continuing education hours required if approved by the board.~~

~~(b) The board may, by rule, require any licensee in violation of a continuing education requirement to take a refresher course or refresher course and examination in addition to any other penalty. The number of hours for the refresher course may not exceed 48 hours.~~

Section 143. Paragraphs (b) and (c) of subsection (1) and subsections (4) and (5) of section 477.0201, Florida Statutes, are amended to read:

477.0201 Specialty registration; qualifications; registration renewal; endorsement.—

(1) Any person is qualified for registration as a specialist in any specialty practice within the practice of cosmetology under this chapter who:

(b) Has received a certificate of completion for:

1. One hundred and eighty hours of training, as established by the department ~~board~~, which shall focus primarily on sanitation and safety, to practice specialties as defined in s. 477.013(11)(a) and (b) ~~s. 477.013(6)(a) and (b)~~;

2. Two hundred and twenty hours of training, as established by the department ~~board~~, which shall focus primarily on sanitation and safety, to practice the specialty as defined in s. 477.013(11)(c) ~~s. 477.013(6)(c)~~; or

3. Four hundred hours of training or the number of hours of training required to maintain minimum Pell Grant requirements, as established by the department ~~board~~, which shall focus primarily on sanitation and safety, to practice the specialties as defined in s. 477.013(11)(a)-(c) ~~s. 477.013(6)(a)-(c)~~.

(c) The certificate of completion specified in paragraph (b) must be from one of the following:

1. A school licensed pursuant to s. 477.023.

2. A school licensed pursuant to chapter 1005 or the equivalent licensing authority of another state.

3. A specialty program within the public school system.

4. A specialty division within the Cosmetology Division of the Florida School for the Deaf and the Blind, provided the training programs comply with minimum curriculum requirements established by the department ~~board~~.

(4) Renewal of registration shall be accomplished pursuant to rules adopted by the department ~~board~~.

(5) The department ~~board~~ shall adopt rules specifying procedures for the registration of specialty practitioners desiring to be registered in this state who have been registered or licensed and are practicing in states which have registering or licensing standards substantially similar to, equivalent to, or more stringent than the standards of this state.

Section 144. Subsection (2) of section 477.0212, Florida Statutes, is amended to read:

477.0212 Inactive status.—

(2) The department ~~board~~ shall adopt rules relating to licenses that become inactive and for the renewal of inactive licenses. ~~The rules may not require more than one renewal cycle of continuing education to reactivate a license.~~ The department ~~board~~ shall prescribe by rule a fee not to exceed $50 for the reactivation of an inactive license and a fee not to exceed $50

for the renewal of an inactive license.

Section 145. Subsections (1) and (2) of section 477.022, Florida Statutes, are amended to read:

477.022 Examinations.—

(1) The department ~~board~~ shall ensure that examinations adequately measure both an applicant's competency and her or his knowledge of related statutory requirements. Professional testing services may be utilized to formulate the examinations. The department ~~board~~ may offer a written clinical examination or a performance examination, or both, in addition to a written theory examination.

(2) The department ~~board~~ shall ensure that examinations comply with state and federal equal employment opportunity guidelines.

Section 146. Subsections (2), (8), (9), and (10) of section 477.025, Florida Statutes, are amended to read:

477.025 Cosmetology salons; specialty salons; requisites; licensure; inspection; mobile cosmetology salons.—

(2) The department ~~board~~ shall adopt rules governing the licensure and operation of salons and specialty salons and their facilities, personnel, safety and sanitary requirements, and the license application and granting process.

(8) Renewal of license registration for cosmetology salons or specialty salons shall be accomplished pursuant to rules adopted by the department ~~board~~. The department ~~board~~ is further

authorized to adopt rules governing delinquent renewal of licenses and may impose penalty fees for delinquent renewal.

(9) The department ~~board~~ is authorized to adopt rules governing the periodic inspection of cosmetology salons and specialty salons licensed under this chapter.

(10)(a) The department ~~board~~ shall adopt rules governing the licensure, operation, and inspection of mobile cosmetology salons, including their facilities, personnel, and safety and sanitary requirements.

(b) Each mobile salon must comply with all licensure and operating requirements specified in this chapter or chapter 455 or rules of the ~~board or~~ department that apply to cosmetology salons at fixed locations, except to the extent that such requirements conflict with this subsection or rules adopted pursuant to this subsection.

(c) A mobile cosmetology salon must maintain a permanent business address, located in the inspection area of the local department office, at which records of appointments, itineraries, license numbers of employees, and vehicle identification numbers of the licenseholder's mobile salon shall be kept and made available for verification purposes by department personnel, and at which correspondence from the department can be received.

(d) To facilitate periodic inspections of mobile cosmetology salons, before ~~prior to~~ the beginning of each month

each mobile salon licenseholder must file with the department ~~board~~ a written monthly itinerary listing the locations where and the dates and hours when the mobile salon will be operating.

(e) The department ~~board~~ shall establish fees for mobile cosmetology salons, not to exceed the fees for cosmetology salons at fixed locations.

(f) The operation of mobile cosmetology salons must be in compliance with all local laws and ordinances regulating business establishments, with all applicable requirements of the Americans with Disabilities Act relating to accommodations for persons with disabilities, and with all applicable OSHA requirements.

Section 147. Section 477.026, Florida Statutes, is amended to read:

477.026 Fees; disposition.—

(1) The department ~~board~~ shall set fees according to the following schedule:

(a) For cosmetologists, fees for original licensing, license renewal, and delinquent renewal may ~~shall~~ not exceed $50.

(b) For cosmetologists, fees for endorsement application, examination, and reexamination may ~~shall~~ not exceed $50.

(c) For cosmetology and specialty salons, fees for license application, original licensing, license renewal, and delinquent renewal may ~~shall~~ not exceed $50.

(d) For specialists, fees for application and endorsement registration may ~~shall~~ not exceed $30.

(e) For specialists, fees for initial registration, registration renewal, and delinquent renewal may ~~shall~~ not exceed $50.

(2) All moneys collected by the department from fees authorized by this chapter shall be paid into the Professional Regulation Trust Fund, which fund is created in the department, and shall be applied in accordance with ss. 215.37 and 455.219. The Legislature may appropriate any excess moneys from this fund to the General Revenue Fund.

(3) The department, with the advice of the department ~~board~~, shall prepare and submit a proposed budget in accordance with law.

Section 148. Subsections (2) and (4) of section 477.0263, Florida Statutes, are amended to read:

477.0263 Cosmetology services to be performed in licensed salon; exceptions.—

(2) Pursuant to rules established by the department ~~board~~, cosmetology services may be performed by a licensed cosmetologist in a location other than a licensed salon, including, but not limited to, a nursing home, hospital, or residence, when a client for reasons of ill health is unable to go to a licensed salon. Arrangements for the performance of such cosmetology services in a location other than a licensed salon

shall be made only through a licensed salon.

(4) Pursuant to rules adopted by the department ~~board~~, any cosmetology or specialty service may be performed in a location other than a licensed salon when the service is performed in connection with a special event and is performed by a person who holds the proper license or specialty registration.

Section 149. Section 477.028, Florida Statutes, is amended to read:

477.028 Disciplinary proceedings.—

(1) The department may ~~board shall have the power to~~ revoke or suspend the license of a cosmetologist licensed under this chapter, or the registration of a specialist registered under this chapter, and to reprimand, censure, deny subsequent licensure or registration of, or otherwise discipline a cosmetologist or a specialist licensed or registered under this chapter in any of the following cases:

(a) Upon proof that a license or registration has been obtained by fraud or misrepresentation.

(b) Upon proof that the holder of a license or registration is guilty of fraud or deceit or of gross negligence, incompetency, or misconduct in the practice or instruction of cosmetology or a specialty.

(c) Upon proof that the holder of a license or registration is guilty of aiding, assisting, procuring, or advising any unlicensed person to practice as a cosmetologist.

(2) The department may ~~board shall have the power to~~ revoke or suspend the license of a cosmetology salon or a specialty salon licensed under this chapter, to deny subsequent licensure of such salon, or to reprimand, censure, or otherwise discipline the owner of such salon in either of the following cases:

(a) Upon proof that a license has been obtained by fraud or misrepresentation.

(b) Upon proof that the holder of a license is guilty of fraud or deceit or of gross negligence, incompetency, or misconduct in the operation of the salon so licensed.

(3) Disciplinary proceedings shall be conducted pursuant to the provisions of chapter 120.

(4) The department may ~~shall~~ not issue or renew a license or certificate of registration under this chapter to any person against whom or salon against which the department ~~board~~ has assessed a fine, interest, or costs associated with investigation and prosecution until the person or salon has paid in full such fine, interest, or costs associated with investigation and prosecution or until the person or salon complies with or satisfies all terms and conditions of the final order.

Section 150. Paragraph (i) of subsection (1) and subsection (2) of section 477.029, Florida Statutes, are amended to read:

477.029 Penalty.—

(1) It is unlawful for any person to:

(i) Violate or refuse to comply with any provision of this chapter or chapter 455 or a rule or final order of the ~~board or the~~ department.

(2) Any person who violates the provisions of this section shall be subject to one or more of the following penalties, as determined by the department ~~board~~:

(a) Revocation or suspension of any license or registration issued pursuant to this chapter.

(b) Issuance of a reprimand or censure.

(c) Imposition of an administrative fine not to exceed $500 for each count or separate offense.

(d) Placement on probation for a period of time and subject to such reasonable conditions as the department ~~board~~ may specify.

(e) Refusal to certify to the department an applicant for licensure.

Section 151. Subsections (4) through (16) of section 481.203, Florida Statutes, are renumbered as subsections (3) through (15), respectively, and subsection (3) and present subsection (8) of that section are amended, to read:

481.203 Definitions.—As used in this part, the term:

~~(3) "Board" means the Board of Architecture and Interior Design.~~

(7)~~(8)~~ "Diversified interior design experience" means experience which substantially encompasses the various elements of interior design services set forth under the definition of "interior design" in subsection (9) ~~(10)~~.

Section 152. Section 481.207, Florida Statutes, is amended to read:

481.207 Fees.—The department ~~board~~, by rule, may establish fees for architects and registered interior designers, to be paid for applications, examination, reexamination, licensing and renewal, delinquency, reinstatement, and recordmaking and recordkeeping. The examination fee shall be in an amount that covers the cost of obtaining and administering the examination and shall be refunded if the applicant is found ineligible to sit for the examination. The application fee is nonrefundable. The fee for initial application and examination for architects may not exceed $775 plus the actual per applicant cost to the department for purchase of the examination from the National Council of Architectural Registration Boards or similar national organizations. The initial nonrefundable fee for registered interior designers may not exceed $75. The biennial renewal fee for architects may not exceed $200. The biennial renewal fee for registered interior designers may not exceed $75. The delinquency fee may not exceed the biennial renewal fee established by the department ~~board~~ for an active license. The department ~~board~~ shall establish fees that are adequate to

ensure the continued operation of the department ~~board~~ and to fund the proportionate expenses incurred by the department which are allocated to the regulation of architects and registered interior designers. Fees shall be based on department estimates of the revenue required to implement this part and the provisions of law with respect to the regulation of architects and interior designers.

Section 153. Subsection (1) of section 481.209, Florida Statutes, is amended to read:

481.209 Examinations.—

(1) A person desiring to be licensed as a registered architect by initial examination shall apply to the department, complete the application form, and remit a nonrefundable application fee. The department shall license any applicant who the department ~~board~~ certifies has passed the licensure examination prescribed by department ~~board~~ rule and is a graduate of a school or college of architecture with a program accredited by the National Architectural Accreditation Board.

Section 154. Section 481.211, Florida Statutes, is amended to read:

481.211 Architecture internship required.—An applicant for licensure as a registered architect shall complete, before licensure, an internship of diversified architectural experience approved by the department ~~board~~, which meets the requirements set forth by rule.

Section 155. Subsections (3), (4), and (5) of section 481.215, Florida Statutes, are amended to read:

481.215 Renewal of license or certificate of registration.—

~~(3) A license or certificate of registration renewal may not be issued to an architect or a registered interior designer by the department until the licensee or registrant submits proof satisfactory to the department that, during the 2 years before application for renewal, the licensee or registrant participated per biennium in not less than 20 hours of at least 50 minutes each per biennium of continuing education approved by the board. The board shall approve only continuing education that builds upon the basic knowledge of architecture or interior design. The board may make exception from the requirements of continuing education in emergency or hardship cases.~~

~~(4) The board shall by rule establish criteria for the approval of continuing education courses and providers and shall by rule establish criteria for accepting alternative nonclassroom continuing education on an hour-for-hour basis.~~

~~(5) For a license or certificate of registration, the board shall require, by rule adopted pursuant to ss. 120.536(1) and 120.54, 2 hours in specialized or advanced courses on any portion of the Florida Building Code, adopted pursuant to part IV of chapter 553, relating to the licensee's respective area of practice. Such hours count toward the continuing education hours~~

~~required under subsection (3). A licensee may complete the courses required under this subsection online.~~

Section 156. Section 481.217, Florida Statutes, is amended to read:

481.217 Inactive status.—

~~(1) The board may prescribe by rule continuing education requirements as a condition of reactivating a license. The rules may not require more than one renewal cycle of continuing education to reactivate a license or registration for a registered architect or registered interior designer.~~

~~(2)~~ The department ~~board~~ shall adopt rules relating to application procedures for inactive status and for the reactivation of inactive licenses and registrations.

Section 157. Section 481.222, Florida Statutes, is amended to read:

481.222 Architects performing building code inspection services.—Notwithstanding any other provision of law, a person who is currently licensed to practice as an architect under this part may provide building code inspection services described in s. 468.603(4) and (7) ~~s. 468.603(5) and (8)~~ to a local government or state agency upon its request, without being certified by the Florida Building Code Administrators and Inspectors licensing program ~~Board~~ under part XII of chapter 468. With respect to the performance of such building code inspection services, the architect is subject to the

disciplinary guidelines of this part and s. 468.621(1)(c)-(h). Any complaint processing, investigation, and discipline that arise out of an architect's performance of building code inspection services shall be conducted by the Department of Business and Professional Regulation ~~Board of Architecture and Interior Design rather than the Florida Building Code Administrators and Inspectors Board~~. An architect may not perform plans review as an employee of a local government upon any job that the architect or the architect's company designed.

Section 158. Paragraphs (a), (g), and (i) of subsection (1) and subsections (2), (3), and (4) of section 481.225, Florida Statutes, are amended to read:

481.225 Disciplinary proceedings against registered architects.—

(1) The following acts constitute grounds for which the disciplinary actions in subsection (3) may be taken:

(a) Violating any provision of s. 455.227(1), s. 481.221, or s. 481.223, or any rule of the ~~board or~~ department lawfully adopted pursuant to this part or chapter 455.

(g) Committing an act of fraud or deceit, or of negligence, incompetency, or misconduct, in the practice of architecture, including, but not limited to, allowing the preparation of any architectural studies, plans, or other instruments of service in an office that does not have a full-time Florida-registered architect assigned to such office or

failing to ensure the responsible supervising control of services or projects, as required by department ~~board~~ rule.

(i) Aiding, assisting, procuring, or advising any unlicensed person to practice architecture contrary to this part or to a rule of the department ~~or the board~~.

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

(3) When the department ~~board~~ finds any registered architect guilty of any of the grounds set forth in subsection (1), it may enter an order imposing one or more of the following penalties:

(a) Denial of an application for licensure.

(b) Revocation or suspension of a license.

(c) Imposition of an administrative fine not to exceed $1,000 for each count or separate offense and a fine of up to $5,000 for matters pertaining to a material violation of the Florida Building Code as reported by a local jurisdiction.

(d) Issuance of a reprimand.

(e) Placement of the registered architect on probation for a period of time and subject to such conditions as the department ~~board~~ may specify, including requiring the registered architect to attend continuing education courses or to work under the supervision of another registered architect.

(f) Restriction of the authorized scope of practice by the registered architect.

(4) The department shall reissue the license of a disciplined registered architect upon certification by the department ~~board~~ that he or she has complied with all of the terms and conditions set forth in the final order.

Section 159. Paragraph (a) of subsection (1) and subsection (2) of section 481.2251, Florida Statutes, are amended to read:

481.2251 Disciplinary proceedings against registered interior designers.—

(1) The following acts constitute grounds for which the disciplinary actions specified in subsection (2) may be taken:

(a) Attempting to register or renewing registration by bribery, by fraudulent misrepresentation, or through an error of the department ~~board~~;

(2) When the department ~~board~~ finds any person guilty of any of the grounds set forth in subsection (1), it may enter an order taking the following action or imposing one or more of the following penalties:

(a) Refusal to register the applicant;

(b) Refusal to renew an existing registration;

(c) Removal from the state registry; or

(d) Imposition of an administrative fine not to exceed $500 for each violation or separate offense and a fine of up to $2,500 for matters pertaining to a material violation of the Florida Building Code as reported by a local jurisdiction.

Section 160. Subsection (1) of section 481.303, Florida Statutes, is amended to read:

481.303 Definitions.—As used in this chapter, the term:

~~(1) "Board" means the Board of Landscape Architecture.~~

Section 161. Section 481.306, Florida Statutes, is amended to read:

481.306 Authority to make rules.—The department may ~~board has authority to~~ adopt rules pursuant to ss. 120.536(1) and 120.54 to implement the provisions of this chapter and chapter 455 conferring duties upon it.

Section 162. Section 481.307, Florida Statutes, is amended to read:

481.307 Fees.—The department ~~board~~, by rule, may establish fees to be paid for applications, examination, reexamination, licensing and renewal, delinquency, reinstatement, and recordmaking and recordkeeping. The examination fee shall be in an amount that covers the costs of obtaining and administering the examination and shall be refunded if the applicant is found ineligible to sit for the examination. The application fee is nonrefundable. The combined fees for initial application and examination may not exceed $800 plus the actual per applicant cost to the department for purchase of portions of the examination from the Council of Landscape Architectural Registration Boards or a similar national organization. The biennial renewal fee may not exceed $600. The delinquency fee

may not exceed the biennial renewal fee established by the department ~~board~~ for an active license. The department ~~board~~ shall establish fees that are adequate to ensure the continued operation of the department ~~board~~ and to fund the proportionate expenses incurred by the department which are allocated to the regulation of landscape architects. Fees shall be based on department estimates of the revenue required to implement this part and the provisions of law with respect to the regulation of landscape architects.

Section 163. Subsection (1) of section 481.309, Florida Statutes, is amended to read:

481.309 Examinations.—

(1) A person desiring to be licensed as a registered landscape architect shall apply to the department to take the licensure examination. The department shall examine each applicant who the department ~~board~~ certifies:

(a) Has completed the application form and remitted a nonrefundable application fee and an examination fee which is refundable if the applicant is found to be ineligible to take the examination; and

(b)1. Has completed a professional degree program in landscape architecture as approved by the department ~~Landscape Architectural Accreditation Board~~; or

2. Presents evidence of not less than 6 years of actual practical experience in landscape architectural work of a grade

and character satisfactory to the department ~~board~~. Each year of education completed in a recognized school shall be considered to be equivalent to 1 year of experience, with a maximum credit of 4 years.

Section 164. Section 481.310, Florida Statutes, is amended to read:

481.310 Practical experience requirement.—Beginning October 1, 1990, every applicant for licensure as a registered landscape architect shall demonstrate, before ~~prior to~~ licensure, 1 year of practical experience in landscape architectural work. An applicant who holds a master of landscape architecture degree and a bachelor's degree in a related field is not required to demonstrate 1 year of practical experience in landscape architectural work to obtain licensure. The department ~~board~~ shall adopt rules providing standards for the required experience. An applicant who qualifies for examination pursuant to s. 481.309(1)(b)1. may obtain the practical experience after completing the required professional degree. Experience used to qualify for examination pursuant to s. 481.309(1)(b)2. may not be used to satisfy the practical experience requirement under this section.

Section 165. Section 481.311, Florida Statutes, is amended to read:

481.311 Licensure.—

(1) The department shall license any applicant who the

department ~~board~~ certifies is qualified to practice landscape architecture and who has paid the initial licensure fee.

(2) The department ~~board~~ shall certify for licensure any applicant who:

(a) Passes the examination required by s. 481.309; and

(b) Satisfies the experience requirement of s. 481.310.

(3) The department ~~board~~ shall certify as qualified for a license by endorsement an applicant who:

(a) Qualifies to take the examination as set forth in s. 481.309; and has passed a national, regional, state, or territorial licensing examination which is substantially equivalent to the examination required by s. 481.309;

(b) Holds a valid license to practice landscape architecture issued by another state or territory of the United States, if the criteria for issuance of such license were substantially identical to the licensure criteria which existed in this state at the time the license was issued; or

(c) Has held a valid license to practice landscape architecture in another state or territory of the United States for at least 10 years before the date of application and has successfully completed a state, regional, national, or other examination that is equivalent to or more stringent than the examination required by the department ~~board~~, subject to subsection (5). An applicant who has met the requirements to be qualified for a license by endorsement, except for successful

completion of an examination that is equivalent to or more stringent than the examination required by the department ~~board~~, may take the examination required by the department ~~board~~ without completing additional education requirements. Such application must be submitted to the department ~~board~~ while the applicant holds a valid license in another state or territory or within 2 years after the expiration of such license.

(4) The department ~~board~~ may refuse to certify any applicant who is under investigation in any jurisdiction for any act which would constitute a violation of this act or of chapter 455, until the investigation is complete and disciplinary proceedings have been terminated.

(5) The department ~~board~~ may refuse to certify any applicant who has violated any of the provisions of s. 481.325.

Section 166. Subsections (3), (4), and (5) of section 481.313, Florida Statutes, are amended to read:

481.313 Renewal of license.—

~~(3) No license renewal shall be issued to a landscape architect by the department until the licensee submits proof, satisfactory to the department, that during the 2-year period prior to application for renewal, the licensee participated in such continuing education courses required by the board. The board shall approve only continuing education courses that relate to and increase the basic knowledge of landscape architecture. The board may make an exception from the~~

~~requirements of continuing education in emergency or hardship cases.~~

~~(4) The board, by rule adopted pursuant to ss. 120.536(1) and 120.54, shall establish criteria for the approval of continuing education courses and providers, and shall by rule establish criteria for accepting alternative nonclassroom continuing education on an hour-for-hour basis. A landscape architect shall receive hour-for-hour credit for attending continuing education courses approved by the Landscape Architecture Continuing Education System or another nationally recognized clearinghouse for continuing education that relate to and increase his or her basic knowledge of landscape architecture, as determined by the board, if the landscape architect submits proof satisfactory to the board that such course was approved by the Landscape Architecture Continuing Education System or another nationally recognized clearinghouse for continuing education, along with the syllabus or outline for such course and proof of course attendance.~~

~~(5) The board shall require, by rule adopted pursuant to ss. 120.536(1) and 120.54, a specified number of hours in specialized or advanced courses, approved by the Florida Building Commission, on any portion of the Florida Building Code, adopted pursuant to part IV of chapter 553, relating to the licensee's respective area of practice.~~

Section 167. Section 481.315, Florida Statutes, is amended

to read:

481.315 Inactive status.—

(1) A license that has become inactive or delinquent may be reactivated under this section upon application to the department and payment of any applicable biennial renewal or delinquency fee, or both, and a reactivation fee. ~~The board may not require a licensee to complete more than one renewal cycle of continuing education requirements.~~

(2) The department ~~board~~ shall adopt rules relating to application procedures for inactive status and for the reactivation of inactive licenses.

Section 168. Subsection (1) of section 481.317, Florida Statutes, is amended to read:

481.317 Temporary certificates.—

(1) Upon the approval by the department ~~board~~ and payment of the fee set in s. 481.307, the department shall grant a temporary certificate of registration for work on a specified project in this state for a period not to exceed 1 year to an applicant who is licensed in another state or territory to practice landscape architecture.

Section 169. Subsection (3) of section 481.319, Florida Statutes, is amended to read:

481.319 Corporate and partnership practice of landscape architecture.—

(3) A landscape architect applying to practice in the name

of a corporation must file with the department the names and addresses of all officers and department ~~board~~ members of the corporation, including the principal officer or officers, duly registered to practice landscape architecture in this state and, also, of all individuals duly registered to practice landscape architecture in this state who shall be in responsible charge of the practice of landscape architecture by the corporation in this state. A landscape architect applying to practice in the name of a partnership must file with the department the names and addresses of all partners of the partnership, including the partner or partners duly registered to practice landscape architecture in this state and, also, of an individual or individuals duly registered to practice landscape architecture in this state who shall be in responsible charge of the practice of landscape architecture by said partnership in this state.

Section 170. Subsections (1) and (2) of section 481.321, Florida Statutes, are amended to read:

481.321 Seals; display of certificate number.—

(1) The department ~~board~~ shall prescribe, by rule, one or more forms of seals for use by a registered landscape architect who holds a valid certificate of registration. Each registered landscape architect shall obtain one seal in a form approved by rule of the department ~~board~~ and may, in addition, register her or his seal electronically in accordance with ss. 668.001-668.006. All final plans, specifications, or reports prepared or

issued by the registered landscape architect and filed for public record shall be signed by the registered landscape architect, dated, and stamped or sealed electronically with her or his seal. The signature, date, and seal constitute evidence of the authenticity of that to which they are affixed. Final plans, specifications, or reports prepared or issued by a registered landscape architect may be transmitted electronically and may be signed by the registered landscape architect, dated, and sealed electronically with the seal in accordance with ss. 668.001-668.006.

(2) It is unlawful for any person to sign and seal by any means any final plan, specification, or report after her or his certificate of registration is expired, suspended, or revoked. A registered landscape architect whose certificate of registration is suspended or revoked shall, within 30 days after the effective date of the suspension or revocation, surrender her or his seal to the department ~~executive director of the board~~ and confirm in writing to the department ~~executive director~~ the cancellation of the landscape architect's electronic signature in accordance with ss. 668.001-668.006. When a landscape architect's certificate of registration is suspended for a period of time, her or his seal shall be returned upon expiration of the period of suspension.

Section 171. Paragraph (d) of subsection (1) of section 481.323, Florida Statutes, is amended to read:

481.323 Prohibitions; penalties.—

(1) A person may not knowingly:

(d) Give false or forged evidence to the department ~~board~~ or a member thereof;

Section 172. Subsections (2), (3), and (4) of section 481.325, Florida Statutes, are amended to read:

481.325 Disciplinary proceedings.—

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

(3) When the department ~~board~~ finds any registered landscape architect guilty of any of the grounds set forth in subsection (1), it may enter an order imposing one or more of the following penalties:

(a) Denial of an application for licensure.

(b) Revocation or suspension of a license.

(c) Imposition of an administrative fine not to exceed $1,000 for each count or separate offense and a fine of up to $5,000 for matters pertaining to a material violation of the Florida Building Code as reported by a local jurisdiction.

(d) Issuance of a reprimand.

(e) Placement of the registered landscape architect on probation for a period of time and subject to such conditions as the department ~~board~~ may specify, including requiring the registered landscape architect to attend continuing education courses or to work under the supervision of another registered

landscape architect.

(f) Restriction of the authorized scope of practice by the registered landscape architect.

(4) The department shall reissue the license of a disciplined registered landscape architect upon certification by the department ~~board~~ that she or he has complied with all of the terms and conditions set forth in the final order.

Section 173. Paragraph (c) of subsection (7) of section 489.103, Florida Statutes, is amended to read:

489.103 Exemptions.—This part does not apply to:

(7)

(c) To qualify for exemption under this subsection, an owner must personally appear and sign the building permit application and must satisfy local permitting agency requirements, if any, proving that the owner has a complete understanding of the owner's obligations under the law as specified in the disclosure statement in this section. However, for purposes of implementing a "United States Department of Energy SunShot Initiative: Rooftop Solar Challenge" grant and the participation of county and municipal governments, including local permitting agencies under the jurisdiction of such county and municipal governments, an owner's notarized signature or personal appearance to sign the permit application is not required for a solar project, as described in subparagraph (a)3., if the building permit application is submitted

electronically to the permitting agency and the owner certifies the application and disclosure statement using the permitting agency's electronic confirmation system. If any person violates the requirements of this subsection, the local permitting agency shall withhold final approval, revoke the permit, or pursue any action or remedy for unlicensed activity against the owner and any person performing work that requires licensure under the permit issued. The local permitting agency shall provide the person with a disclosure statement in substantially the following form:

DISCLOSURE STATEMENT

1. I understand that state law requires construction to be done by a licensed contractor and have applied for an owner-builder permit under an exemption from the law. The exemption specifies that I, as the owner of the property listed, may act as my own contractor with certain restrictions even though I do not have a license.

2. I understand that building permits are not required to be signed by a property owner unless he or she is responsible for the construction and is not hiring a licensed contractor to assume responsibility.

3. I understand that, as an owner-builder, I am the responsible party of record on a permit. I understand that I may protect myself from potential financial risk by hiring a licensed contractor and having the permit filed in his or her name

instead of my own name. I also understand that a contractor is required by law to be licensed in Florida and to list his or her license numbers on permits and contracts.

4. I understand that I may build or improve a one-family or two-family residence or a farm outbuilding. I may also build or improve a commercial building if the costs do not exceed $75,000. The building or residence must be for my own use or occupancy. It may not be built or substantially improved for sale or lease, unless I am completing the requirements of a building permit where the contractor listed on the permit substantially completed the project. If a building or residence that I have built or substantially improved myself is sold or leased within 1 year after the construction is complete, the law will presume that I built or substantially improved it for sale or lease, which violates the exemption.

5. I understand that, as the owner-builder, I must provide direct, onsite supervision of the construction.

6. I understand that I may not hire an unlicensed person to act as my contractor or to supervise persons working on my building or residence. It is my responsibility to ensure that the persons whom I employ have the licenses required by law and by county or municipal ordinance.

7. I understand that it is a frequent practice of unlicensed persons to have the property owner obtain an owner-builder permit that erroneously implies that the property owner is

providing his or her own labor and materials. I, as an owner-builder, may be held liable and subjected to serious financial risk for any injuries sustained by an unlicensed person or his or her employees while working on my property. My homeowner's insurance may not provide coverage for those injuries. I am willfully acting as an owner-builder and am aware of the limits of my insurance coverage for injuries to workers on my property.

8. I understand that I may not delegate the responsibility for supervising work to a licensed contractor who is not licensed to perform the work being done. Any person working on my building who is not licensed must work under my direct supervision and must be employed by me, which means that I must comply with laws requiring the withholding of federal income tax and social security contributions under the Federal Insurance Contributions Act (FICA) and must provide workers' compensation for the employee. I understand that my failure to follow these laws may subject me to serious financial risk.

9. I agree that, as the party legally and financially responsible for this proposed construction activity, I will abide by all applicable laws and requirements that govern owner-builders as well as employers. I also understand that the construction must comply with all applicable laws, ordinances, building codes, and zoning regulations.

10. I understand that I may obtain more information regarding my obligations as an employer from the Internal Revenue Service,

the United States Small Business Administration, the Florida Department of Financial Services, and the Florida Department of Revenue. I also understand that I may contact the Department of Business and Professional Regulation ~~Florida Construction Industry Licensing Board~~ at ...(telephone number)... or ...(Internet website address)... for more information about licensed contractors.

11. I am aware of, and consent to, an owner-builder building permit applied for in my name and understand that I am the party legally and financially responsible for the proposed construction activity at the following address: ...(address of property)....

12. I agree to notify ...(issuer of disclosure statements)... immediately of any additions, deletions, or changes to any of the information that I have provided on this disclosure.

Licensed contractors are regulated by laws designed to protect the public. If you contract with a person who does not have a license, the ~~Construction Industry Licensing Board and~~ Department of Business and Professional Regulation may be unable to assist you with any financial loss that you sustain as a result of a complaint. Your only remedy against an unlicensed contractor may be in civil court. It is also important for you to understand that, if an unlicensed contractor or employee of an individual or firm is injured while working on your property, you may be held liable for damages. If you obtain an owner-

builder permit and wish to hire a licensed contractor, you will be responsible for verifying whether the contractor is properly licensed and the status of the contractor's workers' compensation coverage.

Before a building permit can be issued, this disclosure statement must be completed and signed by the property owner and returned to the local permitting agency responsible for issuing the permit. A copy of the property owner's driver license, the notarized signature of the property owner, or other type of verification acceptable to the local permitting agency is required when the permit is issued.

Signature: ...(signature of property owner)....

Date: ...(date)....

Section 174. Subsections (2) through (19) of section 489.105, Florida Statutes, are renumbered as subsections (1) through (18), respectively, and present subsections (1) and (6) of that section are amended, to read:

489.105 Definitions.—As used in this part:

~~(1) "Board" means the Construction Industry Licensing Board.~~

(5)~~(6)~~ "Contracting" means, except as exempted in this part, engaging in business as a contractor and includes, but is not limited to, performance of any of the acts as set forth in subsection (2) ~~(3)~~ which define types of contractors. The attempted sale of contracting services and the negotiation or

bid for a contract on these services also constitutes contracting. If the services offered require licensure or agent qualification, the offering, negotiation for a bid, or attempted sale of these services requires the corresponding licensure. However, the term "contracting" does ~~shall~~ not extend to an individual, partnership, corporation, trust, or other legal entity that offers to sell or sells completed residences on property on which the individual or business entity has any legal or equitable interest, or to the individual or business entity that offers to sell or sells manufactured or factory-built buildings that will be completed on site on property on which either party to a contract has any legal or equitable interest, if the services of a qualified contractor certified or registered pursuant to the requirements of this chapter have been or will be retained for the purpose of constructing or completing such residences.

Section 175. Section 489.108, Florida Statutes, is amended to read:

489.108 Rulemaking authority.—The department ~~board~~ has authority to adopt rules pursuant to ss. 120.536(1) and 120.54 to implement the provisions of this chapter conferring duties upon it.

Section 176. Paragraphs (c), (e), (f), and (g) of subsection (1) and subsection (2) of section 489.109, Florida Statutes, are amended to read:

489.109 Fees.—

(1) The department ~~board~~, by rule, shall establish reasonable fees to be paid for applications, certification and renewal, registration and renewal, and recordmaking and recordkeeping. The fees shall be established as follows:

(c) The department ~~board~~, by rule, may establish delinquency fees, not to exceed the applicable renewal fee for renewal applications made after the expiration date of the certificate or registration.

(e) The department ~~board~~, by rule, shall impose a renewal fee for an inactive status certificate or registration, not to exceed the renewal fee for an active status certificate or registration. Neither the inactive certification fee nor the inactive registration fee may exceed $50. The department ~~board~~, by rule, may provide for a different fee for inactive status where such status is sought by a building code administrator, plans examiner, or inspector certified pursuant to part XII of chapter 468 who is employed by a local government and is not allowed by the terms of such employment to maintain a certificate on active status issued pursuant to this part.

(f) The department ~~board~~, by rule, shall impose an additional late fee on a delinquent status certificateholder or registrant when such certificateholder or registrant applies for active or inactive status.

(g) The department ~~board~~, by rule, shall impose an

additional fee, not to exceed the applicable renewal fee, which reasonably reflects the costs of processing a certificateholder's or registrant's request to change licensure status at any time other than at the beginning of a licensure cycle.

(2) ~~The board shall establish fees that are adequate to ensure the continued operation of the board.~~ Fees shall be based on department estimates of the revenue required to implement this part and the provisions of law with respect to the regulation of the construction industry.

Section 177. Subsections (1) and (2), paragraph (f) of subsection (3), and subsections (6), (7), and (8) of section 489.113, Florida Statutes, are amended to read:

489.113 Qualifications for practice; restrictions.—

(1) Any person who desires to engage in contracting on a statewide basis shall, as a prerequisite thereto, establish his or her competency and qualifications to be certified pursuant to this part. To establish competency, a person shall pass the appropriate examination approved ~~by the board~~ and certified by the department. If an applicant has received a baccalaureate degree in building construction from an accredited 4-year college, or a related degree as approved by the department ~~board~~ by rule, and has a grade point average of 3.0 or higher, such applicant is only required to take and pass the business and finance portion of the examination. Any person who desires to

engage in contracting on other than a statewide basis shall, as a prerequisite thereto, be registered pursuant to this part, unless exempted by this part.

(2) A person must be certified or registered in order to engage in the business of contracting in this state. However, for purposes of complying with the provisions of this chapter, a subcontractor who is not certified or registered may perform construction work under the supervision of a person who is certified or registered, provided that the work is within the scope of the supervising contractor's license, the supervising contractor is responsible for the work, and the subcontractor being supervised is not engaged in construction work that would require a license as a contractor under any of the categories listed in s. 489.105(2)(d)-(o) ~~s. 489.105(3)(d)-(o)~~. This subsection does not affect the application of any local construction licensing ordinances. To enforce this subsection:

(a) The department shall issue a cease and desist order to prohibit any person from engaging in the business of contracting who does not hold the required certification or registration for the work being performed under this part. For the purpose of enforcing a cease and desist order, the department may file a proceeding in the name of the state seeking issuance of an injunction or a writ of mandamus against any person who violates any provision of such order.

(b) A county, municipality, or local licensing board

created by special act may issue a cease and desist order to prohibit any person from engaging in the business of contracting who does not hold the required certification or registration for the work being performed under this part.

(3) A contractor shall subcontract all electrical, mechanical, plumbing, roofing, sheet metal, swimming pool, and air-conditioning work, unless such contractor holds a state certificate or registration in the respective trade category, however:

(f) A solar contractor may ~~shall~~ not be required to subcontract minor, as defined by department ~~board~~ rule, electrical, mechanical, plumbing, or roofing work so long as that work is within the scope of the license held by the solar contractor and where such work exclusively pertains to the installation of residential solar energy equipment as defined by rules of the department ~~board adopted in conjunction with the Electrical Contracting Licensing Board~~.

(6)(a) The department ~~board~~ shall, by rule, designate those types of specialty contractors which may be certified under this part. The limit of the scope of work and responsibility of a specialty contractor shall be established by the department ~~board~~ by rule. However, a certified specialty contractor category established by department ~~board~~ rule exists as a voluntary statewide licensing category and does not create a mandatory licensing requirement. Any mandatory statewide

construction contracting licensure requirement may only be established through specific statutory provision.

(b) By July 1, 2025, the department ~~board~~ shall, by rule, establish certified specialty contractor categories for voluntary licensure for all of the following:

1. Structural aluminum or screen enclosures.

2. Marine seawall work.

3. Marine bulkhead work.

4. Marine dock work.

5. Marine pile driving.

6. Structural masonry.

7. Structural prestressed, precast concrete work.

8. Rooftop solar heating installation.

9. Structural steel.

10. Window and door installation, including garage door installation and hurricane or windstorm protection.

11. Plaster and lath.

12. Structural carpentry.

(7) If an eligible applicant fails any contractor's written examination, except the general and building contractors' examination, and provides the department ~~board~~ with acceptable proof of lack of comprehension of written examinations, the applicant may petition the department ~~board~~ to be administered a uniform oral examination, subject to the following conditions:

(a) The applicant documents 10 years of experience in the appropriate construction craft.

(b) The applicant files written recommendations concerning his or her competency in the appropriate construction craft.

(c) The applicant is administered only one oral examination within a period of 1 year.

(8) Any public record of the department ~~board~~, when certified by the department ~~executive director of the board or the executive director's representative~~, may be received as prima facie evidence in any administrative or judicial proceeding.

Section 178. Subsection (1) of section 489.1131, Florida Statutes, is amended to read:

489.1131 Credit for relevant military training and education.—

(1) The department shall provide a method by which honorably discharged veterans may apply for licensure. The method must include a veteran-specific application and provide:

(a) To the fullest extent possible, credit toward the requirements for licensure for military experience, training, and education received and completed during service in the United States Armed Forces if the military experience, training, or education is substantially similar to the experience, training, or education required for licensure.

(b) Acceptance of up to 3 years of active duty service in

the United States Armed Forces, regardless of duty or training, to meet the experience requirements of s. 489.111(2)(c). At least 1 additional year of active experience as a foreman in the trade, either civilian or military, is required to fulfill the experience requirement of s. 489.111(2)(c).

The department ~~board~~ may adopt rules pursuant to ss. 120.536(1) and 120.54 to implement this subsection.

Section 179. Subsection (1) of section 489.1136, Florida Statutes, is amended to read:

489.1136 Medical gas certification.—

(1)(a) In addition to the certification or registration required to engage in business as a plumbing contractor, any plumbing contractor who wishes to engage in the business of installation, improvement, repair, or maintenance of any tubing, pipe, or similar conduit used to transport gaseous or partly gaseous substances for medical purposes shall take~~, as part of the contractor's continuing education requirement, at least once during the holding of such license,~~ a course of at least 6 hours before any installation, improvement, repair, or maintenance of any tubing, pipe, or similar conduit used to transport gaseous or partly gaseous substances for medical purposes. Such course shall be given by an instructional facility or teaching entity that has been approved by the department ~~board~~. In order for a course to be approved, the department ~~board~~ must find that the

course is designed to teach familiarity with the National Fire Prevention Association Standard 99C (Standard on Gas and Vacuum Systems, latest edition) and also designed to teach familiarity and practical ability in performing and inspecting brazing duties required of medical gas installation, improvement, repair, or maintenance work. Such course shall issue a certificate of completion to the taker of the course, which certificate shall be available for inspection by any entity or person seeking to have such contractor engage in the business of installation, improvement, repair, or maintenance of a medical gas system.

(b) Any other natural person who is employed by a licensed plumbing contractor to provide work on the installation, improvement, repair, or maintenance of a medical gas system, except as noted in paragraph (c), shall, as a prerequisite to his or her ability to provide such service, take a course approved by the department ~~board~~. Such course shall be at least 8 hours and consist of both classroom and practical work designed to teach familiarity with the National Fire Prevention Association Standard 99C (Standard on Gas and Vacuum Systems, latest edition) and also designed to teach familiarity and practical ability in performing and inspecting brazing duties required of medical gas installation, improvement, repair, or maintenance work. Such course shall also include the administration of a practical examination in the skills required

to perform work as outlined above, including brazing, and each examination shall be reasonably constructed to test for knowledge of the subject matter. The person taking such course and examination must, upon successful completion of both, be issued a certificate of completion by the giver of such course, which certificate shall be made available by the holder for inspection by any person or entity seeking to have such person perform work on the installation, improvement, repair, or maintenance of a medical gas system.

(c) Any other natural person who wishes to perform only brazing duties incidental to the installation, improvement, repair, or maintenance of a medical gas system shall pass an examination designed to show that person's familiarity with and practical ability in performing brazing duties required of medical gas installation, improvement, repair, or maintenance. Such examination shall be from a test approved by the department ~~board~~. Such examination must test for knowledge of National Fire Prevention Association Standard 99C (Standard on Gas and Vacuum Systems, latest edition). The person taking such examination must, upon passing such examination, be issued a certificate of completion by the giver of such examination, and such certificate shall be made available by the holder for inspection by any person or entity seeking to have or employ such person to perform brazing duties on a medical gas system.

(d) It is the responsibility of the licensed plumbing

contractor to ascertain whether members of his or her workforce are in compliance with this subsection, and such contractor is subject to discipline under s. 489.129 for violation of this subsection.

(e) Training programs in medical gas piping installation, improvement, repair, or maintenance shall be reviewed annually by the department ~~board~~ to ensure that programs have been provided equitably across the state.

(f) Periodically, the department ~~board~~ shall review training programs in medical gas piping installation for quality in content and instruction in accordance with the National Fire Prevention Association Standard 99C (Standard on Gas and Vacuum Systems, latest edition). The department ~~board~~ shall also respond to complaints regarding approved programs.

Section 180. Section 489.114, Florida Statutes, is amended to read:

489.114 Evidence of workers' compensation coverage.—Except as provided in s. 489.115(5)(d), any person, business organization, or qualifying agent engaged in the business of contracting in this state and certified or registered under this part shall, as a condition precedent to the issuance or renewal of a certificate or registration of the contractor, provide to the department ~~Construction Industry Licensing Board~~, as provided by department ~~board~~ rule, evidence of workers' compensation coverage pursuant to chapter 440. In the event that

the Division of Workers' Compensation of the Department of Financial Services receives notice of the cancellation of a policy of workers' compensation insurance insuring a person or entity governed by this section, the Division of Workers' Compensation shall certify and identify all persons or entities by certification or registration license number to the department after verification is made by the Division of Workers' Compensation that persons or entities governed by this section are no longer covered by workers' compensation insurance. Such certification and verification by the Division of Workers' Compensation may result from records furnished to the Division of Workers' Compensation by the persons or entities governed by this section or an investigation completed by the Division of Workers' Compensation. The department shall notify the persons or entities governed by this section who have been determined to be in noncompliance with chapter 440, and the persons or entities notified shall provide certification of compliance with chapter 440 to the department and pay an administrative fine in the amount of $500. The failure to maintain workers' compensation coverage as required by law shall be grounds for the department ~~board~~ to revoke, suspend, or deny the issuance or renewal of a certificate or registration of the contractor under the provisions of s. 489.129.

Section 181. Paragraph (a) of subsection (2), subsection (3), paragraph (b) of subsection (4), and subsections (5), (6),

(7), and (9) of section 489.115, Florida Statutes, are amended to read:

489.115 Certification and registration; endorsement; reciprocity; renewals~~; continuing education~~.—

(2)(a) The department shall issue a certificate or registration to each person qualified by the department ~~board~~ and upon receipt of the original license fee.

(3) The department ~~board~~ shall certify as qualified for certification by endorsement any applicant who:

(a) Meets the requirements for certification as set forth in this section; has passed a national, regional, state, or United States territorial licensing examination that is substantially equivalent to the examination required by this part; and has satisfied the requirements set forth in s. 489.111;

(b) Holds a valid license to practice contracting issued by another state or territory of the United States, if the criteria for issuance of such license were substantially equivalent to Florida's current certification criteria;

(c) Holds a valid, current license to practice contracting issued by another state or territory of the United States, if the state or territory has entered into a reciprocal agreement with the department ~~board~~ for the recognition of contractor licenses issued in that state, based on criteria for the issuance of such licenses that are substantially equivalent to

the criteria for certification in this state; or

(d) Has held a valid, current license to practice contracting issued by another state or territory of the United States for at least 10 years before the date of application and is applying for the same or similar license in this state, subject to subsections (5)-(9). The department ~~board~~ may consider an applicant's technical competence to ensure the applicant is able to meet the requirements of this state's codes and standards for wind mitigation and water intrusion. The department ~~board~~ may also consider whether such applicant has had a license to practice contracting revoked, suspended, or otherwise acted against by the licensing authority of another state, territory, or country. Such application must be made either when the license in another state or territory is active or within 2 years after such license was last active. Division I contractors and roofing contractors must complete a 2-hour course on the Florida Building Code which includes information on wind mitigation techniques. The required courses may be completed online.

(4)

~~(b)1. Each certificateholder or registrant shall provide proof, in a form established by rule of the board, that the certificateholder or registrant has completed at least 14 classroom hours of at least 50 minutes each of continuing education courses during each biennium since the issuance or~~

~~renewal of the certificate or registration. The board shall establish by rule that a portion of the required 14 hours must deal with the subject of workers' compensation, business practices, workplace safety, and, for applicable licensure categories, wind mitigation methodologies, and 1 hour of which must deal with laws and rules. The board shall by rule establish criteria for the approval of continuing education courses and providers, including requirements relating to the content of courses and standards for approval of providers, and may by rule establish criteria for accepting alternative nonclassroom continuing education on an hour-for-hour basis. The board shall prescribe by rule the continuing education, if any, which is required during the first biennium of initial licensure. A person who has been licensed for less than an entire biennium must not be required to complete the full 14 hours of continuing education.~~

~~2. In addition, the board may approve specialized continuing education courses on compliance with the wind resistance provisions for one and two family dwellings contained in the Florida Building Code and any alternate methodologies for providing such wind resistance which have been approved for use by the Florida Building Commission. Division I certificateholders or registrants who demonstrate proficiency upon completion of such specialized courses may certify plans and specifications for one and two family dwellings to be in~~

~~compliance with the code or alternate methodologies, as appropriate, except for dwellings located in floodways or coastal hazard areas as defined in ss. 60.3D and E of the National Flood Insurance Program.~~

~~3. The board shall require, by rule adopted pursuant to ss. 120.536(1) and 120.54, a specified number of hours in specialized or advanced module courses, approved by the Florida Building Commission, on any portion of the Florida Building Code, adopted pursuant to part IV of chapter 553, relating to the contractor's respective discipline.~~

(5)(a) As a prerequisite to the initial issuance or the renewal of a certificate or registration, the applicant shall submit an affidavit on a form provided by the department ~~board~~ attesting to the fact that the applicant has obtained workers' compensation insurance as required by chapter 440, public liability insurance, and property damage insurance for the safety and welfare of the public, in amounts determined by rule of the department ~~board~~. The department ~~board~~ shall by rule establish a procedure to verify the accuracy of such affidavits based upon a random sample method.

(b) In addition to the affidavit of insurance, as a prerequisite to the initial issuance of a certificate, the applicant shall furnish a credit report from a nationally recognized credit agency that reflects the financial responsibility of the applicant and evidence of financial

responsibility, credit, and business reputation of either himself or herself or the business organization he or she desires to qualify. The department ~~board~~ shall adopt rules defining financial responsibility based upon the applicant's credit history, ability to be bonded, and any history of bankruptcy or assignment of receivers. The department ~~board~~ may also adopt rules that would allow applicants to demonstrate financial responsibility, as an alternative to the foregoing, by providing minimum credit scores or bonds payable as prescribed for financially responsible officers. Such rules shall specify the financial responsibility grounds on which the department ~~board~~ may refuse to qualify an applicant for certification.

(c) If, within 60 days from the date the applicant is notified that he or she has qualified, he or she does not provide the evidence required, he or she shall apply to the department for an extension of time which shall be granted upon a showing of just cause.

(d) An applicant for initial issuance of a certificate or registration shall submit as a prerequisite to qualifying for an exemption from workers' compensation coverage requirements under s. 440.05 an affidavit attesting to the fact that the applicant will obtain an exemption within 30 days after the date the initial certificate or registration is issued by the department ~~board~~.

(6) An applicant for initial issuance of a certificate or

registration shall submit to a statewide criminal history records check through the Department of Law Enforcement. The Department of Business and Professional Regulation shall submit the requests for the criminal history records check to the Department of Law Enforcement for state processing, and the Department of Law Enforcement shall return the results to the department to determine if the applicant meets certification or registration requirements. If the applicant has been convicted of a felony, the department ~~board~~ may deny licensure to the applicant based upon the severity of the crime, the relationship of the crime to contracting, or the potential for public harm. The department ~~board~~ shall also, in denying or approving licensure, consider the length of time since the commission of the crime and the rehabilitation of the applicant. The department ~~board~~ may not deny licensure to an applicant based solely upon a felony conviction or the applicant's failure to provide proof of restoration of civil rights.

(7) An initial applicant shall, along with the application, and a certificateholder or registrant shall, upon requesting a change of status, submit to the department ~~board~~ a credit report from a nationally recognized credit agency that reflects the financial responsibility of the applicant or certificateholder or registrant. The credit report required for the initial applicant shall be considered the minimum evidence necessary to satisfy the department ~~board~~ that he or she is

financially responsible to be certified, has the necessary credit and business reputation to engage in contracting in the state, and has the minimum financial stability necessary to avoid the problem of financial mismanagement or misconduct. The department ~~board~~ shall, by rule, adopt guidelines for determination of financial stability, which may include minimum requirements for net worth, cash, and bonding for Division I certificateholders of no more than $20,000 and for Division II certificateholders of no more than $10,000. Fifty percent of the financial requirements may be met by completing a 14-hour financial responsibility course approved by the department ~~board~~.

(9) An initial applicant shall submit, along with the application, a complete set of fingerprints to the department. The fingerprints shall be submitted to the Department of Law Enforcement for state processing, and the Department of Law Enforcement shall forward them to the Federal Bureau of Investigation for national processing for the purpose of determining if the applicant has a criminal history record. The department shall and the department ~~board~~ may review the background results to determine if an applicant meets licensure requirements. The cost for the fingerprint processing shall be borne by the person subject to the background screening. These fees are to be collected by the authorized agencies or vendors. The authorized agencies or vendors are responsible for paying

the processing costs to the Department of Law Enforcement.

Section 182. Subsections (7) and (8) of section 489.116, Florida Statutes, are renumbered as subsections (6) and (7), respectively, and subsections (2) through (5) and present subsections (6) and (7) of that section are amended, to read:

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

(2) The department ~~board~~ shall permit a certificateholder or registrant to elect, at the time of licensure renewal, an active or inactive status.

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

(4) A certificateholder or registrant shall apply with a completed application, as determined by department ~~board~~ rule, to renew an active or inactive status certificate or registration before the certificate or registration expires. Failure of a certificateholder or registrant to so apply shall cause the certificate or registration to become a delinquent certificate or registration. Further, any delinquent certificateholder or registrant who fails to apply to renew

licensure on either active or inactive status before expiration of the current licensure cycle must reapply in the same manner as an applicant for initial certification or registration.

(5) A delinquent status certificateholder or registrant must apply with a completed application, as determined by department ~~board~~ rule, for active or inactive status during the current licensure cycle. Failure by a delinquent status certificateholder or registrant to become active or inactive before the expiration of the current licensure cycle renders the certificate or registration void, and any subsequent licensure shall be subject to all procedures and requirements imposed on an applicant for initial licensure.

~~(6) The board may not require an inactive certificateholder or registrant to complete more than one renewal cycle of continuing education for reactivating a certificate or registration.~~

(6)~~(7)~~ The status or any change in status of a certificateholder or registrant may ~~shall~~ not alter in any way the department's ~~board's~~ right to impose discipline or to enforce discipline previously imposed on a certificateholder or registrant for acts or omissions committed by the certificateholder or registrant while holding a certificate or registration.

Section 183. Paragraphs (a) and (c) of subsection (1), subsection (2), paragraph (a) of subsection (3), and subsection

(4) of section 489.117, Florida Statutes, are amended to read:

489.117 Registration; specialty contractors.—

(1)(a) A person engaged in the business of a contractor as defined in s. 489.105(2)(a)-(o) ~~s. 489.105(3)(a)-(o)~~ must be registered before engaging in business as a contractor in this state, unless he or she is certified. Except as provided in paragraph (2)(b), to be initially registered, the applicant must submit the required fee and file evidence of successful compliance with the local examination and licensing requirements, if any, in the area for which registration is desired. An examination is not required for registration.

(c) Each registrant shall report to the department ~~board~~ each local jurisdiction and each category of registration in which the registrant holds a certificate of competency or license, or where the registrant has been granted a certificate of competency or license by reciprocal agreement, for which registration is required by this part, within 30 days after obtaining such certificate or license.

(2)(a) Except as provided in paragraph (b), the department ~~board~~ may not issue a new registration after July 1, 1993, based on any certificate of competency or license for a category of contractor defined in s. 489.105(2)(a)-(o) ~~s. 489.105(3)(a)-(o)~~ which is issued by a municipal or county government that does not exercise disciplinary control and oversight over such locally licensed contractors, including forwarding a recommended

order in each action to the department ~~board~~ as provided in s. 489.131(7). For purposes of this subsection and s. 489.131(10), the department ~~board~~ shall determine the adequacy of such disciplinary control by reviewing the local government's ability to process and investigate complaints and to take disciplinary action against locally licensed contractors.

(b) The department ~~board~~ shall issue a registration to an eligible applicant to engage in the business of a contractor in a specified local jurisdiction, provided each of the following conditions are satisfied:

1. The applicant held, in any local jurisdiction in this state during 2021, 2022, or 2023, a certificate of registration issued by the state or a local license issued by a local jurisdiction to perform work in a category of contractor defined in s. 489.105(2)(a)-(o) ~~s. 489.105(3)(a)-(o)~~.

2. The applicant submits all of the following to the department ~~board~~:

a. Evidence of the certificate of registration or local license held by the applicant as required by subparagraph 1.

b. Evidence that the specified local jurisdiction does not have a license type available for the category of work for which the applicant was issued a certificate of registration or local license during 2021, 2022, or 2023, such as a notification on the website of the local jurisdiction or an e-mail or letter from the office of the local building official or local building

department stating that such license type is not available in that local jurisdiction.

c. Evidence that the applicant has submitted the required fee.

d. Evidence of compliance with the insurance and financial responsibility requirements of s. 489.115(5).

An examination is not required for an applicant seeking a registration under this paragraph.

(c) The department ~~board~~ is responsible for disciplining licensees issued a registration under paragraph (b). The department ~~board~~ shall make such licensure and disciplinary information available through the automated information system provided pursuant to s. 455.2286.

(d) The fees for an applicant seeking a registration under paragraph (b) and renewal of such registration every 2 years are the same as the fees established by the department ~~board~~ for applications, registration and renewal, and record making and recordkeeping, as set forth in s. 489.109. The department shall provide license, renewal, and cancellation notices pursuant to ss. 455.273 and 455.275.

(3)(a) Upon findings of fact supporting the need therefor, the department ~~board~~ may grant a limited nonrenewable registration to a contractor not domiciled in the state, for one project. During the period of such registration the department

~~board~~ may require compliance with this and any other statute of the state.

(4)(a)1. A person whose job scope does not substantially correspond to either the job scope of one of the contractor categories defined in s. 489.105(2)(a)-(o) ~~s. 489.105(3)(a)-(o)~~, or the job scope of one of the certified specialty contractor categories established by department ~~board~~ rule, is not required to register with the department ~~board~~. A local government, as defined in s. 163.211, may not require a person to obtain a license, issued by the local government or the state, for a job scope which does not substantially correspond to the job scope of one of the contractor categories defined in s. 489.105(2)(a)-(o) and (q) ~~s. 489.105(3)(a)-(o) and (q)~~ or authorized in s. 489.1455(1), or the job scope of one of the certified specialty contractor categories established pursuant to s. 489.113(6). A local government may not require a state or local license to obtain a permit for such job scopes. For purposes of this section, job scopes for which a local government may not require a license include, but are not limited to, painting; flooring; cabinetry; interior remodeling when the scope of the project does not include a task for which a state license is required; driveway or tennis court installation; handyman services; decorative stone, tile, marble, granite, or terrazzo installation; plastering; pressure washing; stuccoing; caulking; and canvas awning and ornamental iron installation.

2. A county that includes an area designated as an area of critical state concern under s. 380.05 may offer a license for any job scope which requires a contractor license under this part if the county imposed such a licensing requirement before January 1, 2021.

3. A local government may continue to offer a license for veneer, including aluminum or vinyl gutters, siding, soffit, or fascia; rooftop painting, coating, and cleaning above three stories in height; or fence installation and erection if the local government imposed such a licensing requirement before January 1, 2021.

4. A local government may not require a license as a prerequisite to submit a bid for public works projects if the work to be performed does not require a license under general law.

(b) The local jurisdictions are responsible for providing the following information to the department ~~board~~ within 30 days after licensure of, or any disciplinary action against, a locally licensed contractor who is registered under this part:

1. Licensure information.

2. Code violation information pursuant to s. 553.781.

3. Disciplinary information.

The department ~~board~~ shall maintain such licensure and disciplinary information as it is provided to the department

~~board~~ and shall make the information available through the automated information system provided pursuant to s. 455.2286.

(c) Providing discipline to such locally licensed contractors is the responsibility of the local jurisdiction.

(d) Any person who is not required to obtain registration or certification pursuant to s. 489.105(2)(d)-(o) ~~s. 489.105(3)(d)-(o)~~ may perform contracting services for the construction, remodeling, repair, or improvement of single-family residences, including a townhouse as defined in the Florida Building Code, without obtaining a local license if such person is under the supervision of a certified or registered general, building, or residential contractor. As used in this paragraph, supervision may ~~shall~~ not be deemed to require the existence of a direct contract between the certified or registered general, building, or residential contractor and the person performing specialty contracting services.

(e) Any person who is not certified or registered may perform the work of a specialty contractor whose scope of practice is limited to the type of work specified under s. 489.105(2)(j), (k), or (l) ~~s. 489.105(3)(j), (k), or (l)~~ for the construction, remodeling, repair, or improvement of commercial or residential swimming pools, interactive water features as defined in the Florida Building Code, hot tubs, and spas without obtaining a local license or certification as a specialty contractor if he or she is supervised by a contractor who is

certified or registered under s. 489.105(2)(j), (k), or (l) ~~s. 489.105(3)(j), (k), or (l)~~; the work is within the scope of the supervising contractor's license; the supervising contractor is responsible for the work; and the work does not require certification or registration under s. 489.105(2)(d)-(i), (m)-(o) ~~s. 489.105(3)(d)-(i), (m)-(o), or s. 489.505~~. Such supervision does not require a direct contract between the contractor certified or registered under s. 489.105(2)(j), (k), or (l) ~~s. 489.105(3)(j), (k), or (l)~~ and the person performing the work, or for the person performing the work to be an employee of the contractor certified or registered under s. 489.105(2)(j), (k), or (l) ~~s. 489.105(3)(j), (k), or (l)~~. This paragraph does not limit the exemptions provided in s. 489.103 and may not be construed to expand the scope of a contractor certified or registered under s. 489.105(2)(j), (k), or (l) ~~s. 489.105(3)(j), (k), or (l)~~ to provide plumbing or electrical services for which certification or registration is required by this part or part II.

Section 184. Section 489.118, Florida Statutes, is amended to read:

489.118 Certification of registered contractors; grandfathering provisions.—The department ~~board~~ shall, upon receipt of a completed application and appropriate fee, issue a certificate in the appropriate category to any contractor registered under this part who makes application to the

department ~~board~~ and can show that he or she meets each of the following requirements:

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

(2) Has, for that category, passed a written examination that the department ~~board~~ finds to be substantially similar to the examination required to be licensed as a certified contractor under this part. For purposes of this subsection, a written, proctored examination such as that produced by the National Assessment Institute, Block and Associates, NAI/Block, Experior Assessments, Professional Testing, Inc., or Assessment Systems, Inc., shall be considered to be substantially similar to the examination required to be licensed as a certified contractor. The department ~~board~~ may not impose or make any requirements regarding the nature or content of these cited examinations.

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

(4) Has not had his or her contractor's license revoked at

any time, had his or her contractor's license suspended within the last 5 years, or been assessed a fine in excess of $500 within the last 5 years.

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

Section 185. Paragraphs (b), (c), and (e) of subsection (2), paragraph (a) of subsection (3), paragraphs (a), (b), and (e) of subsection (5), subsection (6), and paragraphs (a) and (b) of subsection (7) of section 489.119, Florida Statutes, are amended to read:

489.119 Business organizations; qualifying agents.—

(2) If the applicant proposes to engage in contracting as a business organization, including any partnership, corporation, business trust, or other legal entity, or in any name other than the applicant's legal name or a fictitious name where the applicant is doing business as a sole proprietorship, the applicant must apply for registration or certification as the qualifying agent of the business organization.

(b)1. An application for registration or certification to qualify a business organization must include an affidavit on a form provided by the department ~~board~~ attesting that the applicant has final approval authority for all construction work performed by the business organization and that the applicant has final approval authority on all business matters, including contracts, specifications, checks, drafts, or payments,

regardless of the form of payment, made by the business organization, except where a financially responsible officer is approved.

2. The application for financially responsible officer must include an affidavit on a form provided by the department ~~board~~ attesting that the applicant's approval is required for all checks, drafts, or payments, regardless of the form of payment, made by the business organization and that the applicant has authority to act for the business organization in all financial matters.

3. The application for secondary qualifying agent must include an affidavit on a form provided by the department ~~board~~ attesting that the applicant has authority to supervise all construction work performed by the business organization as provided in s. 489.1195(2).

(c) The department ~~board~~ may deny an application for registration or certification to qualify a business organization if the applicant, or any person listed in paragraph (a), has been involved in past disciplinary actions or on any grounds for which an individual registration or certification may be denied.

(e) A joint venture, including a joint venture composed of qualified business organizations, is itself a separate and distinct organization that must be qualified in accordance with department ~~board~~ rules.

(3)(a) A qualifying agent must be certified or registered

under this part in order for the business organization to operate in the category of contracting in which the qualifying agent is certified or registered. If any qualifying agent ceases to be affiliated with a business organization, he or she shall inform the department. In addition, if the qualifying agent is the only certified or registered contractor affiliated with the business organization, the business organization shall notify the department of the termination of the qualifying agent and shall have 60 days from the termination of the qualifying agent's affiliation with the business organization in which to employ another qualifying agent. The business organization may not engage in contracting until a qualifying agent is employed, unless the department ~~executive director or chair of the board~~ has granted a temporary nonrenewable certificate or registration to the financially responsible officer, the president, a partner, or, in the case of a limited partnership, the general partner, who assumes all responsibilities of a primary qualifying agent for the business organization. This temporary certificate or registration shall only allow the business organization to proceed with incomplete contracts. For the purposes of this paragraph, an incomplete contract is one which has been awarded to, or entered into by, the business organization before ~~prior to~~ the cessation of affiliation of the qualifying agent with the business organization or one on which the business organization was the low bidder and the contract is

subsequently awarded, regardless of whether any actual work has commenced under the contract before ~~prior to~~ the qualifying agent ceasing to be affiliated with the business organization.

(5)(a) Each registered or certified contractor shall affix the number of his or her registration or certification to each application for a building permit and on each building permit issued and recorded. Each city or county building department shall require, as a precondition for the issuance of the building permit, that the contractor taking out the permit must provide verification giving his or her department ~~Construction Industry Licensing Board~~ registration or certification number.

(b) The registration or certification number of each contractor shall appear in each offer of services, business proposal, bid, contract, or advertisement, regardless of medium, as defined by department ~~board~~ rule, used by that contractor or business organization in the practice of contracting.

(e) The department ~~board~~ shall issue a notice of noncompliance for the first offense, and may assess a fine or issue a citation for failure to correct the offense within 30 days or for any subsequent offense, to any contractor or business organization that fails to include the certification or registration number as required by this part when submitting an advertisement for publication, broadcast, or printing or fails to display the certification or registration number as required by this part.

(6) Each qualifying agent shall pay the department an amount equal to the original fee for registration or certification to qualify a new business organization. If the qualifying agent for a business organization desires to qualify additional business organizations, the department ~~board~~ shall require the qualifying agent to present evidence of his or her ability to supervise the construction activities of each such organization. Approval of each business organization is discretionary with the department ~~board~~.

(7)(a) A business organization proposing to engage in contracting is not required to apply for or obtain authorization under this part to engage in contracting if:

1. The business organization employs one or more registered or certified contractors licensed in accordance with this part who are responsible for obtaining permits and supervising all of the business organization's contracting activities;

2. The business organization engages only in contracting on property owned by the business organization or by its parent, subsidiary, or affiliated entities; and

3. The business organization, or its parent entity if the business organization is a wholly owned subsidiary, maintains a minimum net worth of $20 million.

(b) Any business organization engaging in contracting under this subsection shall provide the department ~~board~~ with

the name and license number of each registered or certified contractor employed by the business organization to supervise its contracting activities. The business organization is not required to post a bond or otherwise evidence any financial or credit information except as necessary to demonstrate compliance with paragraph (a).

Section 186. Paragraphs (b) and (d) of subsection (1), paragraphs (a) and (b) of subsection (2), and paragraphs (a) and (b) of subsection (3) of section 489.1195, Florida Statutes, are amended to read:

489.1195 Responsibilities.—

(1) A qualifying agent is a primary qualifying agent unless he or she is a secondary qualifying agent under this section.

(b) Upon approval by the department ~~board~~, a business entity may designate a financially responsible officer for purposes of certification or registration. A financially responsible officer shall be responsible for all financial aspects of the business organization and may not be designated as the primary qualifying agent. The designated financially responsible officer shall furnish evidence of the financial responsibility, credit, and business reputation of either himself or herself, or the business organization he or she desires to qualify, as determined appropriate by the department ~~board~~.

(d) The department ~~board~~ shall adopt rules prescribing the qualifications for financially responsible officers, including net worth, cash, and bonding requirements. These qualifications must be at least as extensive as the requirements for the financial responsibility of qualifying agents.

(2)(a) One of the qualifying agents for a business organization that has more than one qualifying agent may be designated as the sole primary qualifying agent for the business organization by a joint agreement that is executed, on a form provided by the department ~~board~~, by all qualifying agents for the business organization.

(b) The joint agreement must be submitted to the department ~~board~~ for approval. If the department ~~board~~ determines that the joint agreement is in good order, it shall approve the designation and immediately notify the qualifying agents of such approval. The designation made by the joint agreement is effective upon receipt of the notice by the qualifying agents.

(3)(a) A qualifying agent who has been designated by a joint agreement as the sole primary qualifying agent for a business organization may terminate this status as such by giving actual notice to the business organization, to the department ~~board~~, and to all secondary qualifying agents of his or her intention to terminate this status. The notice to the department ~~board~~ must include proof satisfactory to the

department ~~board~~ that he or she has given the notice required in this paragraph.

(b) The status of the qualifying agent shall cease upon the designation of a new primary qualifying agent or 60 days after satisfactory notice of termination has been provided to the department ~~board~~, whichever first occurs.

Section 187. Section 489.121, Florida Statutes, is amended to read:

489.121 Emergency registration upon death of contractor.—If an incomplete contract exists at the time of death of a contractor, the contract may be completed by any person even though not certified or registered. Such person shall notify the department ~~board~~, within 30 days after the death of the contractor, of his or her name and address, knowledge of the contract, and ability to complete it. If the department ~~board~~ approves, he or she may proceed with the contract. For purposes of this section, an incomplete contract is one which has been awarded to, or entered into by, the contractor before his or her death, or on which he or she was the low bidder and the contract is subsequently awarded to him or her, regardless of whether any actual work has commenced under the contract before the contractor's death.

Section 188. Subsection (1) of section 489.126, Florida Statutes, is amended to read:

489.126 Moneys received by contractors.—

(1) For purposes of this section, the term "contractor" includes all definitions as set forth in s. 489.105(2) ~~s. 489.105(3)~~, and any person performing or contracting or promising to perform work described therein, without regard to the licensure of the person.

Section 189. Subsection (6) of section 489.127, Florida Statutes, is amended to read:

489.127 Prohibitions; penalties.—

(6) Local building departments may collect outstanding fines against registered or certified contractors issued by the department ~~Construction Industry Licensing Board~~ and may retain 75 percent of the fines they are able to collect, provided that they transmit 25 percent of the fines they are able to collect to the department according to a procedure to be determined by the department.

Section 190. Subsections (1) through (9), paragraph (d) of subsection (11), and subsection (12) of section 489.129, Florida Statutes, are amended to read:

489.129 Disciplinary proceedings.—

(1) The department ~~board~~ may take any of the following actions against any certificateholder or registrant: place on probation or reprimand the licensee, revoke, suspend, or deny the issuance or renewal of the certificate or registration, require financial restitution to a consumer for financial harm directly related to a violation of a provision of this part,

impose an administrative fine not to exceed $10,000 per violation, require continuing education, or assess costs associated with investigation and prosecution, if the contractor, financially responsible officer, or business organization for which the contractor is a primary qualifying agent, a financially responsible officer, or a secondary qualifying agent responsible under s. 489.1195 is found guilty of any of the following acts:

(a) Obtaining a certificate or registration by fraud or misrepresentation.

(b) Being convicted or found guilty of, or entering a plea of nolo contendere to, regardless of adjudication, a crime in any jurisdiction which directly relates to the practice of contracting or the ability to practice contracting.

(c) Violating any provision of chapter 455.

(d) Performing any act which assists a person or entity in engaging in the prohibited uncertified and unregistered practice of contracting, if the certificateholder or registrant knows or has reasonable grounds to know that the person or entity was uncertified and unregistered.

(e) Knowingly combining or conspiring with an uncertified or unregistered person by allowing his or her certificate or registration to be used by the uncertified or unregistered person with intent to evade the provisions of this part. When a certificateholder or registrant allows his or her certificate or

registration to be used by one or more business organizations without having any active participation in the operations, management, or control of such business organizations, such act constitutes prima facie evidence of an intent to evade the provisions of this part.

(f) Acting in the capacity of a contractor under any certificate or registration issued hereunder except in the name of the certificateholder or registrant as set forth on the issued certificate or registration, or in accordance with the personnel of the certificateholder or registrant as set forth in the application for the certificate or registration, or as later changed as provided in this part.

(g) Committing mismanagement or misconduct in the practice of contracting that causes financial harm to a customer. Financial mismanagement or misconduct occurs when:

1. Valid liens have been recorded against the property of a contractor's customer for supplies or services ordered by the contractor for the customer's job; the contractor has received funds from the customer to pay for the supplies or services; and the contractor has not had the liens removed from the property, by payment or by bond, within 75 days after the date of such liens;

2. The contractor has abandoned a customer's job and the percentage of completion is less than the percentage of the total contract price paid to the contractor as of the time of

abandonment, unless the contractor is entitled to retain such funds under the terms of the contract or refunds the excess funds within 30 days after the date the job is abandoned; or

3. The contractor's job has been completed, and it is shown that the customer has had to pay more for the contracted job than the original contract price, as adjusted for subsequent change orders, unless such increase in cost was the result of circumstances beyond the control of the contractor, was the result of circumstances caused by the customer, or was otherwise permitted by the terms of the contract between the contractor and the customer.

(h) Being disciplined by any municipality or county for an act or violation of this part.

(i) Failing in any material respect to comply with the provisions of this part or violating a rule or lawful order of the department ~~board~~.

(j) Abandoning a construction project in which the contractor is engaged or under contract as a contractor. A project may be presumed abandoned after 90 days if the contractor terminates the project without just cause or without proper notification to the owner, including the reason for termination, or fails to perform work without just cause for 90 consecutive days.

(k) Signing a statement with respect to a project or contract falsely indicating that the work is bonded; falsely

indicating that payment has been made for all subcontracted work, labor, and materials which results in a financial loss to the owner, purchaser, or contractor; or falsely indicating that workers' compensation and public liability insurance are provided.

(l) Committing fraud or deceit in the practice of contracting.

(m) Committing incompetency or misconduct in the practice of contracting.

(n) Committing gross negligence, repeated negligence, or negligence resulting in a significant danger to life or property.

(o) Proceeding on any job without obtaining applicable local building department permits and inspections.

(p) Intimidating, threatening, coercing, or otherwise discouraging the service of a notice to owner under part I of chapter 713 or a notice to contractor under chapter 255 or part I of chapter 713.

(q) Failing to satisfy within a reasonable time, the terms of a civil judgment obtained against the licensee, or the business organization qualified by the licensee, relating to the practice of the licensee's profession.

(r) Committing misapplication of construction funds in violation of s. 713.345. If a contractor, subcontractor, sub-subcontractor, or other person licensed by the department ~~board~~

under this chapter is convicted of misapplication of construction funds, the department ~~board~~ must suspend all licenses issued to such licensee under this chapter for a minimum of 1 year from the date of conviction. The suspension required under this paragraph is not exclusive, and the department ~~board~~ may impose any additional penalties set forth in this subsection.

For the purposes of this subsection, construction is considered to be commenced when the contract is executed and the contractor has accepted funds from the customer or lender. A contractor does not commit a violation of this subsection when the contractor relies on a building code interpretation rendered by a building official or person authorized by s. 553.80 to enforce the building code, absent a finding of fraud or deceit in the practice of contracting, or gross negligence, repeated negligence, or negligence resulting in a significant danger to life or property on the part of the building official, in a proceeding under chapter 120.

(2) If a registrant or certificateholder disciplined under subsection (1) is a qualifying agent or financially responsible officer for a business organization and the violation was performed in connection with a construction project undertaken by that business organization, the department ~~board~~ may impose an additional administrative fine not to exceed $5,000 per

violation against the business organization or against any partner, officer, director, trustee, or member if such person participated in the violation or knew or should have known of the violation and failed to take reasonable corrective action.

(3) The department ~~board~~ may specify by rule the acts or omissions which constitute violations of this section.

(4) In recommending penalties in any proposed recommended final order, the department shall follow the penalty guidelines established by the department ~~board~~ by rule. The department shall advise the administrative law judge of the appropriate penalty, including mitigating and aggravating circumstances, and the specific rule citation.

(5) The department ~~board~~ may not reinstate the certification or registration of, or cause a certificate or registration to be issued to, a person who or business organization which the department ~~board~~ has determined is unqualified or whose certificate or registration the department ~~board~~ has suspended until it is satisfied that such person or business organization has complied with all the terms and conditions set forth in the final order and is capable of competently engaging in the business of contracting.

(6)(a) The department ~~board~~ may assess interest or penalties on all fines imposed under this chapter against any person or business organization which has not paid the imposed fine by the due date established by rule or final order. The

provisions of chapter 120 do not apply to such assessment. Interest rates to be imposed shall be established by rule and may ~~shall~~ not be usurious.

(b) Venue for all actions to enforce any fine levied by the department ~~board~~ shall be in Duval County. The department ~~board~~ is authorized to enter into contracts with private businesses or attorneys to collect such fines with payment for such collections made on a contingent fee basis. All such contracts shall be publicly advertised and competitively awarded based upon responses submitted to a request for proposals developed by the department ~~board~~.

(7) The department may ~~board shall~~ not issue or renew a certificate or registration to any person or business organization that has been assessed a fine, interest, or costs associated with investigation and prosecution, or has been ordered to pay restitution, until such fine, interest, or costs associated with investigation and prosecution or restitution are paid in full or until all terms and conditions of the final order have been satisfied.

(8) If the department ~~board~~ finds any certified or registered contractor guilty of a violation, the department ~~board~~ may, as part of its disciplinary action, require such contractor to obtain continuing education in the areas of contracting affected by such violation.

(9) Any person certified or registered pursuant to this

part who has had his or her license revoked may ~~shall~~ not be eligible to be a partner, officer, director, or trustee of a business organization defined by this section or be employed in a managerial or supervisory capacity for a 5-year period. Such person shall also be ineligible to reapply for certification or registration under this part for a period of 5 years after the effective date of the revocation.

(11)

(d) The arbitrator's order shall become a final order of the department ~~board~~ if not challenged by the complainant or the certificateholder or registrant within 30 days after filing. The department's ~~board's~~ review of the arbitrator's order shall operate in the manner of the review of recommended orders pursuant to s. 120.57(1) and may ~~shall~~ not be a de novo review.

(12) When an investigation of a contractor is undertaken, the department shall promptly furnish to the contractor or the contractor's attorney a copy of the complaint or document that resulted in the initiation of the investigation. The department shall make the complaint and supporting documents available to the contractor. The complaint or supporting documents shall contain information regarding the specific facts that serve as the basis for the complaint. The contractor may submit a written response to the information contained in such complaint or document within 20 days after service to the contractor of the complaint or document. The contractor's written response shall

be considered by the probable cause panel. The right to respond does not prohibit the issuance of a summary emergency order if necessary to protect the public. However, if the department decides ~~secretary, or the secretary's designee, and the chair of the board or the chair of the probable cause panel agree in writing~~ that such notification would be detrimental to the investigation, the department may withhold notification. The department may conduct an investigation without notification to a contractor if the act under investigation is a criminal offense.

Section 191. Paragraphs (c) and (f) of subsection (3), paragraphs (b) and (c) of subsection (6), paragraphs (c), (d), (e), and (f) of subsection (7), and subsections (10), (11), and (12) of section 489.131, Florida Statutes, are amended to read:

489.131 Applicability.—

(3) Nothing in this part limits the power of a municipality or county:

(c) To collect business taxes, subject to s. 205.065, and inspection fees for engaging in contracting or examination fees from persons who are registered with the department ~~board~~ pursuant to local examination requirements and issue business tax receipts. However, nothing in this part shall be construed to require general contractors, building contractors, or residential contractors to obtain additional business tax receipts for specialty work when such specialty work is

performed by employees of such contractors on projects for which they have substantially full responsibility and such contractors do not hold themselves out to the public as being specialty contractors.

(f) To refuse to issue permits or issue permits with specific conditions to a contractor who has committed multiple violations, when he or she has been disciplined for each of them by the department ~~board~~ and when each disciplinary action has involved revocation or suspension of a license, imposition of an administrative fine of at least $1,000, or probation; or to issue permits with specific conditions to a contractor who, within the previous 12 months, has had disciplinary action other than a citation or letter of guidance taken against him or her by the department or by a local board or agency which licenses contractors and has reported the action pursuant to paragraph (6)(c), for engaging in the business or acting in the capacity of a contractor without a license. However, this subsection does not supersede the provisions of s. 489.113(4), and no county or municipality may require any certificateholder to obtain a local professional license or pay a local professional license fee as a condition of performing any services within the scope of the certificateholder's statewide license as established under this part.

(6)

(b) To engage in contracting in the territorial area, an

applicant shall also be registered with the department ~~board~~, as required by s. 489.117.

(c) Each local board or agency that licenses contractors must transmit quarterly to the department ~~board~~ a report of any disciplinary action taken against contractors and of any administrative or disciplinary action taken against unlicensed persons for engaging in the business or acting in the capacity of a contractor including any cease and desist orders issued pursuant to s. 489.113(2)(b) and any fine issued pursuant to s. 489.127(5).

(7)

(c) In addition to any action the local jurisdiction enforcement body may take against the individual's local license, and any fine the local jurisdiction may impose, the local jurisdiction enforcement body shall issue a recommended penalty for department ~~board~~ action. This recommended penalty may include a recommendation for no further action, or a recommendation for suspension, restitution, revocation, or restriction of the registration, or a fine to be levied by the department ~~board~~, or a combination thereof. The recommended penalty must specify the violations of this chapter upon which the recommendation is based. The local jurisdiction enforcement body shall inform the disciplined contractor and the complainant of the local license penalty imposed, the department ~~board~~ penalty recommended, his or her rights to appeal, and the

consequences should he or she decide not to appeal. The local jurisdiction enforcement body shall, upon having reached adjudication or having accepted a plea of nolo contendere, immediately inform the department ~~board~~ of its action and the recommended department ~~board~~ penalty.

(d) The ~~department, the~~ disciplined contractor~~,~~ or the complainant may challenge the local jurisdiction enforcement body's recommended penalty for department ~~board~~ action to the department ~~Construction Industry Licensing Board~~. A challenge shall be filed within 60 days after the issuance of the recommended penalty to the department ~~board~~. If challenged, there is a presumptive finding of probable cause and the case may proceed without the need for a probable cause hearing.

(e) Failure of the department, the disciplined contractor, or the complainant to challenge the local jurisdiction's recommended penalty within the time period set forth in this subsection shall constitute a waiver of the right to a hearing before the department ~~board~~. A waiver of the right to a hearing before the department ~~board~~ shall be deemed an admission of the violation, and the penalty recommended shall become a final order according to procedures developed by department ~~board~~ rule without further department ~~board~~ action. The disciplined contractor may appeal this department ~~board~~ action to the district court.

(f)1. The department may investigate any complaint which

is made with the department. However, the department may not initiate or pursue any complaint against a registered contractor who is not also a certified contractor where a local jurisdiction enforcement body has jurisdiction over the complaint, unless summary procedures are initiated by the secretary pursuant to s. 455.225(8), or unless the local jurisdiction enforcement body has failed to investigate and prosecute a complaint, or make a finding of no violation, within 6 months of receiving the complaint. The department shall refer the complaint to the local jurisdiction enforcement body for investigation, and if appropriate, prosecution. However, the department may investigate such complaints to the extent necessary to determine whether summary procedures should be initiated.

2. Upon a recommendation by the department, the department ~~board~~ may make conditional, suspend, or rescind its determination of the adequacy of the local government enforcement body's disciplinary procedures granted under s. 489.117(2).

(10) No municipal or county government may issue any certificate of competency or license for any contractor defined in s. 489.105(2)(a)-(o) ~~s. 489.105(3)(a)-(o)~~ after July 1, 1993, unless such local government exercises disciplinary control and oversight over such locally licensed contractors, including forwarding a recommended order in each action to the department

~~board~~ as provided in subsection (7). Each local board that licenses and disciplines contractors must have at least two consumer representatives on that board. If the local board has seven or more members, at least three of those members must be consumer representatives. The consumer representative may be any resident of the local jurisdiction who is not, and has never been, a member or practitioner of a profession regulated by the department ~~board~~ or a member of any closely related profession.

(11) Any municipal or county government which enters or has in place a reciprocal agreement which accepts a certificate of competency or license issued by another municipal or county government in lieu of its own certificate of competency or license allowing contractors defined in s. 489.105(2)(a)-(o) ~~s. 489.105(3)(a)-(o)~~, shall file a certified copy of such agreement with the department ~~board~~ not later than 60 days after July 1, 1993, or 30 days after the effective date of such agreement.

(12) Unless specifically provided, ~~the provisions of~~ this part does ~~shall~~ not ~~be construed to~~ create a civil cause of action.

Section 192. Subsection (5) of section 489.132, Florida Statutes, is amended to read:

489.132 Prohibited acts by unlicensed principals; investigation; hearing; penalties.—

(5) The department may suspend, revoke, or deny issuance or renewal of a certificate or registration for any individual

or business organization that associates a person as an officer, director, or partner, or in a managerial or supervisory capacity, after such person has been found under a final order to have violated this section or was an officer, director, partner, trustee, or manager of a business organization disciplined by the department ~~board~~ by revocation, suspension, or fine in excess of $2,500, upon finding reasonable cause that such person knew or reasonably should have known of the conduct leading to the discipline.

Section 193. Subsections (2) and (4) of section 489.133, Florida Statutes, are amended to read:

489.133 Pollutant storage systems specialty contractors; definitions; certification; restrictions.—

(2) The department ~~board~~ shall adopt rules providing standards for registration of precision tank testers who precision test a pollutant storage tank. The Department of Environmental Protection shall approve the methodology, procedures, and equipment used and shall approve the applicant as being eligible for registration as a registered precision tank tester. A registered precision tank tester is subject to the provisions of ss. 489.129 and 489.132 and is considered a contractor operating as a primary qualifying agent for the business entity employing him or her, which is considered a contracting firm for the purposes of ss. 489.129 and 489.132. A person who registers under this subsection is exempt from

municipal, county, or development district registration under s. 489.117 and may operate as a precision tank tester statewide.

(4) The department ~~board~~ shall adopt rules providing standards for certification of pollutant storage systems specialty contractors, including persons who remove such systems. The department ~~board~~ shall provide the proposed rules to the Department of Environmental Protection for review and comment before ~~prior to~~ adoption. The rules shall include, but not be limited to:

(a) Standards for operating as a pollutant storage systems specialty contractor.

(b) Requirements for certification as a pollutant storage systems specialty contractor.

(c) Requirements for certification without examination of pollutant storage systems specialty contractors for any person who has passed a local licensure examination, a licensure examination in another state, or a licensure examination of a national organization, which is at least as stringent as the examination adopted by the department ~~board~~.

Section 194. Subsections (1) and (2) of section 489.1401, Florida Statutes, are amended to read:

489.1401 Legislative intent.—

(1) It is the intent of the Legislature that actions taken by the department ~~Construction Industry Licensing Board~~ with respect to contractor sanctions and pursuant to this chapter are

an exercise of the department's regulatory power for the protection of public safety and welfare.

(2) It is the intent of the Legislature that the sole purpose of the Florida Homeowners' Construction Recovery Fund is to compensate an aggrieved claimant who contracted for the construction or improvement of the homeowner's residence located within this state and who has obtained a final judgment in a court of competent jurisdiction, was awarded restitution by the department ~~Construction Industry Licensing Board~~, or received an award in arbitration against a licensee on grounds of financial mismanagement or misconduct, abandoning a construction project, or making a false statement with respect to a project. Such grievance must arise directly out of a transaction conducted when the judgment debtor was licensed and must involve an act enumerated in s. 489.129(1)(g), (j), or (k).

Section 195. Paragraphs (c) through (l) of subsection (1) of section 489.1402, Florida Statutes, are redesignated as paragraphs (b) through (k), respectively, and present paragraphs (b) and (d) of that subsection are amended, to read:

489.1402 Homeowners' Construction Recovery Fund; definitions.—

(1) The following definitions apply to ss. 489.140-489.144:

~~(b) "Board" means the Construction Industry Licensing Board.~~

(d) "Contractor" means a Division I or Division II contractor performing his or her respective services described in s. 489.105(2) ~~s. 489.105(3)~~.

Section 196. Paragraphs (a), (e), (f), and (g) of subsection (1), paragraph (f) of subsection (2), and subsection (3) of section 489.141, Florida Statutes, are amended to read:

489.141 Conditions for recovery; eligibility.—

(1) A claimant is eligible to seek recovery from the recovery fund after making a claim and exhausting the limits of any available bond, cash bond, surety, guarantee, warranty, letter of credit, or policy of insurance if each of the following conditions is satisfied:

(a) The claimant has received a final judgment in a court of competent jurisdiction in this state or has received an award in arbitration or the department ~~Construction Industry Licensing Board~~ has issued a final order directing the licensee to pay restitution to the claimant. The department ~~board~~ may waive this requirement if:

1. The claimant is unable to secure a final judgment against the licensee due to the death of the licensee; or

2. The claimant has sought to have assets involving the transaction that gave rise to the claim removed from the bankruptcy proceedings so that the matter might be heard in a court of competent jurisdiction in this state and, after due diligence, the claimant is precluded by action of the bankruptcy

court from securing a final judgment against the licensee.

(e) The contract was executed and the violation occurred on or after July 1, 1993, and provided that:

1. The claimant has caused to be issued a writ of execution upon such judgment, and the officer executing the writ has made a return showing that no personal or real property of the judgment debtor or licensee liable to be levied upon in satisfaction of the judgment can be found or that the amount realized on the sale of the judgment debtor's or licensee's property pursuant to such execution was insufficient to satisfy the judgment;

2. If the claimant is unable to comply with subparagraph 1. for a valid reason to be determined by the department ~~board~~, the claimant has made all reasonable searches and inquiries to ascertain whether the judgment debtor or licensee is possessed of real or personal property or other assets subject to being sold or applied in satisfaction of the judgment and by his or her search has discovered no property or assets or has discovered property and assets and has taken all necessary action and proceedings for the application thereof to the judgment but the amount thereby realized was insufficient to satisfy the judgment; and

3. The claimant has made a diligent attempt, as defined by department ~~board~~ rule, to collect the restitution awarded by the department ~~board~~.

(f) A claim for recovery is made within 1 year after the conclusion of any civil, criminal, or administrative action or award in arbitration based on the act. This paragraph applies to any claim filed with the department ~~board~~ after October 1, 1998.

(g) Any amounts recovered by the claimant from the judgment debtor or licensee, or from any other source, have been applied to the damages awarded by the court or the amount of restitution ordered by the department ~~board~~.

(2) A claimant is not qualified to make a claim for recovery from the recovery fund if:

(f) The claimant had entered into a contract with a licensee to perform a scope of work described in s. 489.105(2)(d)-(q) ~~s. 489.105(3)(d)-(q)~~ before July 1, 2016.

(3) The department ~~board~~ may determine by rule documentation that is required to complete a claim.

Section 197. Section 489.142, Florida Statutes, is amended to read:

489.142 Department ~~Board~~ powers relating to recovery; conduct of hearings and service.—

(1) With respect to actions for recovery from the recovery fund, the department ~~board~~ may intervene, enter an appearance, file an answer, defend the action, or take any action it deems appropriate and may take recourse through any appropriate method of review on behalf of the State of Florida. The department ~~board~~ may delegate to the department by rule the authority to

close any case when a claimant is not qualified to make a claim for recovery from the recovery fund under s. 489.141(2); when after notice the claimant has failed to provide documentation in support of the claim as required by the department ~~board~~; or when the licensee has reached the aggregate limit.

(2) Notwithstanding any other provision of law, the department ~~board~~ shall cause a notice of hearing to be served 14 days in advance of the hearing on the claimant and on the licensee whose license is subject to suspension by s. 489.143. Each notice shall inform the recipient of any administrative hearing or judicial review that is available under s. 120.569, s. 120.57, or s. 120.68; shall indicate the procedure that must be followed to obtain the hearing or judicial review; and shall state the time limits that apply. Service of the notice on the licensee shall be made in accordance with s. 455.275. Service of the notice on the claimant shall be by regular United States mail at the address provided on the claim. The service of notice in accordance with this section is complete upon expiration of 14 days after deposit in the United States mail. Proof of service of a notice shall be made by entry in the records of the department that the notice was given. The entry shall be admissible in judicial and administrative proceedings of this state and shall constitute sufficient proof that notice was given.

(3) Notwithstanding any other provision of law, department

~~board~~ hearings on claims shall be conducted in accordance with ss. 120.569 and 120.57(2). All claim hearings shall be conducted at the department's ~~board's~~ regular meeting at the place, date, and time published. Orders of the department ~~board~~ denying or awarding funds to a claimant constitute final orders that may be appealed in accordance with s. 120.68. Orders awarding or denying claims shall be served in the same manner as notices of hearing in this section.

Section 198. Section 489.1425, Florida Statutes, is amended to read:

489.1425 Duty of contractor to notify residential property owner of recovery fund.—

(1) Each agreement or contract for repair, restoration, improvement, or construction to residential real property must contain a written statement explaining the consumer's rights under the recovery fund, except where the value of all labor and materials does not exceed $2,500. The written statement must be substantially in the following form:

FLORIDA HOMEOWNERS' CONSTRUCTION
RECOVERY FUND

PAYMENT, UP TO A LIMITED AMOUNT, MAY BE AVAILABLE FROM THE FLORIDA HOMEOWNERS' CONSTRUCTION RECOVERY FUND IF YOU LOSE MONEY ON A PROJECT PERFORMED UNDER CONTRACT, WHERE THE LOSS RESULTS FROM SPECIFIED VIOLATIONS OF FLORIDA LAW BY A LICENSED CONTRACTOR. FOR INFORMATION ABOUT THE RECOVERY FUND AND FILING A

CLAIM, CONTACT THE FLORIDA DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION ~~CONSTRUCTION INDUSTRY LICENSING BOARD~~ AT THE FOLLOWING TELEPHONE NUMBER AND ADDRESS:

The statement must shall be immediately followed by the department's ~~board's~~ address and telephone number as established by department ~~board~~ rule.

(2)(a) Upon finding a first violation of subsection (1), the department ~~board~~ may fine the contractor up to $500, and the moneys must be deposited into the recovery fund.

(b) Upon finding a second or subsequent violation of subsection (1), the department ~~board~~ shall fine the contractor $1,000 per violation, and the moneys must be deposited into the recovery fund.

Section 199. Subsections (1), (2), (4), and (6) of section 489.143, Florida Statutes, are amended to read:

489.143 Payment from the fund.—

(1) The fund shall be disbursed as provided in s. 489.141 on a final order of the department ~~board~~.

(2) A claimant who meets all of the conditions prescribed in s. 489.141 may apply to the department ~~board~~ to cause payment to be made to a claimant from the recovery fund in an amount equal to the judgment, award, or restitution order or $25,000, whichever is less, or an amount equal to the unsatisfied portion of such person's judgment, award, or restitution order, but only to the extent and amount of actual damages suffered by the

claimant, and only up to the maximum payment allowed for each respective Division I and Division II claim. Payment from the fund for other costs related to or pursuant to civil proceedings such as postjudgment interest, attorney fees, court costs, medical damages, and punitive damages is prohibited. The recovery fund is not obligated to pay a judgment, an award, or a restitution order, or any portion thereof, which is not expressly based on one of the grounds for recovery set forth in s. 489.141.

(4) Upon receipt by a claimant under subsection (2) of payment from the recovery fund, the claimant shall assign his or her additional right, title, and interest in the judgment, award, or restitution order, to the extent of such payment, to the department ~~board~~, and thereupon the department ~~board~~ shall be subrogated to the right, title, and interest of the claimant; and any amount subsequently recovered on the judgment, award, or restitution order, to the extent of the right, title, and interest of the department ~~board~~ therein, shall be for the purpose of reimbursing the recovery fund.

(6) For contracts entered into before July 1, 2004, payments for claims against any one licensee may not exceed, in the aggregate, $100,000 annually, up to a total aggregate of $250,000. For any claim approved by the department ~~board~~ which is in excess of the annual cap, the amount in excess of $100,000 up to the total aggregate cap of $250,000 is eligible for

payment in the next and succeeding fiscal years, but only after all claims for the then-current calendar year have been paid. Payments may not exceed the aggregate annual or per claimant limits under law. Beginning January 1, 2005, for each Division I contract entered into after July 1, 2004, payment from the recovery fund is subject only to a total aggregate cap of $500,000 for each Division I licensee. Beginning January 1, 2017, for each Division II contract entered into on or after July 1, 2016, payment from the recovery fund is subject only to a total aggregate cap of $150,000 for each Division II licensee. Beginning January 1, 2025, for Division I and Division II contracts entered into on or after July 1, 2024, payment from the recovery fund is subject only to a total aggregate cap of $2 million for each Division I licensee and $600,000 for each Division II licensee.

Section 200. Paragraph (a) of subsection (1) of section 489.1455, Florida Statutes, is amended to read:

489.1455 Journeyman; reciprocity; standards.—

(1) Counties and municipalities are authorized to issue journeyman licenses in the plumbing, pipe fitting, mechanical, or HVAC trades to an individual who:

(a) Has scored at least 70 percent, or after October 1, 1997, at least 75 percent, on a proctored journeyman Block and Associates examination or other proctored examination approved by the department ~~board~~ for the trade in which he or she is

licensed;

Section 201. Section 489.146, Florida Statutes, is amended to read:

489.146 Privatization of services.—Notwithstanding any other provision of this part relating to the review of licensure applications, issuance of licenses and renewals, collection of revenues, fees, and fines, service of documents, publications, and printing, and other ministerial functions of the department relating to the regulation of contractors, the department shall make all reasonable efforts to contract with one or more private entities for provision of such services, when such services can be provided in a more efficient manner by private entities. The department or the department ~~board~~ shall retain final authority for licensure decisions and rulemaking, including all appeals or other legal action resulting from such licensure decisions or rulemaking.

Section 202. Subsection (1) of section 489.509, Florida Statutes, is amended to read:

489.509 Fees.—

(1) The department ~~board~~, by rule, shall establish fees to be paid for applications, examination, reexamination, transfers, licensing and renewal, reinstatement, and recordmaking and recordkeeping. The examination fee shall be in an amount that covers the cost of obtaining and administering the examination and shall be refunded if the applicant is found ineligible to

sit for the examination. The application fee is nonrefundable. The fee for initial application and examination for certification of electrical contractors may not exceed $400. The initial application fee for registration may not exceed $150. The biennial renewal fee may not exceed $400 for certificateholders and $200 for registrants. The fee for initial application and examination for certification of alarm system contractors may not exceed $400. The biennial renewal fee for certified alarm system contractors may not exceed $450. The department ~~board~~ may establish a fee for a temporary certificate as an alarm system contractor not to exceed $75. The department ~~board~~ may also establish by rule a delinquency fee not to exceed $50. The fee to transfer a certificate or registration from one business organization to another may not exceed $200. The fee for reactivation of an inactive license may not exceed $50. The department ~~board~~ shall establish fees that are adequate to ensure the continued operation of the department ~~board~~. Fees shall be based on department estimates of the revenue required to implement this part and the provisions of law with respect to the regulation of electrical contractors and alarm system contractors.

Section 203. Section 489.510, Florida Statutes, is amended to read:

489.510 Evidence of workers' compensation coverage.—Except as provided in s. 489.515(3)(b), any person, business

organization, or qualifying agent engaged in the business of contracting in this state and certified or registered under this part shall, as a condition precedent to the issuance or renewal of a certificate or registration of the contractor, provide to the department ~~Electrical Contractors' Licensing Board~~, as provided by department ~~board~~ rule, evidence of workers' compensation coverage pursuant to chapter 440. In the event that the Division of Workers' Compensation of the Department of Financial Services receives notice of the cancellation of a policy of workers' compensation insurance insuring a person or entity governed by this section, the Division of Workers' Compensation shall certify and identify all persons or entities by certification or registration license number to the department after verification is made by the Division of Workers' Compensation that persons or entities governed by this section are no longer covered by workers' compensation insurance. Such certification and verification by the Division of Workers' Compensation may result from records furnished to the Division of Workers' Compensation by the persons or entities governed by this section or an investigation completed by the Division of Workers' Compensation. The department shall notify the persons or entities governed by this section who have been determined to be in noncompliance with chapter 440, and the persons or entities notified shall provide certification of compliance with chapter 440 to the department and pay an

administrative fine in the amount of $500. The failure to maintain workers' compensation coverage as required by law shall be grounds for the department ~~board~~ to revoke, suspend, or deny the issuance or renewal of a certificate or registration of the contractor under the provisions of s. 489.533.

Section 204. Paragraph (b) of subsection (1) and subsections (2) through (5) of section 489.511, Florida Statutes, are amended to read:

489.511 Certification; application; examinations; endorsement.—

(1)

(b) Any person desiring to be certified as a contractor shall apply to the department in writing and must meet the following criteria:

1. Be of good moral character;

2. Pass the certification examination, achieving a passing grade as established by department ~~board~~ rule; and

3. Meet eligibility requirements according to one of the following criteria:

a. Has, within the 6 years immediately preceding the filing of the application, at least 3 years of proven management experience in the trade or education equivalent thereto, or a combination thereof, but not more than one-half of such experience may be educational equivalent;

b. Has, within the 8 years immediately preceding the

filing of the application, at least 4 years of experience as a supervisor or contractor in the trade for which he or she is making application, or at least 4 years of experience as a supervisor in electrical or alarm system work with the United States Armed Forces;

c. Has, within the 12 years immediately preceding the filing of the application, at least 6 years of comprehensive training, technical education, or supervisory experience associated with an electrical or alarm system contracting business, or at least 6 years of technical experience, education, or training in electrical or alarm system work with the United States Armed Forces or a governmental entity;

d. Has, within the 12 years immediately preceding the filing of the application, been licensed for 3 years as a professional engineer who is qualified by education, training, or experience to practice electrical engineering; or

e. Has any combination of qualifications under sub-subparagraphs a.-c. totaling 6 years of experience.

(2) The department ~~board~~ may determine by rule the number of times per year the applicant may take the examination and after three unsuccessful attempts may require the applicant to complete additional college-level or technical education courses in the areas of deficiency, as determined by the department ~~board~~, as a condition of future eligibility to take the examination.

(3)(a) "Good moral character" means a personal history of honesty, fairness, and respect for the rights of others and for laws of this state and nation.

(b) The department ~~board~~ may determine that an individual applying for certification is ineligible for failure to satisfy the requirement of good moral character only if:

1. There is a substantial connection between the lack of good moral character of the individual and the professional responsibilities of a certified contractor; and

2. The finding by the department ~~board~~ of lack of good moral character is supported by clear and convincing evidence.

(c) When an individual is found to be unqualified for certification because of a lack of good moral character, the department ~~board~~ shall furnish such individual a statement containing the findings of the department ~~board~~, a complete record of the evidence upon which the determination was based, and a notice of the rights of the individual to a rehearing and appeal.

(4) The department ~~board~~ shall, by rule, designate those types of specialty electrical or alarm system contractors who may be certified under this part. The limit of the scope of work and responsibility of a certified specialty contractor shall be established by department ~~board~~ rule. A certified specialty contractor category exists as an optional statewide licensing category. Qualification for certification in a specialty

category created by rule shall be the same as set forth in paragraph (1)(b). The existence of a specialty category created by rule does not itself create any licensing requirement; however, neither does its optional nature remove any licensure requirement established elsewhere in this part.

(5) The department ~~board~~ shall certify as qualified for certification by endorsement any individual applying for certification who:

(a) Meets the requirements for certification as set forth in this section; has passed a national, regional, state, or United States territorial licensing examination that is substantially equivalent to the examination required by this part; and has satisfied the requirements set forth in s. 489.521;

(b) Holds a valid license to practice electrical or alarm system contracting issued by another state or territory of the United States, if the criteria for issuance of such license were substantially equivalent to the certification criteria that existed in this state at the time the certificate was issued; or

(c) Has held a valid, current license to practice electrical or alarm system contracting issued by another state or territory of the United States for at least 10 years before the date of application and is applying for the same or similar license in this state, subject to ss. 489.510 and 489.521(3)(a) and subparagraph (1)(b)1. Such application must be made either

when the license in another state or territory is active or within 2 years after such license was last active. Electrical contractors and alarm system contractors must complete a 2-hour course on the Florida Building Code. The required courses may be completed online.

Section 205. Paragraph (c) of subsection (1) and subsections (3) and (6) of section 489.513, Florida Statutes, are amended to read:

489.513 Registration; application; requirements.—

(1) Any person engaged in the business of contracting in the state shall be registered in the proper classification unless he or she is certified. Any person desiring to be a registered contractor shall apply to the department for registration and must:

(c) Meet eligibility requirements according to the following criteria:

1. As used in this subsection, the term "good moral character" means a personal history of honesty, fairness, and respect for the rights of others and for state and federal law.

2. The department ~~board~~ may determine that an individual applying for registration is ineligible due to failure to satisfy the requirement of good moral character only if:

a. There is a substantial connection between the lack of good moral character of the individual and the professional responsibilities of a registered contractor; and

b. The finding by the department ~~board~~ of lack of good moral character is supported by clear and convincing evidence.

3. When an individual is found to be unqualified because of lack of good moral character, the department ~~board~~ must furnish such individual a statement containing the findings of the department ~~board~~, a complete record of evidence upon which the determination was based, and a notice of the rights of the individual to a rehearing and an appeal.

(3) To be registered as an electrical contractor, an alarm system contractor I, an alarm system contractor II, or a residential alarm system contractor, the applicant shall file evidence of holding a current certificate of competency issued by any municipality or county of the state for the type of work for which registration is desired, on a form provided by the department, together with evidence of having passed an appropriate local examination, written or oral, designed to test skills and knowledge relevant to the technical performance of the profession, accompanied by the registration fee fixed pursuant to this part. For any person working or wishing to work in any local jurisdiction that does not require an examination for its license, the applicant may apply and shall be considered qualified to be issued a registration in the appropriate electrical or alarm system category, provided that he or she shows that he or she has scored at least 75 percent on an examination which is substantially equivalent to the examination

approved by the department ~~board~~ for certification in the category and that he or she has had at least 3 years' technical experience in the trade. The requirement to take and pass an examination in order to obtain a registration does ~~shall~~ not apply to persons making application before ~~prior to~~ the effective date of this act.

(6) The local jurisdictions are responsible for providing the following information to the department ~~board~~ within 30 days after licensure of, or any disciplinary action against, a locally licensed contractor who is registered under this part:

(a) Licensure information.

(b) Code violation information pursuant to s. 553.781.

(c) Disciplinary information.

The department ~~board~~ shall maintain such licensure and disciplinary information as it is provided to the department ~~board~~ and shall make the information available through the automated information system provided pursuant to s. 455.2286.

Section 206. Section 489.514, Florida Statutes, is amended to read:

489.514 Certification for registered contractors; grandfathering provisions.—

(1) The department ~~board~~ shall, upon receipt of a completed application, appropriate fee, and proof of compliance with the provisions of this section, issue:

(a) To an applying registered electrical contractor, a certificate as an electrical contractor~~, as defined in s. 489.505(12)~~;

(b) To an applying registered alarm system contractor, a certificate in the matching alarm system contractor category~~, as defined in s. 489.505(2)(a) or (b)~~; or

(c) To an applying registered electrical specialty contractor, a certificate in the matching electrical specialty contractor category~~, as defined in s. 489.505(19)~~.

(2) Any contractor registered under this part who makes application under this section to the department ~~board~~ shall meet each of the following requirements for certification:

(a) Currently holds a valid registered local license in the category of electrical contractor, alarm system contractor, or electrical specialty contractor.

(b) Has, for that category, passed a written, proctored examination that the department ~~board~~ finds to be substantially similar to the examination required to be licensed as a certified contractor under this part. For purposes of this subsection, a written, proctored examination such as that produced by the National Assessment Institute, Block and Associates, NAI/Block, Experior Assessments, Professional Testing, Inc., or Assessment Systems, Inc., shall be considered to be substantially similar to the examination required to be licensed as a certified contractor. The department ~~board~~ may not

impose or make any requirements regarding the nature or content of these cited examinations.

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

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

(e) Is in compliance with the insurance and financial responsibility requirements in s. 489.515(1)(b).

Section 207. Subsections (1) through(4) of section 489.515, Florida Statutes, are amended to read:

489.515 Issuance of certificates; registrations.—

(1)(a) The department shall issue a certificate to a person who the department ~~board~~ certifies is qualified to become a certified contractor.

(b) The department ~~board~~ shall certify as qualified for certification any person who satisfies the requirements of s. 489.511 and who submits satisfactory evidence that he or she has obtained both workers' compensation insurance or an acceptable

exemption certificate issued by the department and public liability and property damage insurance for the health, safety, and welfare of the public in amounts determined by rule of the department ~~board~~, and furnishes evidence of financial responsibility, credit, and business reputation of either himself or herself or the business organization he or she desires to qualify.

(c) Upon compliance with the provisions of this section and payment of the certification fee, the department shall issue the person a certificate.

(2) The department shall issue a registration to a person who is in compliance with the provisions of s. 489.513 and who the department ~~board~~ certifies is qualified to be registered.

(3)(a) As a prerequisite to the initial issuance or the renewal of a certificate or registration, the applicant shall submit an affidavit on a form provided by the department ~~board~~ attesting to the fact that the applicant has obtained both workers' compensation insurance or an acceptable exemption certificate issued by the department and public liability and property damage insurance for the health, safety, and welfare of the public in amounts determined by rule of the department ~~board~~. The department ~~board~~ shall by rule establish a procedure to verify the accuracy of such affidavits based upon a random audit method.

(b) An applicant for initial issuance of a certificate or

registration shall submit as a prerequisite to qualifying for an exemption from workers' compensation coverage requirements under s. 440.05 an affidavit attesting to the fact that the applicant will obtain an exemption within 30 days after the date the initial certificate or registration is issued by the department ~~board~~.

(4) The department ~~board~~ may refuse to certify any applicant who has violated any of the provisions of s. 489.533.

Section 208. Subsection (4) of section 489.516, Florida Statutes, is amended to read:

489.516 Qualifications to practice; restrictions; prerequisites.—

(4) A county or municipality may suspend or deny a locally issued permit when the local building official, tax collector, or other authorized person determines that the contractor has failed to obtain both workers' compensation insurance or an acceptable exemption certificate issued by the department and public liability and property damage insurance in the amounts determined by rule of the department ~~board~~.

Section 209. Section 489.5161, Florida Statutes, is amended to read:

489.5161 Credit for relevant military training and education.—

(1) The department shall provide a method by which honorably discharged veterans may apply for licensure. The

method must include a veteran-specific application and provide, to the fullest extent possible, credit toward the requirements for licensure for military experience, training, and education received and completed during service in the United States Armed Forces if the military experience, training, or education is substantially similar to the experience, training, or education required for licensure. The department ~~board~~ may adopt rules pursuant to ss. 120.536(1) and 120.54 to implement this subsection.

(2) Notwithstanding any other provision of law, beginning October 1, 2017, and annually thereafter, the department~~, in conjunction with the board,~~ is directed to prepare and submit a report titled "Construction and Electrical Contracting Veteran Applicant Statistics" to the Governor, the President of the Senate, and the Speaker of the House of Representatives. The report shall include statistics and information relating to this section and s. 489.1131 which detail:

(a) The number of applicants who identified themselves as veterans.

(b) The number of veterans whose application for a license was approved.

(c) The number of veterans whose application for a license was denied, including data on the reasons for denial.

(d) Data on the application processing times for veterans.

(e) Recommendations on ways to improve the department's

ability to meet the needs of veterans which would effectively address the challenges that veterans face when separating from military service and seeking a license regulated by the department pursuant to this part.

Section 210. Subsections (4), (5), and (6) of section 489.517, Florida Statutes, are renumbered as subsections (3), (4), and (5), respectively, and subsection (3) and present subsections (5) and (6) of that section are amended, to read:

489.517 Renewal of certificate or registration~~; continuing education~~.—

~~(3)(a) Each certificateholder or registrant licensed as a specialty contractor or an alarm system contractor shall provide proof, in a form established by rule of the board, that the certificateholder or registrant has completed at least 7 classroom hours of at least 50 minutes each of continuing education courses during each biennium since the issuance or renewal of the certificate or registration. The board shall by rule establish criteria for the approval of continuing education courses and providers and may by rule establish criteria for accepting alternative nonclassroom continuing education on an hour-for-hour basis.~~

~~(b) Each certificateholder or registrant licensed as an electrical contractor shall provide proof, in a form established by rule of the board, that the certificateholder or registrant has completed at least 11 classroom hours of at least 50 minutes~~

~~each of continuing education courses during each biennium since the issuance or renewal of the certificate or registration. The board shall by rule establish criteria for the approval of continuing education courses and providers and may by rule establish criteria for accepting alternative nonclassroom continuing education on an hour-for-hour basis.~~

(4)~~(5)~~ By applying for renewal, each certificateholder or registrant certifies that he or she has continually maintained the required amounts of public liability and property damage insurance as specified by department ~~board~~ rule. The department ~~board~~ shall establish by rule a procedure to verify the public liability and property damage insurance for a specified period, based upon a random sampling method.

(5)~~(6)~~ The department ~~board~~ shall require, by rule adopted pursuant to ss. 120.536(1) and 120.54, a specialized number of hours in specialized or advanced module courses, approved by the Florida Building Commission, on any portion of the Florida Building Code, adopted pursuant to part IV of chapter 553, relating to the contractor's respective discipline.

Section 211. Subsection (6) is renumbered as subsection (5), paragraph (b) of subsection (1), paragraphs (b) and (d) of subsection (4), and subsection (5) of section 489.518, Florida Statutes, are amended to read:

489.518 Alarm system agents.—

(1) A licensed electrical or alarm system contractor may

not employ a person to perform the duties of a burglar alarm system agent unless the person:

(b) Has successfully completed a minimum of 14 hours of training within 90 days after employment, to include basic alarm system electronics in addition to related training including CCTV and access control training, with at least 2 hours of training in the prevention of false alarms. Such training shall be from a department-approved ~~board-approved~~ provider, and the employee or applicant for employment shall provide proof of successful completion to the licensed employer. The department ~~board~~ shall by rule establish criteria for the approval of training courses and providers and may by rule establish criteria for accepting alternative nonclassroom education on an hour-for-hour basis. The department ~~board~~ shall approve providers that conduct training in other than the English language. The department ~~board~~ shall establish a fee for the approval of training providers or courses, not to exceed $60. Qualified employers may conduct training classes for their employees, with department ~~board~~ approval.

(4)

(b) The identification card shall be designed in a department-approved ~~board-approved~~ format. The card must include a picture of the agent, must specify at least the name of the holder of the card and the name and license number of the contractor, and must be signed by the contractor and by the

holder of the card. Each identification card is valid for a period of 2 years after the date of issuance. The identification card must be in the possession of each burglar alarm system agent while engaged in burglar alarm system agent duties.

(d) Each identification card must be renewed every 2 years ~~and in a board-approved format to show compliance with the 6 hours of continuing education necessary to maintain certification as a burglar alarm system agent~~.

~~(5) Each burglar alarm system agent must receive 6 hours of continuing education on burglar alarm system installation and repair and false alarm prevention every 2 years from a board-approved sponsor of training and through a board-approved training course.~~

Section 212. Subsection (6) of section 489.5185, Florida Statutes, is renumbered as subsection (5) and paragraph (b) of subsection (1), paragraphs (a) and (f) of subsection (2), paragraphs (b) and (d) of subsection (4), and subsection (5) of that section are amended, to read:

489.5185 Fire alarm system agents.—

(1) A certified unlimited electrical contractor or licensed fire alarm contractor may not employ a person to perform the duties of a fire alarm system agent unless the person:

(b) Has successfully completed a minimum of 14 hours of initial training, to include basic fire alarm system technology

in addition to related training in National Fire Protection Association (NFPA) codes and standards and access control training, with at least 2 hours of training in the prevention of false alarms. Such training must be from a department-approved ~~board-approved~~ provider, and the employee or applicant for employment must provide proof of successful completion to the licensed employer. The department ~~board~~, by rule, shall establish criteria for the approval of training courses and providers. The department ~~board~~ shall approve qualified providers that conduct training in other than the English language. The department ~~board~~ shall establish a fee for the approval of training providers, not to exceed $200, and a fee for the approval of courses at $25 per credit hour, not to exceed $100 per course.

(2)(a) Any applicant for employment as a fire alarm system agent, or any individual employed as a fire alarm system agent on the effective date of this act, who has completed alarm system agent or burglar alarm system agent training before ~~prior to~~ the effective date of this act in a department-certified ~~board-certified~~ program is not required to take additional training in order to comply with the initial training requirements of this section.

(f) If a person holds a current National Institute of Certification in Engineering Technologies (NICET) Level II certification or higher in Fire Alarm Systems or Inspection and

Testing of Fire Alarm Systems, a current certification as an Electronic Security Association (ESA) Certified Fire Alarm Technician, or a current certification as an ESA Certified Fire Alarm Designer, he or she is required to complete only the 2 hours of training in the prevention of false alarms required by paragraph (1)(b) from a department-approved ~~board-approved~~ sponsor of training and through a department-approved ~~board-approved~~ training course.

(4)

(b) The card shall follow a department-approved ~~board-approved~~ format, to include a picture of the agent; shall specify at least the name of the holder of the card and the name and license number of the certified unlimited electrical contractor or licensed fire alarm contractor; and shall be signed by both the contractor and the holder of the card. Each identification card shall be valid for a period of 2 years after the date of issuance. The identification card must be in the possession of the fire alarm system agent while engaged in fire alarm system agent duties.

~~(d) Each identification card must be renewed every 2 years and in a board-approved format to show compliance with the 6 hours of continuing education necessary to maintain certification as a fire alarm system agent.~~

~~(5)(a) Except as provided in paragraph (b), each fire alarm system agent must receive 6 hours of continuing education~~

~~on fire alarm system installation and repair and false alarm prevention every 2 years from a board-approved sponsor of training and through a board-approved training course.~~

~~(b) A person holding a current NICET Level II certification or higher in Fire Alarm Systems or Inspection and Testing of Fire Alarm Systems, certification as an ESA Certified Fire Alarm Technician, or certification as an ESA Certified Fire Alarm Designer is required to complete only 2 hours of continuing education training in the prevention of false alarms every 2 years from a board-approved sponsor of training and through a board-approved training course.~~

Section 213. Subsections (1) and (3) of section 489.519, Florida Statutes, are amended to read:

489.519 Inactive status.—

(1) A certificate or registration that becomes inactive may be reactivated under s. 489.517 upon application to the department. ~~The board may not require a licensee to complete more than one renewal cycle of continuing education to reactivate a certificate or registration.~~

~~(3) The board shall impose, by rule, continuing education requirements for inactive certificateholders, when inactive status is sought by certificateholders who are also building code administrators, plans examiners, or inspectors certified pursuant to part XII of chapter 468.~~

Section 214. Section 489.520, Florida Statutes, is amended

to read:

489.520 Automated licensure status information system.—By January 1, 1995, the department shall implement an automated licensure status information system for electrical and alarm system contracting. The system shall provide instant notification to local building departments and other interested parties, as determined by the ~~board or~~ department, regarding the status of the certification or registration of any contractor certified or registered pursuant to the provisions of this part. The provision of such information shall consist, at a minimum, of an indication of whether the certification or registration of the contractor applying for a permit is active, of any current failure of the contractor to make restitution according to the terms of any final action by the department ~~board~~, of any ongoing disciplinary cases against the contractor that are subject to public disclosure, and whether there are any outstanding fines against the contractor.

Section 215. Paragraphs (a) and (b) of subsection (2), subsections (3), (4), and (5), paragraph (c) of subsection (7), subsections (8) and (9), and paragraph (b) of subsection (10) of section 489.521, Florida Statutes, are amended to read:

489.521 Business organizations; qualifying agents.—

(2)(a)1. If the applicant proposing to engage in contracting is a partnership, corporation, business trust, or other legal entity, other than a sole proprietorship, the

application shall state the name of the partnership and its partners; the name of the corporation and its officers and directors and the name of each of its stockholders who is also an officer or director; the name of the business trust and its trustees; or the name of such other legal entity and its members. In addition, the applicant shall furnish evidence of statutory compliance if a fictitious name is used. A joint venture, including a joint venture composed of qualified business organizations, is itself a separate and distinct organization that shall be qualified in accordance with department ~~board~~ rules. The registration or certification, when issued upon application of a business organization, shall be in the name of the qualifying agent, and the name of the business organization shall be noted thereon. If there is a change in any information that is required to be stated on the application, the business organization shall, within 45 days after such change occurs, mail the correct information to the department.

2. Any person certified or registered pursuant to this part who has had his or her license revoked may ~~shall~~ not be eligible for a 5-year period to be a partner, officer, director, or trustee of a business organization as defined by this section. Such person shall also be ineligible to reapply for certification or registration under this part for a period of 5 years.

(b) The applicant shall also show that the proposed

qualifying agent is legally qualified to act for the business organization in all matters connected with its electrical or alarm system contracting business and concerning regulations by the department ~~board~~ and that he or she has authority to supervise electrical or alarm system contracting undertaken by the business organization.

(3)(a) The applicant shall furnish evidence of financial responsibility, credit, and business reputation of the business organization, as well as the name of the qualifying agent. The department ~~board~~ shall adopt rules defining financial responsibility based upon the business organization's credit history, ability to be bonded, and any history of bankruptcy or assignment of receivers. Such rules shall specify the financial responsibility grounds on which the department ~~board~~ may determine that a business organization is not qualified to engage in contracting.

(b) In the event a qualifying agent must take the certification examination, the department ~~board~~ shall, within 60 days from the date of the examination, inform the business organization in writing whether or not its qualifying agent has qualified.

(c) If the qualifying agent of a business organization applying to engage in contracting, after having been notified to do so, does not appear for examination within 1 year from the date of filing of the application, the examination fee paid by

it shall be credited as an earned fee to the department. A new application to engage in contracting shall be accompanied by another application fee fixed pursuant to this act. Forfeiture of a fee may be waived by the department ~~board~~ for good cause.

(d) Once the department ~~board~~ has determined that the business organization's proposed qualifying agent has qualified, the business organization shall be authorized to engage in the contracting business. The certificate, when issued, shall be in the name of the qualifying agent, and the name of the business organization shall be noted thereon.

(4) As a prerequisite to the initial issuance of a certificate, the applicant or the business organization he or she qualifies shall submit evidence that he or she or the business organization has obtained public liability and property damage insurance for the safety and welfare of the public in an amount to be determined by department ~~board~~ rule.

(5) At least one officer or supervising employee of the business organization must be qualified under this act in order for the business organization to be qualified to engage in contracting in the category of the business conducted. If any individual so qualified on behalf of the business organization ceases to qualify the business organization, he or she shall notify the ~~board and the~~ department thereof within 30 days after such occurrence. In addition, if the individual is the only individual who qualifies the business organization, the business

organization shall notify the ~~board and the~~ department of the individual's termination, and it shall have a period of 60 days from the termination of the individual to qualify another person under the provision of this act, failing which, the department ~~board~~ shall determine that the business organization is no longer qualified to engage in contracting. The individual shall also inform the department ~~board~~ in writing when he or she proposes to engage in contracting in his or her own name or in affiliation with another business organization, and the individual, or such new business organization, shall supply the same information to the department ~~board~~ as required for applicants under this act. After an investigation of the financial responsibility, credit, and business reputation of the individual or the new business organization and upon a favorable determination, the department ~~board~~ shall certify the business organization as qualified, and the department shall issue, without examination, a new certificate in the individual's name, which shall include the name of the new business organization, as provided in this section.

(7)

(c) The department ~~board~~ shall assess a fine of not less than $100 or issue a citation to any contractor who fails to include that contractor's certification or registration number when submitting an advertisement for publication, broadcast, or printing. In addition, any person who claims in any

advertisement to be a certified or registered contractor, but who does not hold a valid state certification or registration, commits a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083.

(8) Each qualifying agent shall pay the department an amount equal to the original fee for certification or registration to qualify any additional business organizations. If the qualifying agent for a business organization desires to qualify additional business organizations, the department ~~board~~ shall require him or her to present evidence of supervisory ability and financial responsibility of each such organization. Allowing a licensee to qualify more than one business organization shall be conditioned upon the licensee showing that the licensee has both the capacity and intent to adequately supervise each business organization in accordance with s. 489.522(1). The department may ~~board shall~~ not limit the number of business organizations which the licensee may qualify except upon the licensee's failing to provide such information as is required under this subsection or upon a finding that such information or evidence as is supplied is incomplete or unpersuasive in showing the licensee's capacity and intent to comply with the requirements of this subsection. A qualification for an additional business organization may be revoked or suspended upon a finding by the department ~~board~~ that the licensee has failed in the licensee's responsibility to

adequately supervise the operations of that business organization in accordance with s. 489.522(1). Failure of the responsibility to adequately supervise the operations of a business organization in accordance with s. 489.522(1) shall be grounds for denial to qualify additional business organizations.

(9) If a business organization or any of its partners, officers, directors, trustees, or members is disciplined for violating s. 489.533(1), the department ~~board~~ may, on that basis alone, deny issuance of a certificate or registration to a qualifying agent on behalf of that business organization.

(10)

(b) Any business organization engaging in contracting under this subsection shall provide the department ~~board~~ with the name and license number of each registered or certified contractor employed by the business organization to supervise its contracting activities. The business organization is not required to post a bond or otherwise evidence any financial or credit information except as necessary to demonstrate compliance with paragraph (a).

Section 216. Subsection (2) and paragraph (a) of subsection (3) of section 489.522, Florida Statutes, are amended to read:

489.522 Qualifying agents; responsibilities.—

(2) One of the qualifying agents for a business organization that has more than one qualifying agent may be

designated as the sole primary qualifying agent for the business organization by a joint agreement that is executed, on a form provided by the department ~~board~~, by all qualifying agents for the business organization. The joint agreement shall be submitted to the department ~~board~~ for approval. If the department ~~board~~ determines that the joint agreement is in good order, it shall approve the designation and immediately notify the qualifying agents of such approval. The designation made by the joint agreement is effective upon receipt of the notice by the qualifying agents. The qualifying agent designated for a business organization by a joint agreement is the sole primary qualifying agent for the business organization, and all other qualifying agents for the business organization are secondary qualifying agents.

(a) A designated sole primary qualifying agent has all the responsibilities and duties of a primary qualifying agent, notwithstanding that there are secondary qualifying agents for specified jobs. The designated sole primary qualifying agent is jointly and equally responsible with secondary qualifying agents for field work supervision.

(b) A secondary qualifying agent is responsible only for:

1. The supervision of field work at sites where his or her license was used to obtain the building permit; and

2. Any other work for which he or she accepts responsibility.

A secondary qualifying agent is not responsible for supervision of financial matters.

(c) A primary qualifying agent shall have approval authority for checks, payments, drafts, and contracts issued by or entered into by the business organization.

(3)(a) A qualifying agent who has been designated by a joint agreement as the sole primary qualifying agent for a business organization may terminate this status as such by giving actual notice to the business organization, to the department ~~board~~, and to all secondary qualifying agents of his or her intention to terminate this status. The notice to the department ~~board~~ shall include proof satisfactory to the department ~~board~~ that he or she has given the notice required in this paragraph. The status of the qualifying agent shall cease upon the designation of a new primary qualifying agent or 60 days after satisfactory notice of termination has been provided to the department ~~board~~, whichever first occurs. If no new primary qualifying agent has been designated within 60 days, all secondary qualifying agents for the business organization shall become primary qualifying agents, unless the joint agreement specifies that one or more of them shall become sole qualifying agents under such circumstances, in which case only they shall become sole qualifying agents.

Section 217. Section 489.523, Florida Statutes, is amended

to read:

489.523 Emergency registration upon death of contractor.—If an incomplete contract exists at the time of death of a contractor, the contract may be completed by any person even though not certified. The person shall notify the department ~~appropriate board~~, within 30 days after the death of the contractor, of his or her name and address, knowledge of the contract, and ability to complete it. If the department ~~board~~ approves, he or she may proceed with the contract. The department ~~board~~ shall then issue an emergency registration which shall expire upon the completion of the contract. For purposes of this section, and upon written approval of the department ~~board~~, an incomplete contract may be one which has been awarded to, or entered into by, the contractor before his or her death, or on which he or she was the low bidder and the contract is subsequently awarded to him or her, regardless of whether any actual work has commenced under the contract before the contractor's death.

Section 218. Section 489.525, Florida Statutes, is amended to read:

489.525 Report to local building officials.—The department may report to all building officials the contents of this part and the contents of the rules of the department ~~board~~. Any information that is available through the Internet or other electronic means may be excluded from the report.

Section 219. Subsections (2), (3), (4), (5), and (6) and paragraphs (b) and (e) of subsection (7) of section 489.533, Florida Statutes, are amended to read:

489.533 Disciplinary proceedings.—

(2) When the department ~~board~~ finds any applicant, contractor, or business organization for which the contractor is a primary qualifying agent or secondary qualifying agent responsible under s. 489.522 guilty of any of the grounds set forth in subsection (1), it may enter an order imposing one or more of the following penalties:

(a) Denial of an application for certification or registration.

(b) Revocation or suspension of a certificate or registration.

(c) Imposition of an administrative fine not to exceed $10,000 for each count or separate offense.

(d) Issuance of a reprimand.

(e) Placement of the contractor on probation for a period of time and subject to such conditions as the department ~~board~~ may specify, including requiring the contractor to attend continuing education courses or to work under the supervision of another contractor.

(f) Restriction of the authorized scope of practice by the contractor.

(g) Require financial restitution to a consumer.

(3) In recommending penalties in any proposed recommended final order, the department shall follow the penalty guidelines established by the department ~~board~~ by rule. The department shall advise the administrative law judge of the appropriate penalty, including mitigating and aggravating circumstances, and the specific rule citation.

(4) The department ~~board~~ may not reinstate the certificate or registration of, or cause a certificate or registration to be issued to, a person who the department ~~board~~ has determined unqualified until it is satisfied that such person has complied with all the terms and conditions set forth in the final order and is capable of competently engaging in the business of contracting.

(5) When the department ~~board~~ imposes administrative fines pursuant to subsection (2) resulting from violation of chapter 633 or violation of the rules of the State Fire Marshal, 50 percent of the fine shall be paid into the Insurance Regulatory Trust Fund to help defray the costs of investigating the violations and obtaining the corrective action. The State Fire Marshal may participate at its discretion, but not as a party, in any proceedings before the department ~~board~~ relating to violation of chapter 633 or the rules of the State Fire Marshal, in order to make recommendations as to the appropriate penalty in such case. However, the State Fire Marshal does ~~shall~~ not have standing to bring disciplinary proceedings regarding

certification.

(6) The department ~~board~~ may restrain any violation of this part by action in a court of competent jurisdiction.

(7)

(b) A ~~No~~ licensee may not avail himself or herself of the mediation process more than three times without the approval of the department ~~board~~. The department ~~board~~ may consider the subject and the dates of the earlier complaints in rendering its decision. The department's ~~board's~~ decision may ~~shall~~ not be considered a final agency action and is not appealable.

(e) The department~~, in conjunction with the board,~~ shall determine by rule the types of cases which may be included in the mediation process. The department may initiate or continue disciplinary action, pursuant to chapter 455 and this chapter against the licensee as determined by rule.

Section 220. Paragraph (a) of subsection (1) of section 489.5335, Florida Statutes, is amended to read:

489.5335 Journeyman; reciprocity; standards.—

(1) Counties and municipalities are authorized to issue journeyman licenses in the electrical and alarm system trades to an individual who:

(a) Has scored at least 70 percent, or after October 1, 1997, at least 75 percent, on a proctored journeyman Block and Associates examination or other proctored examination approved by the department ~~board~~ for the trade in which he or she is

licensed;

Section 221. Paragraph (e) of subsection (3) and paragraphs (b) and (c) of subsection (5) of section 489.537, Florida Statutes, are amended to read:

489.537 Application of this part.—

(3) Nothing in this act limits the power of a municipality or county:

(e)1. To refuse to issue permits or issue permits with specific conditions to a contractor who has committed multiple violations, when he or she has been disciplined for each of them by the department ~~board~~ and when each disciplinary action has involved revocation or suspension of a license, imposition of an administrative fine of at least $1,000, or probation.

2. To issue permits with specific conditions to a contractor who, within the previous 12 months, has had final action taken against him or her, by the department or by a local board or agency which licenses contractors and has reported the action pursuant to paragraph (5)(c), for engaging in the business or acting in the capacity of a contractor without a license.

(5)

(b) To engage in contracting in the territorial area, an applicant shall also be registered with the department ~~board~~.

(c) Each local board or agency which licenses contractors shall transmit monthly to the department ~~board~~ a report of any

disciplinary action taken against contractors and any administrative or disciplinary action taken against unlicensed persons for engaging in the business or acting in the capacity of a contractor, including any cease and desist order issued pursuant to s. 489.516(2)(b).

Section 222. Section 489.552, Florida Statutes, is amended to read:

489.552 Registration required.—A person may ~~shall~~ not hold himself or herself out as a septic tank contractor or a master septic tank contractor in this state unless he or she is registered by the department in accordance with the provisions of this part. However, nothing in this part prohibits any person licensed pursuant to s. 489.105(2)(m) ~~s. 489.105(3)(m)~~ in this state from engaging in the profession for which he or she is licensed.

Section 223. Subsection (1) of section 492.102, Florida Statutes, is amended to read:

492.102 Definitions.—For the purposes of this chapter, unless the context clearly requires otherwise:

~~(1) "Board" means the Board of Professional Geologists.~~

Section 224. Section 492.104, Florida Statutes, is amended to read:

492.104 Rulemaking authority.—The department ~~Board of Professional Geologists~~ has authority to adopt rules pursuant to ss. 120.536(1) and 120.54 to implement this chapter. Every

licensee shall be governed and controlled by this chapter and the rules adopted by the department ~~board~~. The department ~~board~~ is authorized to set, by rule, fees for application, examination, late renewal, initial licensure, and license renewal. These fees may not exceed the cost of implementing the application, examination, initial licensure, and license renewal or other administrative process and shall be established as follows:

(1) The application fee may ~~shall~~ not exceed $150 and shall be nonrefundable.

(2) The examination fee may ~~shall~~ not exceed $250, and the fee may be apportioned to each part of a multipart examination. The examination fee shall be refundable in whole or part if the applicant is found to be ineligible to take any portion of the licensure examination.

(3) The initial license fee may ~~shall~~ not exceed $100.

(4) The biennial renewal fee may ~~shall~~ not exceed $150.

(5) The fee for reactivation of an inactive license may not exceed $50.

(6) The fee for a provisional license may not exceed $400.

(7) The fee for application, examination, and licensure for a license by endorsement is as provided in this section for licenses in general.

Section 225. Subsection (1), paragraph (b) of subsection (2), and subsection (3) of section 492.105, Florida Statutes,

are amended to read:

492.105 Licensure by examination; requirements; fees.—

(1) Any person desiring to be licensed as a professional geologist shall apply to the department to take the licensure examination. The written licensure examination shall be designed to test an applicant's qualifications to practice professional geology, and shall include such subjects as will tend to ascertain the applicant's knowledge of the fundamentals, theory, and practice of professional geology and may include such subjects as are taught in curricula of accredited colleges and universities. The written licensure examination may be a multipart examination. The department shall examine each applicant who the department ~~board~~ certifies:

(a) Has completed the application form and remitted a nonrefundable application fee and an examination fee which is refundable if the applicant is found to be ineligible to take the examination.

(b) Is at least 18 years of age.

(c) Has not committed any act or offense in any jurisdiction which would constitute the basis for disciplining a professional geologist licensed pursuant to this chapter.

(d) Has fulfilled the following educational requirements at a college or university, the geological curricula of which meet the criteria established by an accrediting agency recognized by the United States Department of Education:

1. Graduation from such college or university with a major in geology or other related science acceptable to the department ~~board~~; and

2. Satisfactory completion of at least 30 semester hours or 45 quarter hours of geological coursework.

(e) Has at least 5 years of verified professional geological work experience, which includes a minimum of 3 years of professional geological work under the supervision of a licensed or qualified geologist or professional engineer registered under chapter 471 as qualified in the field or discipline of professional engineering work performed; or has a minimum of 5 accumulative years of verified geological work experience in responsible charge of geological work as determined by the department ~~board~~.

(2) The department shall issue a license to practice professional geology to any person who has:

(b) Been certified by the department ~~board~~ as qualified to practice professional geology; and

(3) The department may ~~shall~~ not issue a license to any applicant who is under investigation in any jurisdiction for an offense which would constitute a violation of this chapter. Upon completion of the investigation, the disciplinary provisions of s. 492.113 shall apply.

Section 226. Subsections (1) and (2) of section 492.1051, Florida Statutes, are amended to read:

492.1051 Registered geologist-in-training; requirements.—

(1) A person desiring to register as a geologist-in-training shall apply to the department to take a discrete portion of the examination required for licensure as a professional geologist in this state. This discrete portion shall cover the fundamentals of geology. The department shall examine each applicant who the department ~~board~~ certifies:

(a) Has completed the application form and remitted a nonrefundable application fee and an examination fee that is refundable if the applicant is found to be ineligible to take the examination.

(b) Has not committed an act or offense in any jurisdiction which constitutes grounds for disciplining a professional geologist licensed under this chapter; and

(c) Has successfully completed at least 30 semester hours or 45 quarter hours of geological coursework at a college or university, the geological curricula of which meet the criteria established by an accrediting agency recognized by the United States Department of Education and, if still enrolled, has provided a letter of good academic standing from the college or university.

(2) The department shall register as a geologist-in-training each applicant who the department ~~board~~ certifies has passed the fundamentals of geology portion of the licensure examination.

Section 227. Section 492.106, Florida Statutes, is amended to read:

492.106 Provisional licenses.—The department may provide a provisional license to any person who is not a resident of and has not established a place of business in this state, and who is duly licensed in another state, territory, or possession of the United States, or in the District of Columbia, and who has qualifications which the department ~~board~~, upon advice of a committee of the department ~~board~~, deems comparable to those required of professional geologists in this state, upon written application accompanied by the proper application fee, offered before ~~prior to~~ the practice of professional geology in this state, under the following restrictions:

(1) Satisfactory proof of licensure as required above shall include the name, residence address, business address, and certification of the license of the applicant from the issuing state, together with the name and address of the authority issuing such license.

(2) The practice of professional geology under a provisional license may ~~shall~~ not exceed 1 year.

(3) The practice of professional geology under a provisional license shall be confined to one specified project. Such license may not be renewed or reissued for 5 years from the date of original issuance.

(4) A written statement shall be furnished to the

department within 60 days of completion of the work, indicating the time engaged and the nature of the work. A person holding a provisional license shall exhibit such provisional license each time and on each occasion that an indication of licensure is required.

Section 228. Subsection (1) of section 492.107, Florida Statutes, is amended to read:

492.107 Seals.—

(1) The department ~~board~~ shall prescribe, by rule, a form of seal, including its electronic form, to be used by persons holding valid licenses. All geological papers, reports, and documents prepared or issued by the licensee shall be signed, dated, and sealed by the licensee who performed or is responsible for the supervision, direction, or control of the work contained in the papers, reports, or documents. Such signature, date, and seal shall be evidence of the authenticity of that to which they are affixed. Geological papers, reports, and documents prepared or issued by the licensee may be transmitted electronically provided they have been signed by the licensee, dated, and electronically sealed. It is unlawful for any person to sign or seal any document as a professional geologist unless that person holds a current, active license as a professional geologist which has not expired or been revoked or suspended, unless reinstated or reissued.

Section 229. Subsection (1) of section 492.108, Florida

Statutes, is amended to read:

492.108 Licensure by endorsement; requirements; fees.—

(1) The department shall issue a license by endorsement to any applicant who, upon applying to the department and remitting an application fee, has been certified by the department ~~board~~ that he or she:

(a) Has met the qualifications for licensure in s. 492.105(1)(b)-(e) and:

1. Is the holder of an active license in good standing in a state, trust, territory, or possession of the United States.

2. Was licensed through written examination in at least one state, trust, territory, or possession of the United States, the examination requirements of which have been approved by the department ~~board~~ as substantially equivalent to or more stringent than those of this state, and has received a score on such examination which is equal to or greater than the score required by this state for licensure by examination.

3. Has taken and successfully passed the laws and rules portion of the examination required for licensure as a professional geologist in this state.

(b) Has held a valid license to practice geology in another state, trust, territory, or possession of the United States for at least 10 years before the date of application and has successfully completed a state, regional, national, or other examination that is equivalent to or more stringent than the

examination required by the department. If such applicant has met the requirements for a license by endorsement except successful completion of an examination that is equivalent to or more stringent than the examination required by the department ~~board~~, such applicant may take the examination required by the department ~~board~~. Such application must be submitted to the department ~~board~~ while the applicant holds a valid license in another state or territory or within 2 years after the expiration of such license.

Section 230. Subsection (2) of section 492.1101, Florida Statutes, is amended to read:

492.1101 Inactive status.—

(2) The department ~~board~~ shall adopt ~~promulgate~~ rules relating to the reactivation of inactive licenses and shall prescribe by rule a fee for the reactivation of inactive licenses.

Section 231. Subsection (1) of section 492.111, Florida Statutes, is amended to read:

492.111 Practice of professional geology by a firm, corporation, or partnership.—The practice of, or offer to practice, professional geology by individual professional geologists licensed under the provisions of this chapter through a firm, corporation, or partnership offering geological services to the public through individually licensed professional geologists as agents, employees, officers, or partners thereof

is permitted subject to the provisions of this chapter, if:

(1) At all times that it offers geological services to the public, the firm, corporation, or partnership is qualified by one or more individuals who hold a current, active license as a professional geologist in the state and are serving as a geologist of record for the firm, corporation, or partnership. A geologist of record may be any principal officer or employee of such firm or corporation, or any partner or employee of such partnership, who holds a current, active license as a professional geologist in this state, or any other Florida-licensed professional geologist with whom the firm, corporation, or partnership has entered into a long-term, ongoing relationship, as defined by rule of the department ~~board~~, to serve as one of its geologists of record. The geologist of record shall notify the department of any changes in the relationship or identity of that geologist of record within 30 days after such change.

Section 232. Paragraph (k) of subsection (1) and subsections (2), (3), and (4) of section 492.113, Florida Statutes, are amended to read:

492.113 Disciplinary proceedings.—

(1) The following acts constitute grounds for which the disciplinary actions in subsection (3) may be taken:

(k) Violating a rule of the department ~~or board~~ or any order of the department ~~or board~~ previously entered in a

disciplinary hearing.

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

(3) When the department ~~board~~ finds any person guilty of any of the grounds set forth in subsection (1), it may enter an order imposing one or more of the following penalties:

(a) Denial of an application for licensure.

(b) Revocation or suspension of a license.

(c) Imposition of an administrative fine not to exceed $1,000 for each count or separate offense.

(d) Issuance of a reprimand.

(e) Placement of the licensee on probation for a period of time and subject to such conditions as the department ~~board~~ may specify.

(f) Restriction of the authorized scope of practice by the licensee.

(4) The department shall reissue the license of a disciplined professional geologist upon certification by the department ~~board~~ that the disciplined person has complied with the terms and conditions set forth in the final order.

Section 233. Subsections (10) through (13) of section 493.6101, Florida Statutes, are amended to read:

493.6101 Definitions.—

~~(10) "Branch office" means each additional location of an agency where business is actively conducted which advertises as~~

~~performing or is engaged in the business authorized by the license.~~

~~(11) "Sponsor" means any Class "C," Class "MA," or Class "M" licensee who supervises and maintains under his or her direction and control a Class "CC" intern; or any Class "E" or Class "MR" licensee who supervises and maintains under his or her direction and control a Class "EE" intern.~~

~~(12) "Intern" means an individual who studies as a trainee or apprentice under the direction and control of a designated sponsoring licensee.~~

~~(13) "Manager" means any licensee who directs the activities of licensees at any agency or branch office. The manager shall be assigned to and shall primarily operate from the agency or branch office location for which he or she has been designated as manager.~~ ~~The manager of a private investigative agency may, however, manage up to three offices within a 150-mile radius of the location listed on the agency's Class "A" license, provided that these three offices consist of either:~~

~~(a) The location listed on the agency's Class "A" license and up to two branch offices; or~~

~~(b) Up to three branch offices.~~

Section 234. Paragraph (c) of subsection (7) of section 493.6105, Florida Statutes, is amended to read:

493.6105 Initial application for license.—

~~(7) In addition to the application requirements for individuals, partners, or officers outlined under subsection (3), the application for an agency license must contain the following information:~~

~~(c) The street address, mailing address, and telephone numbers of all branch offices within this state.~~

Section 235. Subsection (2) of section 493.6106, Florida Statutes, is amended to read:

493.6106 License requirements; posting.—

(2) Each agency shall have a minimum of one physical location within this state from which the normal business of the agency is conducted, and this location shall be considered the primary office for that agency in this state.

(a) If an agency or branch office desires to change the physical location of the business, as it appears on the license, the department must be notified within 10 days after the change, and, except upon renewal, the fee prescribed in s. 493.6107 must be submitted for each license requiring revision. Each license requiring revision must be returned with such notification.

~~(b) The Class "A," Class "B," or Class "R" license and any branch office or school license shall at all times be posted in a conspicuous place at the licensed physical location in this state where the business is conducted.~~

~~(c) Each Class "A," Class "B," Class "R," branch office, or school licensee shall display, in a place that is in clear~~

~~and unobstructed public view, a notice on a form prescribed by the department stating that the business operating at this location is licensed and regulated by the Department of Agriculture and Consumer Services and that any questions or complaints should be directed to the department.~~

~~(d) A minimum of one properly licensed manager shall be designated for each agency and branch office location~~.

Section 236. Subsections (4), (5), and (6) of section 493.6111, Florida Statutes, are renumbered as subsections (3), (6), and (7), respectively, and subsection (2) and present subsection (3) are amended, to read:

493.6111 License; contents; identification card.—

(2) Licenses shall be valid for a period of 2 years, except for ~~Class "A," Class "B," Class "AB,"~~ Class "K," ~~Class "R,"~~ ~~and branch agency licenses, which shall be valid for a period of 3 years~~.

~~(3) The department shall, upon complete application and payment of the appropriate fees, issue a separate license to each branch office for which application is made.~~

Section 237. Subsection (1) of section 493.6113, Florida Statutes, is amended to read:

493.6113 Renewal application for licensure.—

(1) A license granted under ~~the provisions of~~ this chapter shall be renewed biennially by the department, except for ~~Class "A," Class "B," Class "AB,"~~ Class "K," ~~Class "R,"~~ ~~and branch~~

~~agency licenses, which shall be renewed every 3 years~~.

Section 238. Paragraphs (r) and (x) of subsection (1) of section 493.6118, Florida Statutes, are amended to read:

493.6118 Grounds for disciplinary action.—

(1) The following constitute grounds for which disciplinary action specified in subsection (2) may be taken by the department against any licensee, agency, or applicant regulated by this chapter, or any unlicensed person engaged in activities regulated under this chapter:

~~(r) Failure or refusal by a sponsor to certify a biannual written report on an intern or to certify completion or termination of an internship to the department within 15 working days.~~

(x) In addition to the grounds for disciplinary action prescribed in paragraphs (a)-(t), and ~~Class "R" recovery agencies,~~ Class "E" recovery agents, ~~and Class "EE" recovery agent interns~~ are prohibited from committing the following acts:

1. Recovering a motor vehicle, mobile home, motorboat, aircraft, personal watercraft, all-terrain vehicle, farm equipment, or industrial equipment that has been sold under a conditional sales agreement or under the terms of a chattel mortgage before authorization has been received from the legal owner or mortgagee.

2. Charging for expenses not actually incurred in connection with the recovery, transportation, storage, or

disposal of repossessed property or personal property obtained in a repossession.

3. Using any repossessed property or personal property obtained in a repossession for the personal benefit of a licensee or an officer, director, partner, manager, or employee of a licensee.

4. Selling property recovered under ~~the provisions of~~ this chapter, except with written authorization from the legal owner or the mortgagee thereof.

5. Failing to notify the police or sheriff's department of the jurisdiction in which the repossessed property is recovered within 2 hours after recovery.

6. Failing to remit moneys collected in lieu of recovery of a motor vehicle, mobile home, motorboat, aircraft, personal watercraft, all-terrain vehicle, farm equipment, or industrial equipment to the client within 10 working days.

7. Failing to deliver to the client a negotiable instrument that is payable to the client, within 10 working days after receipt of such instrument.

8. Falsifying, altering, or failing to maintain any required inventory or records regarding disposal of personal property contained in or on repossessed property pursuant to s. 493.6404(1).

9. Carrying any weapon or firearm when he or she is on private property and performing duties under his or her license

whether or not he or she is licensed pursuant to s. 790.06.

10. Soliciting from the legal owner the recovery of property subject to repossession after such property has been seen or located on public or private property if the amount charged or requested for such recovery is more than the amount normally charged for such a recovery.

11. Wearing, presenting, or displaying a badge in the course of performing a repossession regulated by this chapter.

Section 239. Subsection (6) of section 493.6120, Florida Statutes, is amended to read:

493.6120 Violations; penalty.—

~~(6) A person who was an owner, officer, partner, or manager of a licensed agency or a Class "DS" or "RS" school or training facility at the time of any activity that is the basis for revocation of the agency or branch office license or the school or training facility license and who knew or should have known of the activity shall have his or her personal licenses or approval suspended for 3 years and may not have any financial interest in or be employed in any capacity by a licensed agency or a school or training facility during the period of suspension~~.

Section 240. Subsection (2) of section 493.6123, Florida Statutes, is amended to read:

493.6123 Publication to industry.—

(2) The department shall develop and make available to

each Class "C," Class "D," and Class "E" licensee ~~and all interns~~ a pamphlet detailing in plain language the legal authority, rights, and obligations of his or her class of licensure. Within the pamphlet, the department should endeavor to present situations that the licensee may be expected to commonly encounter in the course of doing business pursuant to his or her specific license, and provide to the licensee information on his or her legal options, authority, limits to authority, and obligations. The department shall supplement this with citations to statutes and legal decisions, as well as a selected bibliography that would direct the licensee to materials the study of which would enhance his or her professionalism. The department shall provide a single copy of the appropriate pamphlet without charge to each individual to whom a license is issued, but may charge for additional copies to recover its publication costs. The pamphlet shall be updated every 2 years as necessary to reflect rule or statutory changes, or court decisions. Intervening changes to the regulatory situation shall be noticed in the industry newsletter issued pursuant to subsection (1).

Section 241. Section 493.6201, Florida Statutes, is amended to read:

493.6201 Classes of licenses.—

~~(1) Any person, firm, company, partnership, or corporation which engages in business as a private investigative agency~~

~~shall have a Class "A" license. A Class "A" license is valid for only one location.~~

~~(2) Each branch office of a Class "A" agency shall have a Class "AA" license. Where a person, firm, company, partnership, or corporation holds both a Class "A" and Class "B" license, each additional or branch office shall have a Class "AB" license.~~

~~(3) Any individual who performs the services of a manager for a:~~

~~(a) Class "A" private investigative agency or Class "AA" branch office shall have a Class "MA" license. A Class "C" or Class "M" licensee may be designated as the manager, in which case the Class "MA" license is not required.~~

~~(b) Class "A" and "B" agency or a Class "AB" branch office shall have a Class "M" license.~~

~~(4) Class "C" or Class "CC" licensees shall own or be an employee of a Class "A" agency, a Class "A" and Class "B" agency, or a branch office. This does not include those who are exempt under s. 493.6102, but who possess a Class "C" license solely for the purpose of holding a Class "G" license.~~

(1)~~(5)~~ Any individual who performs the services of a private investigator shall have a Class "C" license.

~~(6) Any individual who performs private investigative work as an intern under the direction and control of a designated, sponsoring Class "C" licensee or a designated, sponsoring Class~~

~~"MA" or Class "M" licensee must have a Class "CC" license.~~

(2)~~(7)~~ Only ~~Class "M," Class "MA,"~~ Class "C," ~~or Class "CC"~~ licensees are permitted to bear a firearm, and any such licensee who bears a firearm shall also have a Class "G" license.

(3)~~(8)~~ A Class "C" ~~or Class "CC"~~ licensee may perform bodyguard services without obtaining a Class "D" license.

Section 242. Section 493.6202, Florida Statutes, is amended to read:

493.6202 Fees.—

(1) The department shall establish by rule examination and license fees, not to exceed the following:

~~(a) Class "A" license—private investigative agency: $450.~~

~~(b) Class "AA" or "AB" license—branch office: $125.~~

~~(c) Class "MA" license—private investigative agency manager: $75.~~

(a)~~(d)~~ Class "C" license—private investigator: $75.

~~(e) Class "CC" license—private investigator intern: $60~~.

(2) The department may establish by rule a fee for the replacement or revision of a license, which fee shall not exceed $30.

(3) The fees set forth in this section must be paid by check or money order or, at the discretion of the department, by electronic funds transfer at the time the application is approved, except that the applicant for a Class "G," or Class

"C," ~~Class "CC," Class "M," or Class "MA"~~ license must pay the license fee at the time the application is made. If a license is revoked or denied or if the application is withdrawn, the license fee is nonrefundable.

(4) The initial license fee for a veteran, as defined in s. 1.01, shall be waived if he or she applies for a Class "C," ~~Class "CC," or Class "MA"~~ license within 24 months after being discharged from any branch of the United States Armed Forces. An eligible veteran must include a copy of his or her DD Form 214, as issued by the United States Department of Defense, or another acceptable form of identification as specified by the Department of Veterans' Affairs with his or her application in order to obtain a waiver.

Section 243. Subsections (1), (2), (3), (4), (5), and (6) of section 493.6203, Florida Statutes, are amended to read:

493.6203 License requirements.—In addition to the license requirements set forth elsewhere in this chapter, each individual or agency shall comply with the following additional requirements:

~~(1) Each agency or branch office shall designate a minimum of one appropriately licensed individual to act as manager, directing the activities of the Class "C" or Class "CC" employees.~~

~~(2) An applicant for a Class "MA" license must have 2 years of lawfully gained, verifiable, full-time experience, or~~

~~training in:~~

~~(a) Private investigative work or related fields of work that provided equivalent experience or training;~~

~~(b) Work as a Class "CC" licensed intern;~~

~~(c) Any combination of paragraphs (a) and (b);~~

~~(d) Experience described in paragraph (a) for 1 year and experience described in paragraph (c) for 1 year;~~

~~(e) No more than 1 year using:~~

~~1. College coursework related to criminal justice, criminology, or law enforcement administration; or~~

~~2. Successfully completed law enforcement-related training received from any federal, state, county, or municipal agency; or~~

~~(f) Experience described in paragraph (a) for 1 year and work in a managerial or supervisory capacity for 1 year.~~

~~However, experience in performing bodyguard services is not creditable toward the requirements of this subsection.~~

~~(3) An applicant for a Class "M" license shall qualify for licensure as a Class "MA" manager as outlined under subsection (2) and as a Class "MB" manager as outlined under s. 493.6303(2).~~

(1) ~~(4)~~ An applicant for a Class "C" license shall have 2 years of lawfully gained, verifiable, full-time experience, or training in one, or a combination of more than one, of the

following:

(a) Private investigative work or related fields of work that provided equivalent experience or training.

(b) College coursework related to criminal justice, criminology, or law enforcement administration, or successful completion of any law enforcement-related training received from any federal, state, county, or municipal agency, except that no more than 1 year may be used from this category.

~~(c) Work as a Class "CC" licensed intern.~~

However, experience in performing bodyguard services is not creditable toward the requirements of this subsection.

(2)~~(5)~~ An applicant for a ~~Class "MA," Class "M," or~~ Class "C" license must pass an examination that covers the provisions of this chapter and is administered by the department or by a provider approved by the department. The applicant must pass the examination before applying for licensure and must submit proof with the license application on a form approved by rule of the department that he or she has passed the examination. The administrator of the examination shall verify the identity of each applicant taking the examination.

(a) The examination requirement in this subsection does not apply to an individual who holds a valid ~~Class "CC,"~~ Class "C," ~~Class "MA," or Class "M"~~ license.

(b) Notwithstanding the exemption provided in paragraph

(a), if the license of an applicant for relicensure has been invalid for more than 1 year, the applicant must take and pass the examination.

(c) The department shall establish by rule the content of the examination, the manner and procedure of its administration, and an examination fee that may not exceed $100.

~~(6)(a) A Class "CC" licensee must serve an internship under the direction and control of a designated sponsor, who is a Class "C," Class "MA," or Class "M" licensee.~~

~~(b) Before submission of an application to the department, the applicant for a Class "CC" license must have completed a minimum of 40 hours of professional training pertaining to general investigative techniques and this chapter, which course is offered by a state university or by a school, community college, college, or university under the purview of the Department of Education, and the applicant must pass an examination. The certificate evidencing satisfactory completion of the 40 hours of professional training must be submitted with the application for a Class "CC" license. The training specified in this paragraph may be provided by face-to-face presentation, online technology, or a home study course in accordance with rules and procedures of the Department of Education. The administrator of the examination must verify the identity of each applicant taking the examination.~~

~~1. Upon an applicant's successful completion of each part~~

~~of the approved training and passage of any required examination, the school, community college, college, or university shall issue a certificate of completion to the applicant. The certificates must be on a form established by rule of the department.~~

~~2. The department shall establish by rule the general content of the professional training and the examination criteria.~~

~~3. If the license of an applicant for relicensure is invalid for more than 1 year, the applicant must complete the required training and pass any required examination.~~

~~(c) An individual licensed on or before August 31, 2008, is not required to complete additional training hours in order to renew an active license beyond the total required hours, and the timeframe for completion in effect at the time he or she was licensed applies.~~

Section 244. Subsections (1), (2), (3), (4), (5), and (6) of section 493.6301, Florida Statutes, are amended to read:

493.6301 Classes of licenses.—

~~(1) Any person, firm, company, partnership, or corporation which engages in business as a security agency shall have a Class "B" license. A Class "B" license is valid for only one location.~~

~~(2) Each branch office of a Class "B" agency shall have a Class "BB" license. Where a person, firm, company, partnership,~~

~~or corporation holds both a Class "A" and Class "B" license, each branch office shall have a Class "AB" license.~~

~~(3) Any individual who performs the services of a manager for a:~~

~~(a) Class "B" security agency or Class "BB" branch office shall have a Class "MB" license. A Class "M" licensee, or a Class "D" licensee who has been so licensed for a minimum of 2 years, may be designated as the manager, in which case the Class "MB" license is not required.~~

~~(b) Class "A" and Class "B" agency or a Class "AB" branch office shall have a Class "M" license.~~

~~(4) A Class "D" licensee shall own or be an employee of a Class "B" security agency or branch office. This does not include those individuals who are exempt under s. 493.6102(4) but who possess a Class "D" license solely for the purpose of holding a Class "G" license.~~

(1)~~(5)~~ Any individual who performs the services of a security officer shall have a Class "D" license. However, a Class "C" licensee ~~or a Class "CC" licensee~~ may perform bodyguard services without a Class "D" license.

(2)~~(6)~~ Only ~~Class "M," Class "MB," or~~ Class "D" licensees are permitted to bear a firearm, and any such licensee who bears a firearm shall also have a Class "G" license.

Section 245. Section 493.6302, Florida Statutes, is amended to read:

493.6302 Fees.—

(1) The department shall establish by rule license fees, not to exceed the following:

~~(a) Class "B" license—security agency: $450.~~

~~(b) Class "BB" or Class "AB" license—branch office: $125.~~

~~(c) Class "MB" license—security agency manager: $75.~~

(a)~~(d)~~ Class "D" license—security officer: $45.

(b)~~(e)~~ Class "DS" license—security officer school or training facility: $60.

(c)~~(f)~~ Class "DI" license—security officer school or training facility instructor: $60.

(2) The department may establish by rule a fee for the replacement or revision of a license, which fee shall not exceed $30.

(3) The fees set forth in this section must be paid by check or money order or, at the discretion of the department, by electronic funds transfer at the time the application is approved, except that the applicant for a Class "D," or Class "G," ~~Class "M," or Class "MB"~~ license must pay the license fee at the time the application is made. If a license is revoked or denied or if the application is withdrawn, the license fee is nonrefundable.

(4) The initial license fee for a veteran, as defined in s. 1.01, shall be waived if he or she applies for a Class "D," or Class "DI," ~~or Class "MB"~~ license within 24 months after

being discharged from any branch of the United States Armed Forces. An eligible veteran must include a copy of his or her DD Form 214, as issued by the United States Department of Defense, or another acceptable form of identification as specified by the Department of Veterans' Affairs with his or her application in order to obtain a waiver.

Section 246. Subsections (1), (2), and (3) of section 493.6303, Florida Statutes, are amended to read:

493.6303 License requirements.—In addition to the license requirements set forth elsewhere in this chapter, each individual or agency must comply with the following additional requirements:

~~(1) Each agency or branch office shall designate a minimum of one appropriately licensed individual to act as manager, directing the activities of the Class "D" employees.~~

~~(2) An applicant for a Class "MB" license shall have 2 years of lawfully gained, verifiable, full-time experience, or training in:~~

~~(a) Security work or related fields of work that provided equivalent experience or training;~~

~~(b) Experience described in paragraph (a) for 1 year and experience described in paragraph (c) for 1 year;~~

~~(c) No more than 1 year using:~~

~~1. Either college coursework related to criminal justice, criminology, or law enforcement administration; or~~

~~2. Successfully completed law enforcement-related training received from any federal, state, county, or municipal agency; or~~

~~(d) Experience described in paragraph (a) for 1 year and work in a managerial or supervisory capacity for 1 year.~~

~~(3) An applicant for a Class "M" license shall qualify for licensure as a Class "MA" manager as outlined under s. 493.6203(2) and as a Class "MB" manager as outlined under subsection (2).~~

Section 247. Subsections (1), (2), (3), (4), (5), and (6) of section 493.6401, Florida Statutes, are amended to read:

493.6401 Classes of licenses.—

~~(1) Any person, firm, company, partnership, or corporation which engages in business as a recovery agency shall have a Class "R" license. A Class "R" license is valid for only one location.~~

~~(2) Each branch office of a Class "R" agency shall have a Class "RR" license.~~

~~(3) Any individual who performs the services of a manager for a Class "R" recovery agency or a Class "RR" branch office must have a Class "MR" license. A Class "E" licensee may be designated as the manager, in which case the Class "MR" license is not required.~~

(1)~~(4)~~ Any individual who performs the services of a recovery agent must have a Class "E" license.

~~(5) Any individual who performs repossession as an intern under the direction and control of a designated, sponsoring Class "E" licensee or a designated, sponsoring Class "MR" licensee shall have a Class "EE" license.~~

~~(6) Class "E" or Class "EE" licensees shall own or be an employee of a Class "R" agency or branch office.~~

Section 248. Section 493.6402, Florida Statutes, is amended to read:

493.6402 Fees.—

(1) The department shall establish by rule license fees not to exceed the following:

~~(a) Class "R" license—recovery agency: $450.~~

~~(b) Class "RR" license—branch office: $125.~~

~~(c) Class "MR" license—recovery agency manager: $75.~~

(a)~~(d)~~ Class "E" license—recovery agent: $75.

~~(e) Class "EE" license—recovery agent intern: $60.~~

(b)~~(f)~~ Class "RS" license—recovery agent school or training facility: $60.

(c)~~(g)~~ Class "RI" license—recovery agent school or training facility instructor: $60.

(2) The department may establish by rule a fee for the replacement or revision of a license, which fee shall not exceed $30.

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

by electronic funds transfer at the time the application is approved, except that the applicant for a Class "E," ~~Class "EE," or Class "MR"~~ license must pay the license fee at the time the application is made. If a license is revoked or denied, or if an application is withdrawn, the license fee is nonrefundable.

(4) The initial license fee for a veteran, as defined in s. 1.01, shall be waived if he or she applies for a Class "E," ~~Class "EE," Class "MR,"~~ or Class "RI" license within 24 months after being discharged from any branch of the United States Armed Forces. An eligible veteran must include a copy of his or her DD Form 214, as issued by the United States Department of Defense, or another acceptable form of identification as specified by the Department of Veterans' Affairs with his or her application in order to obtain a waiver.

Section 249. Section 493.6403, Florida Statutes, is amended to read:

493.6403 License requirements.—

(1) In addition to the license requirements set forth in this chapter, each individual or agency shall comply with the following additional requirements:

~~(a) Each agency or branch office must designate a minimum of one appropriately licensed individual to act as manager, directing the activities of the Class "E" or Class "EE" employees. A Class "E" licensee may be designated to act as manager of a Class "R" agency or branch office in which case the~~

~~Class "MR" license is not required.~~

~~(b) An applicant for Class "MR" license shall have at least 1 year of lawfully gained, verifiable, full-time experience as a Class "E" licensee performing repossessions of motor vehicles, mobile homes, motorboats, aircraft, personal watercraft, all-terrain vehicles, farm equipment, or industrial equipment.~~

(a)~~(c)~~ An applicant for a Class "E" license shall have at least 1 year of lawfully gained, verifiable, full-time experience in one, or a combination of more than one, of the following:

1. Repossession of motor vehicles as defined in s. 320.01(1), mobile homes as defined in s. 320.01(2), motorboats as defined in s. 327.02, aircraft as defined in s. 330.27(1), personal watercraft as defined in s. 327.02, all-terrain vehicles as defined in s. 316.2074, farm equipment as defined under s. 686.402, or industrial equipment as defined in s. 493.6101(22).

~~2. Work as a Class "EE" licensed intern.~~

(2) An applicant for a Class "E" ~~or a Class "EE"~~ license must submit proof of successful completion of 40 hours of professional training at a school or training facility licensed by the department. The department shall by rule establish the general content for the training.

Section 250. Subsection (3) of section 514.0315, Florida

Statutes, is amended to read:

514.0315 Required safety features for public swimming pools and spas.—

(3) The determination and selection of a feature under subsection (2) for a public swimming pool or spa constructed before January 1, 1993, is at the sole discretion of the owner or operator of the public swimming pool or spa. A licensed contractor described in s. 489.105(2)(j), (k), or (l) ~~s. 489.105(3)(j), (k), or (l)~~ must install the feature.

Section 251. Section 514.075, Florida Statutes, is amended to read:

514.075 Public pool service technician; certification.—The department may require that a public pool, as defined in s. 514.011, be serviced by a person certified as a pool service technician. To be certified, an individual must demonstrate knowledge of public pools which includes, but is not limited to: pool cleaning; general pool maintenance; source of the water supply; bacteriological, chemical, and physical quality of water; and water purification, testing, treatment, and disinfection procedures. The department may, by rule, establish the requirement for the certification course and course approval. The department shall deem certified any individual who is certified by a course of national recognition or any person licensed under s. 489.105(2)(j), (k), or (l) ~~s. 489.105(3)(j), (k), or (l)~~. This requirement does not apply to a person, or the

direct employee of a person, permitted as a public pool operator under s. 514.031.

Section 252. Paragraph (d) of subsection (1) of section 553.791, Florida Statutes, is amended to read:

553.791 Alternative plans review and inspection.—

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

(d) "Building code inspection services" means those services described in s. 468.603(4) and (7) ~~s. 468.603(5) and (8)~~ involving the review of building plans as well as those services involving the review of site plans and site work engineering plans or their functional equivalent, to determine compliance with applicable codes and those inspections required by law, conducted either in person or virtually, of each phase of construction for which permitting by a local enforcement agency is required to determine compliance with applicable codes.

Section 253. Section 553.998, Florida Statutes, is amended to read:

553.998 Compliance.—All ratings must be determined using tools and procedures developed by the systems recognized under this part and must be certified by the rater as accurate and correct and in compliance with procedures of the system under which the rater is certified. The local enforcement agency shall accept duct and air infiltration tests conducted in accordance with the Florida Building Code, 5th Edition (2014) Energy

Conservation, by individuals as defined in s. 553.993(5) or (7) or individuals licensed as set forth in s. 489.105(2)(f), (g), or (i) ~~s. 489.105(3)(f), (g), or (i)~~. The local enforcement agency may accept inspections in whole or in part by individuals as defined in s. 553.993(5) or (7).

Section 254. Subsection (2) of section 569.34, Florida Statutes, is amended to read:

569.34 Operating without a retail nicotine products dealer permit; penalty.—

(2) A retail tobacco products dealer, as defined in s. 569.002 ~~s. 569.002(4)~~, is not required to have a separate or additional retail nicotine products dealer permit to deal, at retail, in nicotine products within this ~~the~~ state, or allow a nicotine products vending machine to be located on its premises in this ~~the~~ state. Any retail tobacco products dealer that deals, at retail, in nicotine products or allows a nicotine products vending machine to be located on its premises in this ~~the~~ state, is subject to, and must be in compliance with, this part.

Section 255. Paragraph (a) of subsection (2) of section 627.192, Florida Statutes, is amended to read:

627.192 Workers' compensation insurance; employee leasing arrangements.—

(2) For purposes of the Florida Insurance Code:

(a) "Employee leasing" shall have the same meaning as

provided in s. 468.520(3) ~~set forth in s. 468.520(4)~~.

Section 256. Subsection (6) of section 633.216, Florida Statutes, is amended to read:

633.216 Inspection of buildings and equipment; orders; firesafety inspection training requirements; certification; disciplinary action.—The State Fire Marshal and her or his agents or persons authorized to enforce laws and rules of the State Fire Marshal shall, at any reasonable hour, when the State Fire Marshal has reasonable cause to believe that a violation of this chapter or s. 509.215, or a rule adopted thereunder, or a minimum firesafety code adopted by the State Fire Marshal or a local authority, may exist, inspect any and all buildings and structures which are subject to the requirements of this chapter or s. 509.215 and rules adopted thereunder. The authority to inspect shall extend to all equipment, vehicles, and chemicals which are located on or within the premises of any such building or structure.

~~(6) The division and the Florida Building Code Administrators and Inspectors Board, established pursuant to s. 468.605, shall enter into a reciprocity agreement to facilitate joint recognition of continuing education recertification hours for certificateholders licensed under s. 468.609 and firesafety inspectors certified under subsection (2).~~

Section 257. Subsection (8) of section 713.01, Florida Statutes, is amended to read:

713.01 Definitions.—As used in this part, the term:

(8) "Contractor" means a person other than a materialman or laborer who enters into a contract with the owner of real property for improving it or who takes over from a contractor as so defined the entire remaining work under such contract. The term "contractor" includes an architect, landscape architect, or engineer who improves real property pursuant to a design-build contract authorized by s. 489.103(16). The term also includes a licensed general contractor or building contractor, as those terms are defined in s. 489.105(2)(a) and)(b) ~~s. 489.105(3)(a) and (b)~~, respectively, who provides construction management services, which include scheduling and coordinating preconstruction and construction phases for the construction project, or who provides program management services, which include schedule control, cost control, and coordinating the provision or procurement of planning, design, and construction for the construction project.

Section 258. Subsection (4) of section 1006.12, Florida Statutes, is amended to read:

1006.12 Safe-school officers at each public school.—For the protection and safety of school personnel, property, students, and visitors, each district school board and school district superintendent shall partner with law enforcement agencies or security agencies to establish or assign one or more safe-school officers at each school facility within the

district, including charter schools. A district school board must collaborate with charter school governing boards to facilitate charter school access to all safe-school officer options available under this section. The school district may implement any combination of the options in subsections (1)-(4) to best meet the needs of the school district and charter schools.

(4) SCHOOL SECURITY GUARD.—A school district or charter school governing board may contract with a security agency as defined in s. 493.6101(15) ~~s. 493.6101(18)~~ to employ as a school security guard an individual who holds a Class "D" and Class "G" license pursuant to chapter 493, provided the following training and contractual conditions are met:

(a) An individual who serves as a school security guard, for purposes of satisfying the requirements of this section, must:

1. Demonstrate completion of 144 hours of required training pursuant to s. 30.15(1)(k)2.

2. Pass a psychological evaluation administered by a psychologist licensed under chapter 490 and designated by the Department of Law Enforcement and submit the results of the evaluation to the sheriff's office, school district, or charter school governing board, as applicable. The Department of Law Enforcement is authorized to provide the sheriff's office, school district, or charter school governing board with mental

health and substance abuse data for compliance with this paragraph.

3. Submit to and pass an initial drug test and subsequent random drug tests in accordance with the requirements of s. 112.0455 and the sheriff's office, school district, or charter school governing board, as applicable.

4. Successfully complete ongoing training, weapon inspection, and firearm qualification on at least an annual basis and provide documentation to the sheriff's office, school district, or charter school governing board, as applicable.

(b) The contract between a security agency and a school district or a charter school governing board regarding requirements applicable to school security guards serving in the capacity of a safe-school officer for purposes of satisfying the requirements of this section shall define the entity or entities responsible for training and the responsibilities for maintaining records relating to training, inspection, and firearm qualification.

(c) School security guards serving in the capacity of a safe-school officer pursuant to this subsection are in support of school-sanctioned activities for purposes of s. 790.115, and must aid in the prevention or abatement of active assailant incidents on school premises.

If a district school board, through its adopted policies,

procedures, or actions, denies a charter school access to any safe-school officer options pursuant to this section, the school district must assign a school resource officer or school safety officer to the charter school. Under such circumstances, the charter school's share of the costs of the school resource officer or school safety officer may not exceed the safe school allocation funds provided to the charter school pursuant to s. 1011.62(12) and shall be retained by the school district.

Section 259. Subsections (5) and (6) of section 259.1053, Florida Statutes, are renumbered as subsections (4) and (5), respectively, and subsection (4) of that section is amended, to read:

259.1053 Babcock Ranch Preserve; Babcock Ranch Advisory Group.—

~~(4) BABCOCK RANCH ADVISORY GROUP.—~~

~~(a) The purpose of the Babcock Ranch Advisory Group is to assist the department by providing guidance and advice concerning the management and stewardship of the Babcock Ranch Preserve.~~

~~(b) The Babcock Ranch Advisory Group shall be comprised of nine members appointed to 5-year terms. Based on recommendations from the Governor and Cabinet, the commission, and the governing boards of Charlotte County and Lee County, the commissioner shall appoint members as follows:~~

~~1. One member with experience in sustainable management of~~

~~forest lands for commodity purposes.~~

~~2. One member with experience in financial management, budget and program analysis, and small business operations.~~

~~3. One member with experience in management of game and nongame wildlife and fish populations, including hunting, fishing, and other recreational activities.~~

~~4. One member with experience in domesticated livestock management, production, and marketing, including range management and livestock business management.~~

~~5. One member with experience in agriculture operations or forestry management.~~

~~6. One member with experience in hunting, fishing, nongame species management, or wildlife habitat management, restoration, and conservation.~~

~~7. One member with experience in public outreach and education.~~

~~8. One member who is a resident of Lee County, to be designated by the Board of County Commissioners of Lee County.~~

~~9. One member who is a resident of Charlotte County, to be designated by the Board of County Commissioners of Charlotte County.~~

~~Vacancies will be filled in the same manner in which the original appointment was made. A member appointed to fill a vacancy shall serve for the remainder of that term.~~

~~(c) Members of the Babcock Ranch Advisory Group shall:~~

~~1. Elect a chair and vice chair from among the group members.~~

~~2. Meet regularly as determined by the chair.~~

~~3. Serve without compensation but shall receive reimbursement for travel and per diem expenses as provided in s. 112.061.~~

Section 260. Subsection (2) of section 399.035, Florida Statutes, is amended to read:

399.035 Elevator accessibility requirements for the physically handicapped.—

(2) Any building that is more than three stories high or in which the vertical distance between the bottom terminal landing and the top terminal landing exceeds 25 feet must be constructed to contain at least one passenger elevator that is operational and will accommodate an ambulance stretcher size specified in the edition of the Florida Building Code that was in effect at the time of receipt of an application for construction permit for the elevator ~~76 inches long and 24 inches wide in the horizontal position~~.

Section 261. Subsection (1) of section 373.219, Florida Statutes, is amended to read:

373.219 Permits required.—

(1) The ~~governing board or~~ the department may require such permits for consumptive use of water and may impose such

reasonable conditions as are necessary to assure that such use is consistent with the overall objectives of the district or department and is not harmful to the water resources of the area. However, a ~~no~~ permit is not ~~shall be~~ required for:

(a) Domestic consumption of water by individual users.

(b) Landscape irrigation water use by a property owner of a residential single-family home.

Section 262. Paragraph (a) of subsection (3) of section 455.02, Florida Statutes, is amended, and subsections (1) and (2) of that section are republished, to read:

455.02 Licensure of members of the Armed Forces in good standing and their spouses or surviving spouses with administrative ~~boards or~~ programs.—

(1) Any member of the United States Armed Forces now or hereafter on active duty who, at the time of becoming such a member, was in good standing with any of the ~~boards or~~ programs listed in s. 20.165 and was entitled to practice or engage in his or her profession or occupation in the state shall be kept in good standing by the applicable ~~board or~~ program, without registering, paying dues or fees, or performing any other act on his or her part to be performed, as long as he or she is a member of the United States Armed Forces on active duty and for a period of 2 years after discharge from active duty. A member, during active duty and for a period of 2 years after discharge from active duty, engaged in his or her licensed profession or

occupation in the private sector for profit in this state must complete all license renewal provisions except remitting the license renewal fee, which shall be waived by the department.

(2) A spouse of a member of the United States Armed Forces who is married to a member during a period of active duty, or a surviving spouse of a member who at the time of death was serving on active duty, who is in good standing with any of the ~~boards or~~ programs listed in s. 20.165 shall be kept in good standing by the applicable ~~board or~~ program as described in subsection (1) and shall be exempt from licensure renewal provisions, but only in cases of his or her absence from the state because of his or her spouse's duties with the United States Armed Forces. The department or the appropriate ~~board or~~ program shall waive any license renewal fee for such spouse when he or she is present in this state because of such member's active duty and for a surviving spouse of a member who at the time of death was serving on active duty and died within the 2 years preceding the date of renewal.

(3)(a) The department shall issue a professional license to an applicant who is or was an active duty member of the Armed Forces of the United States, or who is a spouse or surviving spouse of such member, upon application to the department in a format prescribed by the department. An application must include proof that:

1. The applicant is or was an active duty member of the

Armed Forces of the United States or is married to a member of the Armed Forces of the United States and was married to the member during any period of active duty or was married to such a member who at the time of the member's death was serving on active duty. An applicant who was an active duty member of the Armed Forces of the United States must have received an honorable discharge upon separation or discharge from the Armed Forces of the United States.

2. The applicant holds a valid license for the profession issued by another state, the District of Columbia, any possession or territory of the United States, or any foreign jurisdiction.

3. The applicant, where required by the specific practice act, has complied with insurance or bonding requirements.

4.a. A complete set of the applicant's fingerprints is submitted to the Department of Law Enforcement for a statewide criminal history check <u>for those professions that require fingerprints for initial licensure</u>.

b. The Department of Law Enforcement shall forward the fingerprints submitted pursuant to sub-subparagraph a. to the Federal Bureau of Investigation for a national criminal history check. The department shall~~, and the board may,~~ review the results of the criminal history checks according to the level 2 screening standards in s. 435.04 and determine whether the applicant meets the licensure requirements. The costs of

fingerprint processing shall be borne by the applicant. If the applicant's fingerprints are submitted through an authorized agency or vendor, the agency or vendor must ~~shall~~ collect the required processing fees and remit the fees to the Department of Law Enforcement.

Section 263. Paragraph (a) of subsection (3) of section 455.213, Florida Statutes, is amended to read:

455.213 General licensing provisions.—

(3)(a) Notwithstanding any other law, the department ~~applicable board~~ shall use the process in this subsection for review of an applicant's criminal record to determine his or her eligibility for licensure as:

1. A barber under chapter 476;

~~2. A cosmetologist or cosmetology specialist under chapter 477;~~

2.~~3.~~ Any of the following construction professions under chapter 489:

a. Air-conditioning contractor;

b. Electrical contractor;

c. Mechanical contractor;

d. Plumbing contractor;

e. Pollutant storage systems contractor;

f. Roofing contractor;

g. Sheet metal contractor;

h. Solar contractor;

i. Swimming pool and spa contractor;

j. Underground utility and excavation contractor; or

k. Other specialty contractors; or

3.~~4.~~ Any other profession for which the department issues a license, provided the profession is offered to inmates in any correctional institution or correctional facility as vocational training or through an industry certification program.

Section 264. Subsection (1) of section 468.386, Florida Statutes, is amended to read:

468.386 Fees; local licensing requirements.—

(1)(a) The department ~~board~~ by rule may establish application, examination, licensure, renewal, and other reasonable and necessary fees, based upon the department's estimate of the costs ~~to the board~~ in administering this act.

(b) Effective July 1, 2026, all fees established by the department in administering this act shall be reduced by 50 percent.

Section 265. Subsection (1), paragraph (c) of subsection (2), subsections (4) and (5), paragraphs (b) and (e) of subsection (6), paragraphs (a) and (c) of subsection (7), and subsections (8) and (10) of section 468.609, Florida Statutes, are amended to read:

468.609 Administration of this part; standards for certification; additional categories of certification.—

(1) Except as provided in this part, any person who

desires to be certified shall apply to the department ~~board~~, in writing upon forms approved and furnished by the department ~~board~~, to take the certification examination.

(2) A person may take the examination for certification as a building code inspector or plans examiner pursuant to this part if the person:

(c) Meets eligibility requirements according to one of the following criteria:

1. Demonstrates 4 years' combined experience in the field of construction or a related field, building code inspection, or plans review corresponding to the certification category sought;

2. Demonstrates a combination of postsecondary education in the field of construction or a related field and experience which totals 3 years, with at least 1 year of such total being experience in construction, building code inspection, or plans review;

3. Demonstrates a combination of technical education in the field of construction or a related field and experience which totals 3 years, with at least 1 year of such total being experience in construction, building code inspection, or plans review;

4. Currently holds a standard certificate issued by the department ~~board~~ or a firesafety inspector license issued under chapter 633, with a minimum of 3 years' verifiable full-time experience in firesafety inspection or firesafety plan review,

and has satisfactorily completed a building code inspector or plans examiner training program that provides at least 100 hours but not more than 200 hours of cross-training in the certification category sought. The department ~~board~~ shall establish by rule criteria for the development and implementation of the training programs. The department ~~board~~ must accept all classroom training offered by an approved provider if the content substantially meets the intent of the classroom component of the training program;

5. Demonstrates a combination of the completion of an approved training program in the field of building code inspection or plan review and a minimum of 2 years' experience in the field of building code inspection, plan review, fire code inspections and fire plans review of new buildings as a firesafety inspector certified under s. 633.216, or construction. The approved training portion of this requirement must include proof of satisfactory completion of a training program that provides at least 200 hours but not more than 300 hours of cross-training that is approved by the department ~~board~~ in the chosen category of building code inspection or plan review in the certification category sought with at least 20 hours but not more than 30 hours of instruction in state laws, rules, and ethics relating to professional standards of practice, duties, and responsibilities of a certificateholder. The department ~~board~~ shall coordinate with the Building

Officials Association of Florida, Inc., to establish by rule the development and implementation of the training program. However, the department ~~board~~ must accept all classroom training offered by an approved provider if the content substantially meets the intent of the classroom component of the training program;

6. Currently holds a standard certificate issued by the department ~~board~~ or a firesafety inspector license issued under chapter 633 and:

a. Has at least 4 years' verifiable full-time experience as an inspector or plans examiner in a standard certification category currently held or has a minimum of 4 years' verifiable full-time experience as a firesafety inspector licensed under chapter 633.

b. Has satisfactorily completed a building code inspector or plans examiner classroom training course or program that provides at least 200 but not more than 300 hours in the certification category sought, except for residential training programs, which must provide at least 500 but not more than 800 hours of training as prescribed by the department ~~board~~. The department ~~board~~ shall establish by rule criteria for the development and implementation of classroom training courses and programs in each certification category; or

7.a. Has completed a 4-year internship certification program as a building code inspector or plans examiner, including an internship program for residential inspectors,

while also employed full time by a municipality, county, or other governmental jurisdiction, under the direct supervision of a certified building official. A person may also complete the internship certification program, including an internship program for residential inspectors, while employed full time by a private provider or a private provider's firm that performs the services of a building code inspector or plans examiner, while under the direct supervision of a certified building official. Proof of graduation with a related vocational degree or college degree ~~or of verifiable work experience~~ may be exchanged for the internship experience requirement year-for-year, but may reduce the requirement to no less than 1 year. Proof of verifiable work experience as an inspector or plans examiner of any other type may be exchanged for the internship experience requirement year-for-year, but may reduce the requirement to no less than 1 year.

b. Has passed an examination administered by the International Code Council in the certification category sought. Such examination must be passed before beginning the internship certification program.

c. Has passed the principles and practice examination before completing the internship certification program.

d. Has passed a department-approved ~~board-approved~~ 40-hour code training course in the certification category sought before completing the internship certification program.

e. Has obtained a favorable recommendation from the supervising building official after completion of the internship certification program.

(4) No person may engage in the duties of a building code administrator, plans examiner, or building code inspector pursuant to this part after October 1, 1993, unless such person possesses one of the following types of certificates, currently valid, issued by the department ~~board~~ attesting to the person's qualifications to hold such position:

(a) A standard certificate.

(b) A limited certificate.

(c) A provisional certificate.

(5)(a) To obtain a standard certificate, an individual must pass an examination approved by the department ~~board~~ which demonstrates that the applicant has fundamental knowledge of the state laws and codes relating to the construction of buildings for which the applicant has building code administration, plans examination, or building code inspection responsibilities. It is the intent of the Legislature that the examination approved for certification pursuant to this part be substantially equivalent to the examinations administered by the International Code Council.

(b) A standard certificate shall be issued to each applicant who successfully completes the examination, which certificate authorizes the individual named thereon to practice

throughout the state as a building code administrator, plans examiner, or building code inspector within such class and level as is specified by the department ~~board~~.

(c) The department ~~board~~ may accept proof that the applicant has passed an examination which is substantially equivalent to the department-approved ~~board-approved~~ examination set forth in this section.

(6)

(b) By October 1, 1993, individuals who were employed on July 1, 1993, as building code administrators, plans examiners, or building code inspectors, who are not eligible for a standard certificate, but who wish to continue in such employment, shall submit to the department ~~board~~ the appropriate application and certification fees and shall receive a limited certificate qualifying them to engage in building code administration, plans examination, or building code inspection in the class, at the performance level, and within the governmental jurisdiction in which such person is employed.

(e) By March 1, 2003, or 1 year after the Florida Building Code is implemented, whichever is later, individuals who were employed by an educational board, the Department of Education, or the State University System as building code administrators, plans examiners, or inspectors, who do not wish to apply for a standard certificate but who wish to continue in such employment, shall submit to the department ~~board~~ the appropriate

application and certification fees and shall receive a limited certificate qualifying such individuals to engage in building code administration, plans examination, or inspection in the class, at the performance level, and within the governmental jurisdiction in which such person is employed.

(7)(a) The department ~~board~~ shall provide for the issuance of provisional certificates valid for 2 years, as specified by department ~~board~~ rule, to any building code inspector or plans examiner who meets the eligibility requirements described in subsection (2) and any newly employed or promoted building code administrator who meets the eligibility requirements described in subsection (3). The provisional license may be renewed by the department ~~board~~ for just cause; however, a provisional license is not valid for longer than 3 years.

(c) The department ~~board~~ shall provide for appropriate levels of provisional certificates and may issue these certificates with such special conditions or requirements as the department ~~board~~ deems necessary to protect the public safety and health. The department ~~board~~ may not place a special condition or requirement on a provisional certificate with respect to the requirement of employment by a municipality, county, or other local governmental agency.

(8) Any individual applying to the department ~~board~~ may be issued a certificate valid for multiple building code inspection classes, as deemed appropriate by the department ~~board~~.

(10)(a) The department ~~board~~ may by rule create categories of certification in addition to those defined in s. 468.603(4) and (7) ~~s. 468.603(5) and (8)~~. Such certification categories may ~~shall~~ not be mandatory and may ~~shall~~ not act to diminish the scope of any certificate created by statute.

(b) The department ~~board~~ shall by rule establish:

1. Reciprocity of certification with any other state that requires an examination administered by the International Code Council.

2. That an applicant for certification as a building code inspector or plans examiner may apply for a provisional certificate valid for the duration of the internship period.

3. That partial completion of an internship program is transferable among jurisdictions, private providers, and firms of private providers on a form prescribed by the department ~~board~~.

4. That an applicant may apply for a standard certificate on a form prescribed by the department ~~board~~ upon successful completion of an internship certification program.

5. That an applicant may apply for a standard certificate at least 30 days but no more than 60 days before completing the internship certification program.

6. That a building code inspector or plans examiner who has standard certification may seek an additional certification in another category by completing an additional nonconcurrent 1-

year internship program in the certification category sought and passing an examination administered by the International Code Council and a department-approved ~~board-approved~~ 40-hour code training course.

Section 266. Section 471.015, Florida Statutes, is amended to read:

471.015 Licensure.—

(1) The department ~~management corporation~~ shall issue a license to any applicant who the department ~~board~~ certifies is qualified to practice engineering and who has passed the fundamentals examination and the principles and practice examination.

(2)(a) The department ~~board~~ shall certify for licensure any applicant who has submitted proof satisfactory to the department ~~board~~ that he or she is at least 18 years of age and who:

1. Satisfies the requirements of s. 471.013(1)(a)1. and has a record of at least 4 years of active engineering experience of a character indicating competence to be in responsible charge of engineering; or

2. Satisfies the requirements of s. 471.013(1)(a)2. and has a record of at least 6 years of active engineering experience of a character indicating competence to be in responsible charge of engineering.

(b) The department ~~board~~ may refuse to certify any

applicant who has violated s. 471.031.

(3) The department ~~board~~ shall certify as qualified for a license by endorsement an applicant who:

(a) Qualifies to take the fundamentals examination and the principles and practice examination as set forth in s. 471.013, has passed a United States national, regional, state, or territorial licensing examination that is substantially equivalent to the fundamentals examination and principles and practice examination required by s. 471.013, and has satisfied the experience requirements set forth in paragraph (2)(a) and s. 471.013; ~~or~~

(b) Holds a valid license to practice engineering issued by another state or territory of the United States, or a foreign jurisdiction if the criteria for issuance of the license were substantially the same as the licensure criteria that existed in this state at the time the license was issued; or

(c) Holds a valid license to practice engineering issued by a foreign jurisdiction approved by the board and holds an active Council Record with the National Council of Examiners for Engineering and Surveying.

(4) The department may ~~management corporation shall~~ not issue a license by endorsement to any applicant who is under investigation in another state for any act that would constitute a violation of this chapter or of chapter 455 until such time as the investigation is complete and disciplinary proceedings have

been terminated.

(5)(a) The department ~~board~~ shall deem that an applicant who seeks licensure by endorsement has passed an examination substantially equivalent to the fundamentals examination when such applicant has held a valid professional engineer's license in another state for 10 years.

(b) The department ~~board~~ shall deem that an applicant who seeks licensure by endorsement has passed an examination substantially equivalent to the fundamentals examination and the principles and practices examination when such applicant has held a valid professional engineer's license in another state for 15 years.

(6) The department ~~board~~ may require a personal appearance by any applicant for licensure under this chapter. Any applicant of whom a personal appearance is required must be given adequate notice of the time and place of the appearance and provided with a statement of the purpose of and reasons requiring the appearance. If an applicant is required to appear, the time period within which a licensure application must be granted or denied is tolled until such time as the applicant appears. However, if the applicant fails to appear before the department ~~board~~ at either of the next two regularly scheduled department ~~board~~ meetings, the application for licensure may be denied.

(7) The department ~~board~~ shall, by rule, establish qualifications for certification of licensees as special

inspectors of threshold buildings, as defined in ss. 553.71 and 553.79, and shall compile a list of persons who are certified. A special inspector is not required to meet standards for certification other than those established by the department ~~board~~, and the fee owner of a threshold building may not be prohibited from selecting any person certified by the department ~~board~~ to be a special inspector. The department ~~board~~ shall develop minimum qualifications for the qualified representative of the special inspector who is authorized to perform inspections of threshold buildings on behalf of the special inspector under s. 553.79.

Section 267. Effective January 1, 2026, section 473.308, Florida Statutes, is amended to read:

473.308 Licensure.—

(1) A person desiring to be licensed as a Florida certified public accountant in this state shall apply to the department for licensure, and the department shall license any applicant who the department ~~board~~ certifies is qualified to practice public accounting.

(2) The department ~~board~~ shall certify for licensure any applicant who successfully passes the licensure examination and satisfies the requirements of subsections (4), (5), and (6), and shall certify for licensure any firm that satisfies the requirements of ss. 473.309 and 473.3101. The department ~~board~~ may refuse to certify any applicant or firm that has violated

any of the provisions of s. 473.322.

(3) A person desiring to be licensed as a Florida certified public accountant or a firm desiring to engage in the practice of public accounting must create and maintain an online account with the department and provide an e-mail address to function as the primary means of contact for all communication from the department. Certified public accountants and firms are responsible for maintaining accurate contact information on file with the department and must submit any change in an e-mail address or street address within 30 days after the change. All changes must be submitted through the department's online system.

(4)(a) An applicant for licensure must:

1. Complete ~~have~~ at least 150 semester hours of college education, including a baccalaureate or higher degree conferred by an accredited college or university, with a concentration in accounting and business as prescribed by the department; ~~in the total educational program to the extent specified by the board.~~

2. Hold a master's degree in accounting or finance conferred by an accredited college or university with a concentration in accounting and business as prescribed by the department;

3. Hold a baccalaureate degree in accounting or finance conferred by an accredited college or university with a concentration in accounting and business as prescribed by the

department; or

4. Hold a baccalaureate degree in any major course of study conferred by an accredited college or university and have completed coursework required for a concentration in accounting and business as prescribed by the department.

(b) The department shall prescribe the coursework required for a concentration in accounting and business. The department may deem that an applicant has satisfied requirements for such coursework if the applicant receives a baccalaureate or higher degree in accounting or finance conferred by an accredited college or university in a state or territory of the United States. An applicant receiving a baccalaureate or higher degree with a major course of study other than accounting or finance must complete the coursework required for a concentration in accounting and business as prescribed by the department.

(5)(a) An applicant for licensure who completes the education requirements under subparagraph (4)(a)1. or subparagraph (4)(a)2. ~~after December 31, 2008,~~ must show ~~that he or she has had~~ 1 year of work experience. An applicant who completes the education requirements under subparagraph (4)(a)3. or subparagraph (4)(a)4. must show 2 years of work experience.

(b) The work experience under paragraph (a) ~~This experience~~ shall include providing any type of service or advice involving the use of accounting, attest, compilation, management advisory, financial advisory, tax, or consulting skills, all of

which must be verified by a certified public accountant who is licensed by a state or territory of the United States. This experience is acceptable if it was gained through employment in government, industry, academia, or public practice; constituted a substantial part of the applicant's duties; and was verified by a certified public accountant licensed by a state or territory of the United States.

(c) The department ~~board~~ shall adopt rules specifying standards and providing for the review and approval of the work experience required by this subsection ~~section~~.

(b) However, an applicant who completed the requirements of subsection (4) on or before December 31, 2008, and who passes the licensure examination on or before June 30, 2010, is exempt from the requirements of this subsection.

(6)(a) An applicant for licensure must ~~shall~~ show that she or he ~~the applicant~~ has good moral character. For purposes of this paragraph, the term

~~(7)(a)~~ "good moral character" means a personal history of honesty, fairness, and respect for the rights of others and for the laws of this state and nation.

(b) The department ~~board~~ may refuse to certify an applicant for failure to satisfy this requirement if:

1. The department ~~board~~ finds a reasonable relationship between the lack of good moral character of the applicant and the professional responsibilities of a certified public

accountant; and

2. The finding by the department ~~board~~ of lack of good moral character is supported by competent substantial evidence.

(c) When an applicant is found to be unqualified for a license because of a lack of good moral character, the department ~~board~~ shall furnish to the applicant a statement containing the findings of the department ~~board~~, a complete record of the evidence upon which the determination was based, and a notice of the rights of the applicant to a rehearing and appeal.

(7) ~~(8)~~ The department ~~board~~ shall certify as qualified for a license by endorsement an applicant who~~:~~

(a) Is not licensed and has not been licensed in any state or territory and who has met the requirements of this section for education, work experience, and good moral character and has passed a national, regional, state, or territorial licensing examination that is substantially equivalent to the examination required by s. 473.306; or

~~(b)1.~~ holds an active ~~a valid~~ license as a certified public accountant ~~to practice public accounting~~ issued by another state or a territory of the United States, if the applicant has maintained good moral character and, at the time of licensure by such other state or territory, the applicant was required to show evidence of having obtained at least a baccalaureate degree from an accredited college or university

and having passed the Uniform CPA Examination ~~criteria for issuance of such license were substantially equivalent to the licensure criteria that existed in this state at the time the license was issued;~~

~~2. Holds a valid license to practice public accounting issued by another state or territory of the United States but the criteria for issuance of such license did not meet the requirements of subparagraph 1.; has met the requirements of this section for education, work experience, and good moral character; and has passed a national, regional, state, or territorial licensing examination that is substantially equivalent to the examination required by s. 473.306; or~~

~~3. Holds a valid license to practice public accounting issued by another state or territory of the United States for at least 10 years before the date of application; has passed a national, regional, state, or territorial licensing examination that is substantially equivalent to the examination required by s. 473.306; and has met the requirements of this section for good moral character~~.

~~(9) If the applicant has at least 5 years of experience in the practice of public accountancy in the United States or in the practice of public accountancy or its equivalent in a foreign country that the International Qualifications Appraisal Board of the National Association of State Boards of Accountancy has determined has licensure standards that are substantially~~

~~equivalent to those in the United States, or has at least 5 years of work experience that meets the requirements of subsection (5), the board must waive the requirements of subsection (4) which are in excess of a baccalaureate degree. All experience that is used as a basis for waiving the requirements of subsection (4) must be while licensed as a certified public accountant by another state or territory of the United States or while licensed in the practice of public accountancy or its equivalent in a foreign country that the International Qualifications Appraisal Board of the National Association of State Boards of Accountancy has determined has licensure standards that are substantially equivalent to those in the United States. The board shall have the authority to establish the standards for experience that meet this requirement.~~

(8)~~(10)~~ The department ~~board~~ may refuse to certify for licensure any applicant who is under investigation in another state for any act that would constitute a violation of this act or chapter 455, until such time as the investigation is complete and disciplinary proceedings are ~~have been~~ terminated.

Section 268. Section 473.3085, Florida Statutes, is created to read:

473.3085 Licensure of international applicants.—

(1) An international applicant who seeks licensure as a certified public accountant in this state must meet the

requirements for education, work experience, and good moral character under s. 473.308.

(2) An applicant must apply to the department for licensure.

(3) An international applicant must create and maintain an online account with the department and provide an e-mail address to function as the primary means of contact for all communication from the department. An applicant must submit any change in e-mail address within 30 days after the change. All changes must be submitted through the department's online system.

(4) The department shall certify for licensure any applicant who satisfies the requirements of subsections (1) and (2), except the department may refuse to certify an applicant who has violated s. 473.322.

(5) The department shall adopt rules to implement this section.

Section 269. Effective January 1, 2026, subsections (1), (3), and (4) of section 473.3141, Florida Statutes, are amended to read:

473.3141 Certified public accountants licensed in other states.—

(1) ~~Except as otherwise provided in this chapter,~~ An individual who holds an active license in good standing as a certified public accountant in another state or a territory of

the United States and who does not have an office in this state has the privileges of Florida certified public accountants and may provide public accounting services in this state without obtaining a license under this chapter or notifying or registering with the department ~~board~~ or paying a fee if, at the time of licensure by such other state or territory, the individual was required to show evidence of having obtained at least a baccalaureate degree and having passed the Uniform CPA Examination~~:~~

~~(a) Holds a valid license as a certified public accountant from a state that the board or its designee has determined by rule to have adopted standards that are substantially equivalent to the certificate requirements in s. 5 of the Uniform Accountancy Act in the issuance of licenses; or~~

~~(b) Holds a valid license as a certified public accountant from a state that has not been approved by the board as having adopted standards in substantial equivalence with s. 5 of the Uniform Accountancy Act, but obtains verification from the board, or its designee, as determined by rule, that the individual's certified public accountant qualifications are substantially equivalent to the certificate requirements in s. 5 of the Uniform Accountancy Act~~.

The department ~~board~~ shall define by rule what constitutes an office.

(3) An individual certified public accountant from another state or a territory of the United States who practices pursuant to this section, and the firm that employs that individual, shall both consent, as a condition of the privilege of practicing in this state:

(a) To the ~~personal and subject matter~~ jurisdiction and disciplinary authority of the department ~~board~~;

(b) To comply with this chapter and the applicable department ~~board~~ rules;

(c) That if the individual's license as a certified public accountant from another ~~the~~ state or a territory of the United States becomes invalid ~~of the individual's principal place of business is no longer valid~~, the individual must ~~will~~ cease offering or rendering public accounting services in this state, individually and on behalf of a firm; and

(d) To the appointment of the department ~~state board~~ that issued the individual's license as the agent upon whom process may be served in any action or proceeding by the ~~board or~~ department against the individual or firm.

(4) An individual who qualifies to practice under this section may perform the services identified in s. 473.302(7)(a) ~~s. 473.302(8)(a)~~ only through a firm that has obtained a license issued under s. 473.3101 or is authorized by s. 473.3101 to provide such services.

Section 270. Subsections (2), (8), and (9) of section

476.184, Florida Statutes, are amended, and subsection (11) is added to that section, to read:

476.184 Barbershop licensure; requirements; fee; inspection; license display.—

(2) The department ~~board~~ shall adopt rules governing the licensure and operation of a barbershop and its facilities, personnel, safety and sanitary requirements, and the license application and granting process.

(8) Renewal of license registration for barbershops shall be accomplished pursuant to rules adopted by the department ~~board~~. The department ~~board~~ is further authorized to adopt rules governing delinquent renewal of licenses and may impose penalty fees for delinquent renewal.

(9) The department ~~board~~ is authorized to adopt rules governing the operation and periodic inspection of barbershops licensed under this chapter.

(11)(a) The department shall adopt rules governing the licensure, operation, and inspection of mobile barbershops, including their facilities, personnel, and safety and sanitary requirements.

(b) Each mobile barbershop must comply with all licensure and operating requirements specified in this chapter, chapter 455, or rules of the department that apply to barbershops at fixed locations, except to the extent that such requirements conflict with this subsection or rules adopted pursuant to this

subsection.

(c) A mobile barbershop must maintain a permanent business address, located in the inspection area of the local department office, at which records of appointments, itineraries, license numbers of employees, and vehicle identification numbers of the licenseholder's mobile barbershop shall be kept and made available for verification purposes by department personnel, and at which correspondence from the department can be received.

(d) To facilitate periodic inspections of a mobile barbershop, before the beginning of each month each mobile barbershop licenseholder must file with the department a written monthly itinerary listing the locations where and the dates and hours when the mobile barbershop will be operating.

(e) The licenseholder must comply with all local laws and ordinances regulating business establishments, with all applicable requirements of the Americans with Disabilities Act relating to accommodations for persons with disabilities, and with all applicable requirements of the Occupational Safety and Health Administration.

Section 271. Section 476.188, Florida Statutes, is amended to read:

476.188 Barber services to be performed in a licensed ~~registered~~ barbershop; exception.—

(1) Barber services shall be performed only by licensed barbers in licensed ~~registered~~ barbershops, except as otherwise

provided in this section.

(2) Pursuant to rules established by the department ~~board~~, barber services may be performed by a licensed barber in a location other than a licensed ~~registered~~ barbershop, including, but not limited to, a nursing home, hospital, or residence, when a client for reasons of ill health is unable to go to a licensed ~~registered~~ barbershop. Arrangements for the performance of barber services in a location other than a licensed ~~registered~~ barbershop may ~~shall~~ be made only through a licensed ~~registered~~ barbershop. However, a barber may shampoo, cut, or arrange hair in a location other than a licensed ~~registered~~ barbershop without such arrangements.

(3) Any person who holds a valid barber's license in any state or who is authorized to practice barbering in any country, territory, or jurisdiction of the United States may perform barber services in a location other than a licensed ~~registered~~ barbershop when such services are performed in connection with the motion picture, fashion photography, theatrical, or television industry; a manufacturer trade show demonstration; or an educational seminar.

(4) Pursuant to rules adopted by the department, the practice of barbering may be performed in a location other than a licensed barbershop when performed in connection with a special event and by a person who holds the proper license.

Section 272. Subsections (1) through (7) of section

481.213, Florida Statutes, is amended to read:

481.213 Licensure and registration.—

(1) The department shall license or register any applicant who ~~the board certifies~~ is certified and qualified for licensure or registration and who has paid the initial licensure or registration fee. Licensure as an architect under this section shall be deemed to include all the rights and privileges of registration as an interior designer under this section.

(2) The department ~~board~~ shall certify for licensure ~~or registration~~ by examination any applicant who passes the prescribed licensure or registration examination and satisfies the requirements of ss. 481.209 and 481.211, for architects, or the requirements of s. 481.209, for interior designers.

(3) The department ~~board~~ shall certify as qualified for a license by endorsement as an architect or registration as a registered interior designer an applicant who:

(a) Qualifies to take the prescribed licensure or registration examination, and has passed the prescribed licensure or registration examination or a substantially equivalent examination in another jurisdiction, as set forth in s. 481.209 for architects or registered interior designers, as applicable, and has satisfied the internship requirements set forth in s. 481.211 for architects;

(b) Holds a valid license to practice architecture or a license, registration, or certification to practice interior

design issued by another jurisdiction of the United States, if the criteria for issuance of such license were substantially equivalent to the licensure criteria that existed in this state at the time the license was issued; or

(c) Has passed the prescribed licensure examination and Holds a valid certificate issued by the National Council of Architectural Registration Boards, and holds a valid license to practice architecture issued by another state, another ~~or~~ jurisdiction of the United States, or a foreign jurisdiction approved by the department.

An architect who is licensed in another state, another jurisdiction of the United States, or a foreign jurisdiction approved by the department who seeks qualification for licensure ~~license~~ by endorsement under this subsection must complete a 2-hour class approved by the department ~~board~~ on wind mitigation techniques.

(4) The department ~~board~~ may refuse to certify any applicant who has violated any of the provisions of s. 481.223, s. 481.225, ~~s. 481.223, s. 481.225,~~ or s. 481.2251, as applicable.

(5) The department ~~board~~ may refuse to certify any applicant who is under investigation in any jurisdiction for any act which would constitute a violation of this part or of chapter 455 until such time as the investigation is complete and

disciplinary proceedings have been terminated.

(6) The department ~~board~~ shall adopt rules to implement the provisions of this part relating to the examination, internship, and licensure of applicants.

(7) For persons whose licensure requires satisfaction of the requirements of ss. 481.209 and 481.211, the department ~~board~~ shall, by rule, establish qualifications for certification of such persons as special inspectors of threshold buildings, as defined in ss. 553.71 and 553.79, and shall compile a list of persons who are certified. A special inspector is not required to meet standards for certification other than those established by the department ~~board~~, and the fee owner of a threshold building may not be prohibited from selecting any person certified by the department ~~board~~ to be a special inspector. The department ~~board~~ shall develop minimum qualifications for the qualified representative of the special inspector who is authorized under s. 553.79 to perform inspections of threshold buildings on behalf of the special inspector.

Section 273. Subsection (2), paragraph (b) of subsection (3), and subsections (5), (7), and (8) of section 481.219, Florida Statutes, are amended to read:

481.219 Qualification of business organizations.—

(2) If a licensee or an applicant proposes to engage in the practice of architecture as a business organization, the licensee or applicant shall qualify the business organization

upon approval of the department ~~board~~.

(3)

(b) In the event a qualifying agent ceases employment with a qualified business organization, the department ~~executive director or the chair of the board~~ may authorize another registered architect employed by the business organization to temporarily serve as its qualifying agent for a period of no more than 60 days. The business organization is not authorized to operate beyond such period under this chapter absent replacement of the qualifying agent who has ceased employment.

(5) The department ~~board~~ shall allow a licensee or an applicant to qualify one or more business organizations to offer architectural services, or to use a fictitious name to offer such services, if one or more of the principal officers of the corporation or limited liability company, or one or more partners of the partnership, and all personnel of the corporation, limited liability company, or partnership who act in its behalf in this state as architects, are registered as provided by this part.

(7) A business organization is not relieved of responsibility for the conduct or acts of its agents, employees, or officers by reason of its compliance with this section. However, except as provided in s. 558.0035, the architect who signs and seals the construction documents and instruments of service is liable for the professional services performed, and

the interior designer who signs and seals the interior design drawings, plans, or specifications shall be liable for the professional services performed.

(8) This section may not be construed to mean that a certificate of registration to practice architecture must be held by a business organization. This section does not prohibit a business organization from offering architectural, engineering, interior design, surveying and mapping, and landscape architectural services, or any combination of such services, to the public if the business organization otherwise meets the requirements of law.

Section 274. Subsections (1), (2), (6), (11), and (12) of section 481.221, Florida Statutes are amended to read:

481.221 Seals; display of certificate number.—

(1) The department ~~board~~ shall prescribe, by rule, one or more forms of seals to be used by registered architects holding valid certificates of registration.

(2) Each registered architect shall obtain one seal in a form approved by rule of the department ~~board~~ and may, in addition, register her or his seal electronically in accordance with ss. 668.001-668.006. All final construction documents and instruments of service which include drawings, plans, specifications, or reports prepared or issued by the registered architect and being filed for public record shall bear the signature and seal of the registered architect who prepared or

approved the document and the date on which they were sealed. The signature, date, and seal shall be evidence of the authenticity of that to which they are affixed. Final plans, specifications, or reports prepared or issued by a registered architect may be transmitted electronically and may be signed by the registered architect, dated, and sealed electronically with the seal in accordance with ss. 668.001-668.006.

(6) No registered architect shall affix her or his signature or seal to any final construction document or instrument of service which includes drawings, plans, specifications, or architectural documents which were not prepared by her or him or under her or his responsible supervising control or by another registered architect and reviewed, approved, or modified and adopted by her or him as her or his own work according to rules adopted by the department ~~board~~.

(11) When the certificate of registration of a registered architect or interior designer has been revoked or suspended by the department ~~board~~, the registered architect or interior designer shall surrender her or his seal to the secretary of the department ~~board~~ within a period of 30 days after the revocation or suspension has become effective. If the certificate of the registered architect or interior designer has been suspended for a period of time, her or his seal shall be returned to her or him upon expiration of the suspension period.

(12) A person may not sign and seal by any means any final plan, specification, or report after her or his certificate of registration has expired or is suspended or revoked. A registered architect or interior designer whose certificate of registration is suspended or revoked shall, within 30 days after the effective date of the suspension or revocation, surrender her or his seal to the department ~~executive director of the board~~ and confirm in writing to the department ~~executive director~~ the cancellation of the registered architect's or interior designer's electronic signature in accordance with ss. 668.001-668.006. When a registered architect's or interior designer's certificate of registration is suspended for a period of time, her or his seal shall be returned upon expiration of the period of suspension.

Section 275. Paragraphs (a), (d), and (e) of subsection (1) of section 481.223, Florida Statutes, are amended to read:

481.223 Prohibitions; penalties; injunctive relief.—

(1) A person may not knowingly:

(a) Practice architecture unless the person is an architect or a registered architect; however, a licensed architect who has been licensed by the department ~~board~~ and who chooses to relinquish or not to renew his or her license may use the title "Architect, Retired" but may not otherwise render any architectural services.

(d) Give false or forged evidence to the department ~~board~~

~~or a member thereof~~.

(e) Use or attempt to use an architect license or interior design certificate of registration that has been suspended, revoked, or placed on inactive or delinquent status.

Section 276. Paragraph (c) of subsection (2) and subsection (3) of section 489.111, Florida Statutes, are amended to read:

489.111 Licensure by examination.—

(2) A person shall be eligible for licensure by examination if the person:

(c) Meets eligibility requirements according to one of the following criteria:

1. Has received a baccalaureate degree from an accredited 4-year college in the appropriate field of engineering, architecture, or building construction and has 1 year of proven experience in the category in which the person seeks to qualify. For the purpose of this part, a minimum of 2,000 person-hours shall be used in determining full-time equivalency. An applicant who is exempt from passing an examination under s. 489.113(1) is eligible for a license under this section.

2. Has a total of at least 4 years of active experience as a worker who has learned the trade by serving an apprenticeship as a skilled worker who is able to command the rate of a mechanic in the particular trade or as a foreman who is in charge of a group of workers and usually is responsible to a

superintendent or a contractor or his or her equivalent; provided, however, that at least 1 year of active experience shall be as a foreman.

3. Has a combination of not less than 1 year of experience as a foreman and not less than 3 years of credits for any accredited college-level courses; has a combination of not less than 1 year of experience as a skilled worker, 1 year of experience as a foreman, and not less than 2 years of credits for any accredited college-level courses; or has a combination of not less than 2 years of experience as a skilled worker, 1 year of experience as a foreman, and not less than 1 year of credits for any accredited college-level courses. All junior college or community college-level courses shall be considered accredited college-level courses.

4.a. An active certified residential contractor is eligible to receive a certified building contractor license after passing or having previously passed the building contractors' examination if he or she possesses a minimum of 3 years of proven experience in the classification in which he or she is certified.

b. An active certified residential contractor is eligible to receive a certified general contractor license after passing or having previously passed the general contractors' examination if he or she possesses a minimum of 4 years of proven experience in the classification in which he or she is certified.

c. An active certified building contractor is eligible to receive a certified general contractor license after passing or having previously passed the general contractors' examination if he or she possesses a minimum of 4 years of proven experience in the classification in which he or she is certified.

5.a. An active certified air-conditioning Class C contractor is eligible to receive a certified air-conditioning Class B contractor license after passing or having previously passed the air-conditioning Class B contractors' examination if he or she possesses a minimum of 3 years of proven experience in the classification in which he or she is certified.

b. An active certified air-conditioning Class C contractor is eligible to receive a certified air-conditioning Class A contractor license after passing or having previously passed the air-conditioning Class A contractors' examination if he or she possesses a minimum of 4 years of proven experience in the classification in which he or she is certified.

c. An active certified air-conditioning Class B contractor is eligible to receive a certified air-conditioning Class A contractor license after passing or having previously passed the air-conditioning Class A contractors' examination if he or she possesses a minimum of 1 year of proven experience in the classification in which he or she is certified.

6.a. An active certified swimming pool servicing contractor is eligible to receive a certified residential

swimming pool contractor license after passing or having previously passed the residential swimming pool contractors' examination if he or she possesses a minimum of 3 years of proven experience in the classification in which he or she is certified.

b. An active certified swimming pool servicing contractor is eligible to receive a certified commercial swimming pool contractor license after passing or having previously passed the swimming pool commercial contractors' examination if he or she possesses a minimum of 4 years of proven experience in the classification in which he or she is certified.

c. An active certified residential swimming pool contractor is eligible to receive a certified commercial swimming pool contractor license after passing or having previously passed the commercial swimming pool contractors' examination if he or she possesses a minimum of 1 year of proven experience in the classification in which he or she is certified.

d. An applicant is eligible to receive a certified swimming pool/spa servicing contractor license after passing or having previously passed the swimming pool/spa servicing contractors' examination if he or she has satisfactorily completed 60 hours of instruction in courses related to the scope of work covered by that license and approved by the department ~~Construction Industry Licensing Board~~ by rule and has

at least 1 year of proven experience related to the scope of work of such a contractor.

(3)(a) The department ~~board~~ may refuse to certify an applicant for failure to satisfy the requirement of good moral character only if:

1. There is a substantial connection between the lack of good moral character of the applicant and the professional responsibilities of a certified contractor; and

2. The finding by the department ~~board~~ of lack of good moral character is supported by clear and convincing evidence.

(b) When an applicant is found to be unqualified for a certificate because of a lack of good moral character, the department ~~board~~ shall furnish the applicant a statement containing the findings of the department ~~board~~, a complete record of the evidence upon which the determination was based, and a notice of the rights of the applicant to a rehearing and appeal.

Section 277. Paragraph (l) of subsection (8), paragraphs (a) and (d) of subsection (9), and subsection (15) of section 499.012, Florida Statutes, are amended, and paragraph (a) of subsection (5) and paragraph (a) of subsection (12) of that section are republished, to read:

499.012 Permit application requirements.—

(5)(a) The department shall adopt rules for the biennial renewal of permits; however, the department may issue up to a 4-

year permit to selected permittees notwithstanding any other provision of law. Fees for such renewal may not exceed the fee caps set forth in s. 499.041 on an annualized basis as authorized by law.

(8) An application for a permit or to renew a permit for a prescription drug wholesale distributor or an out-of-state prescription drug wholesale distributor submitted to the department must include:

(l) ~~The name of each of the applicant's designated representatives as required by subsection (15), together with~~ The personal information statement and fingerprints required pursuant to subsection (9) for each such person.

(9)(a) Each person required by subsection (8) ~~or subsection (15)~~ to provide a personal information statement and fingerprints shall provide the following information to the department on forms prescribed by the department:

1. The person's places of residence for the past 7 years.

2. The person's date and place of birth.

3. The person's occupations, positions of employment, and offices held during the past 7 years.

4. The principal business and address of any business, corporation, or other organization in which each such office of the person was held or in which each such occupation or position of employment was carried on.

5. Whether the person has been, during the past 7 years,

the subject of any proceeding for the revocation of any license and, if so, the nature of the proceeding and the disposition of the proceeding.

6. Whether, during the past 7 years, the person has been enjoined, temporarily or permanently, by a court of competent jurisdiction from violating any federal or state law regulating the possession, control, or distribution of prescription drugs, together with details concerning any such event.

7. A description of any involvement by the person with any business, including any investments, other than the ownership of stock in a publicly traded company or mutual fund, during the past 4 years, which manufactured, administered, prescribed, distributed, or stored pharmaceutical products and any lawsuits in which such businesses were named as a party.

8. A description of any felony criminal offense of which the person, as an adult, was found guilty, regardless of whether adjudication of guilt was withheld or whether the person pled guilty or nolo contendere. A criminal offense committed in another jurisdiction which would have been a felony in this state must be reported. If the person indicates that a criminal conviction is under appeal and submits a copy of the notice of appeal of that criminal offense, the applicant must, within 15 days after the disposition of the appeal, submit to the department a copy of the final written order of disposition.

9. A photograph of the person taken in the previous 180

days.

10. A set of fingerprints for the person on a form and under procedures specified by the department, together with payment of an amount equal to the costs incurred by the department for the criminal record check of the person.

11. The name, address, occupation, and date and place of birth for each member of the person's immediate family who is 18 years of age or older. As used in this subparagraph, the term "member of the person's immediate family" includes the person's spouse, children, parents, siblings, the spouses of the person's children, and the spouses of the person's siblings.

12. Any other relevant information that the department requires.

(d) For purposes of applying for renewal of a permit under subsection (8) ~~or certification under subsection (15)~~, a person may submit the following in lieu of satisfying the requirements of paragraphs (a), (b), and (c):

1. A photograph of the individual taken within 180 days; and

2. A copy of the personal information statement form most recently submitted to the department and a certification under oath, on a form specified by the department, that the individual has reviewed the previously submitted personal information statement form and that the information contained therein remains unchanged.

(12) A person that engages in wholesale distribution of prescription drugs in this state must have a wholesale distributor's permit issued by the department, except as noted in this section. Each establishment must be separately permitted except as noted in this subsection.

(a) A separate establishment permit is not required when a permitted prescription drug wholesale distributor consigns a prescription drug to a pharmacy that is permitted under chapter 465 and located in this state, provided that:

1. The consignor wholesale distributor notifies the department in writing of the contract to consign prescription drugs to a pharmacy along with the identity and location of each consignee pharmacy;

2. The pharmacy maintains its permit under chapter 465;

3. The consignor wholesale distributor, which has no legal authority to dispense prescription drugs, complies with all wholesale distribution requirements of s. 499.0121 with respect to the consigned drugs and maintains records documenting the transfer of title or other completion of the wholesale distribution of the consigned prescription drugs;

4. The distribution of the prescription drug is otherwise lawful under this chapter and other applicable law;

5. Open packages containing prescription drugs within a pharmacy are the responsibility of the pharmacy, regardless of how the drugs are titled; and

6. The pharmacy dispenses the consigned prescription drug in accordance with the limitations of its permit under chapter 465 or returns the consigned prescription drug to the consignor wholesale distributor. In addition, a person who holds title to prescription drugs may transfer the drugs to a person permitted or licensed to handle the reverse distribution or destruction of drugs. Any other distribution by and means of the consigned prescription drug by any person, not limited to the consignor wholesale distributor or consignee pharmacy, to any other person is prohibited.

~~(15)(a) Each establishment that is issued an initial or renewal permit as a prescription drug wholesale distributor or an out-of-state prescription drug wholesale distributor must designate in writing to the department at least one natural person to serve as the designated representative of the wholesale distributor. Such person must have an active certification as a designated representative from the department.~~

~~(b) To be certified as a designated representative, a natural person must:~~

~~1. Submit an application on a form furnished by the department and pay the appropriate fees.~~

~~2. Be at least 18 years of age.~~

~~3. Have at least 2 years of verifiable full-time:~~

~~a. Work experience in a pharmacy licensed in this state or~~

~~another state, where the person's responsibilities included, but were not limited to, recordkeeping for prescription drugs;~~

~~b. Managerial experience with a prescription drug wholesale distributor licensed in this state or in another state;~~

~~c. Managerial experience with the United States Armed Forces, where the person's responsibilities included, but were not limited to, recordkeeping, warehousing, distributing, or other logistics services pertaining to prescription drugs;~~

~~d. Managerial experience with a state or federal organization responsible for regulating or permitting establishments involved in the distribution of prescription drugs, whether in an administrative or a sworn law enforcement capacity; or~~

~~e. Work experience as a drug inspector or investigator with a state or federal organization, whether in an administrative or a sworn law enforcement capacity, where the person's responsibilities related primarily to compliance with state or federal requirements pertaining to the distribution of prescription drugs.~~

~~4. Receive a passing score of at least 75 percent on an examination given by the department regarding federal laws governing distribution of prescription drugs and this part and the rules adopted by the department governing the wholesale distribution of prescription drugs. This requirement shall be~~

~~effective 1 year after the results of the initial examination are mailed to the persons that took the examination. The department shall offer such examinations at least four times each calendar year.~~

~~5. Provide the department with a personal information statement and fingerprints pursuant to subsection (9).~~

~~(c) The department may deny an application for certification as a designated representative or may suspend or revoke a certification of a designated representative pursuant to s. 499.067.~~

~~(d) A designated representative:~~

~~1. Must be actively involved in and aware of the actual daily operation of the wholesale distributor.~~

~~2. Must be employed full time in a managerial position by the wholesale distributor.~~

~~3. Must be physically present at the establishment during normal business hours, except for time periods when absent due to illness, family illness or death, scheduled vacation, or other authorized absence.~~

~~4. May serve as a designated representative for only one wholesale distributor at any one time.~~

~~(e) A wholesale distributor must notify the department when a designated representative leaves the employ of the wholesale distributor. Such notice must be provided to the department within 10 business days after the last day of~~

~~designated representative's employment with the wholesale distributor.~~

~~(f) A wholesale distributor may not operate under a prescription drug wholesale distributor permit or an out-of-state prescription drug wholesale distributor permit for more than 10 business days after the designated representative leaves the employ of the wholesale distributor, unless the wholesale distributor employs another designated representative and notifies the department within 10 business days of the identity of the new designated representative.~~

Section 278. Subsection (9) of section 499.0121, Florida Statutes, is amended to read:

499.0121 Storage and handling of prescription drugs; recordkeeping.—The department shall adopt rules to implement this section as necessary to protect the public health, safety, and welfare. Such rules shall include, but not be limited to, requirements for the storage and handling of prescription drugs and for the establishment and maintenance of prescription drug distribution records.

(9) RESPONSIBLE PERSONS.—Wholesale distributors must establish and maintain lists of officers, directors, managers~~,~~ ~~designated representatives~~, and other persons in charge of wholesale drug distribution, storage, and handling, including a description of their duties and a summary of their qualifications.

Section 279. Subsection (9) of section 499.041, Florida Statutes, is amended to read:

499.041 Schedule of fees for drug, device, and cosmetic applications and permits, product registrations, and free-sale certificates.—

~~(9) The department shall assess each person applying for certification as a designated representative a fee of $150, plus the cost of processing the criminal history record check.~~

Section 280. Subsection (1) of section 509.261, Florida Statutes, is amended to read:

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

(1) Any public lodging establishment or public food service establishment that has operated or is operating in violation of this chapter or the rules of the division, operating in violation of s. 581.217(7), relating to the retail sale of products containing hemp extract intended for human ingestion or inhalation, operating without a license, or operating with a suspended or revoked license may be subject by the division to:

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

(b) Mandatory completion, at personal expense, of a remedial educational program administered by a food safety training program provider approved by the division, as provided in s. 509.049; and

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

Section 281. Subsections (4) and (10) of section 553.79, Florida Statutes, are amended, and subsections (26), (27), and (28) are added to that section, to read:

553.79 Permits; applications; issuance; inspections.—

(4) The Florida Building Code, after the effective date of adoption pursuant to the provisions of this part, may be modified by local governments to require more stringent standards than those specified in the Florida Building Code, provided the conditions of s. 553.73(4) are met.

(10) No enforcing agency may issue a building permit for construction of any threshold building except to a licensed general contractor, as defined in s. 489.105(2)(a) ~~s. 489.105(3)(a)~~, or to a licensed building contractor, as defined in s. 489.105(2)(b) ~~s. 489.105(3)(b)~~, within the scope of her or his license. The named contractor to whom the building permit is issued shall have the responsibility for supervision, direction, management, and control of the construction activities on the project for which the building permit was issued.

(26) A local enforcement agency may not deny the issuance of a certificate of occupancy to an owner of residential or commercial property based on noncompliance with a Florida-friendly landscaping ordinance if the owner was issued a permit for such property within 1 year of the declaration of a state of

emergency for the county in which the property is located.

(27) A local enforcement agency may not deny the issuance of a building permit for the alteration, modification, or repair of a single-family residential structure if such alteration, modification, or repair:

(a) Is completed within 1 year after the declaration of a state of emergency for the county in which the property is located.

(b) Does not affect more than 50 percent of the structure.

(c) Does not alter the footprint of the structure.

(28) A local enforcement agency may not require a building permit for the construction of playground equipment, a fence, or a landscape irrigation system on single-family residential property.

Section 282. Section 569.002, Florida Statutes, is reordered, to read:

569.002 Definitions.—As used in this part, the term:

(1) "Any person under the age of 21" does not include any person under the age of 21 who:

(a) Is in the military reserve or on active duty in the Armed Forces of the United States; or

(b) Is acting in his or her scope of lawful employment with an entity licensed under chapter 210 or this part.

(2)~~(1)~~ "Dealer" is synonymous with the term "retail tobacco products dealer."

(3) ~~(2)~~ "Division" means the Division of Alcoholic Beverages and Tobacco of the Department of Business and Professional Regulation.

~~(3) "Nicotine product" has the same meaning as in s. 569.31.~~

(4) "Nicotine dispensing device" has the same meaning as in s. 569.31.

(5) "Nicotine product" has the same meaning as in s. 569.31.

(6) ~~(5)~~ "Permit" is synonymous with the term "retail tobacco products dealer permit."

(7) ~~(6)~~ "Retail tobacco products dealer" means the holder of a retail tobacco products dealer permit.

(8) ~~(7)~~ "Retail tobacco products dealer permit" means a permit issued by the division pursuant to s. 569.003.

(9) ~~(8)~~ "Tobacco products" includes loose tobacco leaves, and products made from tobacco leaves, in whole or in part, and cigarette wrappers, which can be used for smoking, sniffing, or chewing.

~~(9) "Any person under the age of 21" does not include any person under the age of 21 who:~~

~~(a) Is in the military reserve or on active duty in the Armed Forces of the United States; or~~

~~(b) Is acting in his or her scope of lawful employment with an entity licensed under the provisions of chapter 210 or~~

~~this part.~~

Section 283. Section 569.006, Florida Statutes, is amended to read:

569.006 Retail tobacco products dealers; administrative penalties.—The division may suspend or revoke the permit of the dealer upon sufficient cause appearing of the violation of ~~any of the provisions of~~ this chapter, or any violation of the laws of this state or any state or territory of the United States ~~including part II of this chapter~~ if the dealer deals, at retail, in nicotine products within this ~~the~~ state or allows a nicotine products vending machine to be located on its premises within this ~~the~~ state, by a dealer or by a dealer's agent or employee. The division may also assess and accept administrative fines of up to $1,000 against a dealer for each violation. The division shall deposit all fines collected into the General Revenue Fund as collected. An order imposing an administrative fine becomes effective 15 days after the date of the order. The division may suspend the imposition of a penalty against a dealer, conditioned upon the dealer's compliance with terms the division considers appropriate.

Section 284. Section 569.35, Florida Statutes, is amended to read:

569.35 Retail nicotine product dealers; administrative penalties.—The division may suspend or revoke the permit of a dealer, including the retail tobacco products dealer permit of a

retail tobacco products dealer as defined in s. 569.002 ~~s. 569.002(4)~~, upon sufficient cause appearing of the violation of ~~any of the provisions of~~ this part or any violation of the laws of this state or any state or territory of the United States, by a dealer, or by a dealer's agent or employee. The division may also assess and accept an administrative fine of up to $1,000 against a dealer for each violation. The division shall deposit all fines collected into the General Revenue Fund as collected. An order imposing an administrative fine becomes effective 15 days after the date of the order. The division may suspend the imposition of a penalty against a dealer, conditioned upon the dealer's compliance with terms the division considers appropriate.

Section 285. Paragraphs (e), (f), and (g) of subsection (3) of section 581.217, Florida Statutes, are redesignated as paragraphs (f), (g), and (h), respectively, a new paragraph (e) is added to that subsection, and paragraphs (e) and (f) are added to subsection (11) of that section, to read:

581.217 State hemp program.—

(3) DEFINITIONS.—As used in this section, the term:

(e) "Division" means the Division of Alcoholic Beverages and Tobacco of the Department of Business and Professional Regulation.

(11) ENFORCEMENT.—

(e) The division may assist any agent of the department in

enforcing subsection (7) and the rules adopted by the department relating to the retail sale of products containing hemp extract intended for human ingestion or inhalation.

(f) The division is authorized to enter any public or private premises during regular business hours in the performance of its duties relating to the retail sale of products containing hemp extract intended for human ingestion or inhalation.

Section 286. Except as otherwise expressly provided in this act, this act shall take effect July 1, 2025.

INDUSTRIES & PROFESSIONAL ACTIVITIES SUBCOMMITTEE

PCS for HB 1461 by Rep. Yarkosky
Industries and Professional Activities

AMENDMENT SUMMARY
April 9, 2025

Amendment 1 by Rep. Yarkosky (between lines 9354-9355):

- Revises the prescription drug permit application timeframe in current law for a change in ownership, to be made within 30 days after the date of the sale, transfer, assignment, or lease.
    - Current law requires such application to be made before the date of the transaction.

Amendment 2 by Rep. Yarkosky (between lines 1303-1305):

- Removes the continuing legal education requirement for professional mangrove trimmers.
    - Currently, DBPR's Board of Landscape Architecture is required to establish this requirement.

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	___ (Y/N)
ADOPTED AS AMENDED	___ (Y/N)
ADOPTED W/O OBJECTION	___ (Y/N)
FAILED TO ADOPT	___ (Y/N)
WITHDRAWN	___ (Y/N)
OTHER	_____

Committee/Subcommittee hearing bill: Industries & Professional Activities Subcommittee

Representative Yarkosky offered the following:

Amendment (with directory and title amendments)

Between lines 9354 and 9355, insert:

(6) A permit issued by the department is nontransferable. Each permit is valid only for the person or governmental unit to which it is issued and is not subject to sale, assignment, or other transfer, voluntarily or involuntarily; nor is a permit valid for any establishment other than the establishment for which it was originally issued.

(b)1. An application for a new permit is required when a majority of the ownership or controlling interest of a permitted establishment is transferred or assigned or when a lessee agrees to undertake or provide services to the extent that legal

liability for operation of the establishment will rest with the lessee. The application for the new permit must be made within 30 days after ~~before~~ the date of the sale, transfer, assignment, or lease.

2. A permittee that is authorized to distribute prescription drugs may transfer such drugs to the new owner or lessee under subparagraph 1. only after the new owner or lessee has been approved for a permit to distribute prescription drugs.

D I R E C T O R Y A M E N D M E N T

Remove lines 9343-9347 and insert:

Section 277. Section 499.012, Florida Statutes, is amended to read:

T I T L E A M E N D M E N T

Remove line 167 and insert:

revising permit application requirements for sale, transfer, assignment, or lease; removing permit application requirements for a

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	__ (Y/N)
ADOPTED AS AMENDED	__ (Y/N)
ADOPTED W/O OBJECTION	__ (Y/N)
FAILED TO ADOPT	__ (Y/N)
WITHDRAWN	__ (Y/N)
OTHER	_____

Committee/Subcommittee hearing bill: Industries & Professional Activities Subcommittee

Representative Yarkosky offered the following:

Amendment (with title amendment)

Remove lines 1303-1305 and insert:

Department of Business and Professional Regulation ~~Board of Landscape Architecture~~ shall establish appropriate standards ~~and continuing legal education requirements~~ to assure the competence of licensees to conduct

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T I T L E A M E N D M E N T

Remove line 108 and insert:

users; amending s. 403.9329, F.S.; removing the requirement for the department to establish continuing

legal education requirements for professional mangrove trimmers; amending s. 455.02, F.S.; specifying that