

Industries & Professional Activities Subcommittee

Thursday, December 11, 2025
9:00 AM – 11:30 AM
Webster Hall (212 Knott)

Daniel Perez
Speaker

Mike Giallombardo
Chair

Committee Meeting Notice

HOUSE OF REPRESENTATIVES

Industries & Professional Activities Subcommittee

Start Date and Time: Thursday, December 11, 2025 09:00 AM

End Date and Time: Thursday, December 11, 2025 11:30 AM

Location: Webster Hall (212 Knott)

Duration: 2.50 hrs

Consideration of the following bill(s):

HB 431 Air-conditioning and Mechanical Contractors by Albert
HB 487 Repair of Mobility Devices by Eskamani
HB 607 Industries and Professional Activities by Yarkosky

Panel discussion on the use of AI by businesses and professions

NOTICE FINALIZED on 12/04/2025 4:00PM by Marks.Amie

HB 431

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 431	**COMPANION BILL:** SB 322 (McClain)
TITLE: Air-conditioning and Mechanical Contractors	**LINKED BILLS:** None
SPONSOR(S): Albert	**RELATED BILLS:** None

Committee References

Industries & Professional Activities ➤ Commerce

SUMMARY

Effect of the Bill:
The bill revises the definitions of "class A air-conditioning contractor" and "mechanical contractor" to include additional services that they may perform. The services include repair or replacement of existing package pool heaters.

Fiscal or Economic Impact:
The bill may have an indeterminate positive fiscal impact on air-conditioning contractors and mechanical contractors.

JUMP TO SUMMARY ANALYSIS RELEVANT INFORMATION BILL HISTORY

ANALYSIS

EFFECT OF THE BILL:

The bill expands the scope of work for Class A air-conditioning contractors and Mechanical contractors to include repairing and replacing existing package pool heaters. (Section 1)

The replacement of an existing package pool heater must use the same make and model as the existing pool heater. The replacement must maintain the flow rate, connection points, and heater specifications without making any modifications to the existing pool piping or system components.

The repair and replacement of an existing package pool heater does not include:
- alterations to the pool's hydraulic system;
- the addition of bypass valves;
- installation of new plumbing;
- rerouting of pipes;
- changes to the pool's circulation system;
- or any other modifications beyond what is necessary to disconnect and reconnect the unit to the existing piping. (Section 1)

The bill provides an effective date of July 1, 2026. (Section 2)

RELEVANT INFORMATION

SUBJECT OVERVIEW:

Class A air-conditioning and Mechanical contractors

Chapter 489, F.S., regulates the profession of contracting in the state. Generally speaking, a licensed contractor is the person who, for compensation, undertakes to, submits a bid to, or does himself or herself or by others construct, repair, alter, remodel, add to, demolish, subtract from, or improve any building or structure, and whose job scope is substantially similar to the job scopes described in s. 489.105, F.S.[1]

Construction contractors are either certified or registered by the Construction Industry Licensing Board (CILB) housed within Department of Business and Professional Regulation. The CILB is responsible for licensing statewide construction contractors and regulating the construction industry in Florida under part I of Ch. 489, F.S.[2]

Currently, there are four types of Heating, Ventilation, and Air-Conditioning (HVAC) contractors:[3]

- Class A air-conditioning contractor.
- Class B air-conditioning contractor.
- Class C air-conditioning contractor.
- Mechanical contractors

The scope of work for "Class A air-conditioning contractors" specifically includes services that are unlimited in the execution of contracts requiring the experience, knowledge, and skill to install, maintain, repair, fabricate, alter, extend, or design central air-conditioning, heating, and ventilation systems and to perform other related tasks including replacing, disconnecting, or reconnecting electrical wiring up to an electrical panel and replacing disconnecting, and replacing breakers or fuses dedicated to HVAC circuits.[4]

The scope of work for "Mechanical contractors" specifically includes services that are unlimited in the execution of contracts requiring the experience, knowledge, and skill to install, maintain, repair, fabricate, alter, extend, or design HVAC systems and to perform other tasks, including replacing, disconnecting, or reconnecting electrical wiring up to an electrical panel and replacing disconnecting, and replacing breakers or fuses dedicated to HVAC circuits.[5]

HVAC contractors are not allowed to install or remove pool water heaters, pool equipment, pool piping, or construct pool/spa equipment rooms. However, they are authorized to service and repair pool heaters as long as such service or repair does not include installing or removing the pool heater.[6]

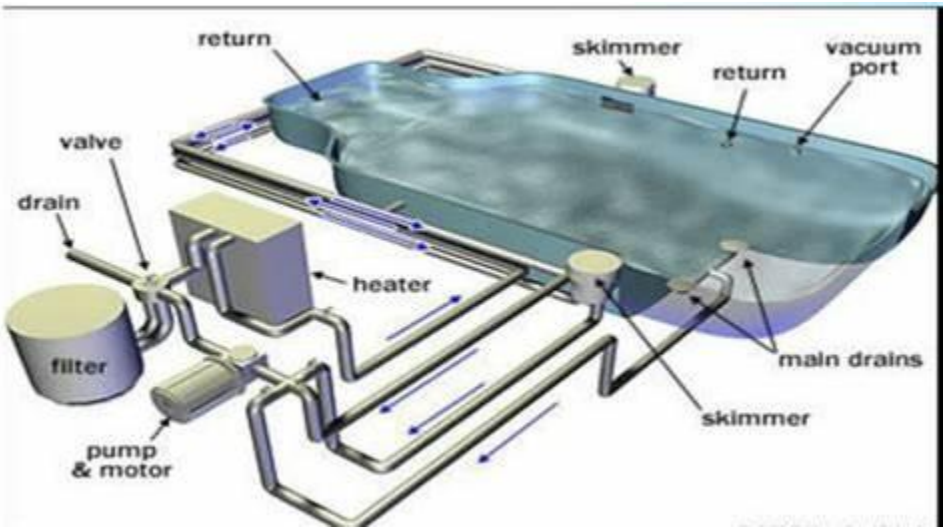
[1] S. 489.105(3), F.S.
[2] S. 489.107, F.S.
[3] S. 489.105(3), F.S.
[4] S. 489.105(3)(f), F.S.
[5] S. 489.105(3)(i), F.S.
[6] Construction Industry Licensing Board, Declaratory Statements 2012-024, 2014-006; 2014-060;

Pool Circulation System

A pool's circulation or hydraulic system are the elements of a pool that take water from the pool, filter it, heat it, and return it back into the pool. These elements include:[7]

- Water Outlets – these include any pool opening, such as skimmers, drains, and vacuum ports, where water is taken out of the pool and into the circulation system.
- Circulation Pump – the pump is responsible for pulling water out of the pool, through the circulation system, and back into the pool.
- Filter – cleans the water by removing dirt, debris, and bacteria from the pool water. Water is directed through the filter via a valve.
- Heater – heats the pool water and may include bypass valves[8], which allow water to bypass the heater.
- Returns – these are openings in the pool where water flows back into the pool from the circulation system.

A pool's flow rate is the speed at which the water travels through the circulation system, and the turnover time is the time it takes for the volume of water in the pool to make one pass through the circulation system.[9]



Pool Heaters

[7] Capitol Pools. *Understanding the Pool Circulation System*, https://www.capitolpool.com/service/operating-poolcirculation#:~:text=Your%20pool%E2%80%99s%20circulation%20system%20is%20the%20elements%20of,and%20what%20you%20need%20to%20do%20with%20them (last visited December 2, 2025); R&R Pools, *What Causes Poor Pool Circulation* https://www.rrpools.ca/blog/causes-poor-pool-circulation/ (last visited December 2, 2025).

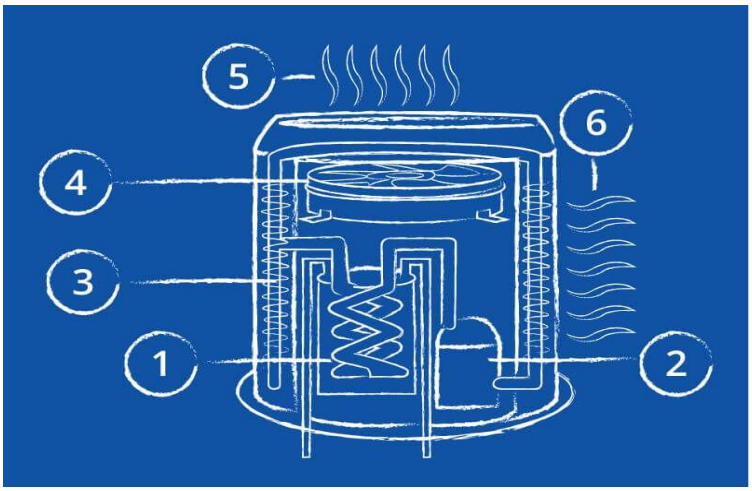
[8] Swimmingpoolsteve, *What is a Pool Heater Bypass?* https://www.swimmingpoolsteve.com/pages/bypass1.html#:~:text=An%20external%20bypass%20is%20a%20configuration%20of%20pool,your%20breakpoint%20chlorination%20to%20remove%20spent%20chlorine%20%28c (last visited December 2, 2025).

[9] Stockwell Safety, *Flow Rate and Turnover*, https://www.stockwellassociates.co.uk/tutorial-flow-rate-and-turnover.php#:~:text=Flow%20rate%20refers%20to%20the,litres%20per%20minute%20(LPM). (last visited December 2, 2025).

Generally, the pool's circulation system pulls water from the pool and into the pool heater, which warms the water via a heat exchange, and then circulates the heated water back into the pool. There are three main types of pool heaters:[10]

Electric heat pumps

Electric heat pumps use electricity to pull in outside air to heat the water. The heater has a fan that draws in the surrounding warm air. The air is directed to an evaporator coil containing freon, which pulls the heat from the outside air and turns the freon into a gas. The warm gas moves through a compressor, which further increases the temperature, and then moves through the condenser coil, which absorbs the heat and warms the water. As the hot gas moves through the condenser coil, it turns back into a liquid, and returns to the evaporator coil, and the process begins again as diagrammed below:[11]



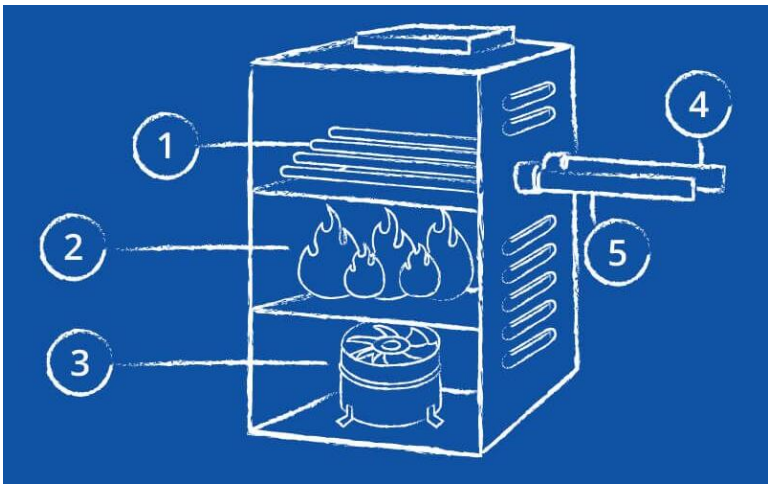
1) Condenser, 2) Compressor, 3) Evaporation Coil, 4) Fan, 5) Cool Air 6) Warm Air

[10] Scott Keller, How Does a Pool Heater Work: A Comprehensive Guide to Pool Heating Options and Efficiency, Love Gunite Pool, (September 18, 2024) https://lovegunitepool.com/how-does-a-pool-heater-work/ (last visited December 2, 2025); Hank Cooper, *How Gas Pool Heaters Work? Unveiling the Science behind Your Warm Swim* (July 26, 2024) https://pooltipsusa.com/how-gas-pool-heaters-work-unveiling-the-science-behind-your-warm-swim/ (last visited December 2, 2025).

[11] Jessica Carter, *Do pool heat pumps use a lot of electricity?* Eclipse Pool Heating (August 9, 2022) https://eclipsepoolheating.com.au/2022/08/09/do-pool-heat-pumps-use-a-lot-of-electricity/ (last visited December 2, 2025); Michael Dean, *How Does a Pool Heater Work?* Pool Research (August 13, 2024) https://poolresearch.com/how-heaters-work/ (last visited December 2, 2025)

Gas pool heaters

Gas heaters work by burning natural gas or propane inside a combustion chamber. There are copper coils in the heater, which heat up from the burning gas. Water is pulled into the heated copper coils by the circulation pump, which then pulls the heated water back into the pool as diagrammed below:[12]

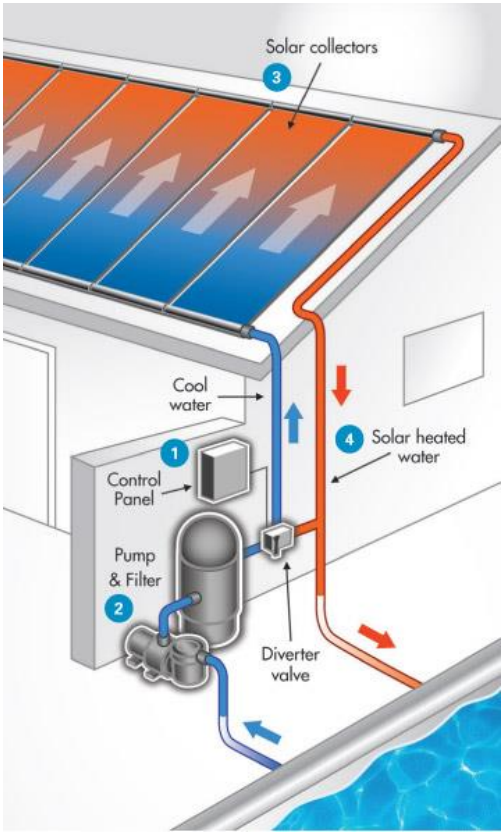


1) Heated Copper Coils 2) Burner 3) Fan 4) Cold Pool Water Entry 5) Heated Water Exit

[12] Michael Dean, *supra* note 8.

Solar pool heaters

Solar pool heaters work by using a solar collector, which warms the water with solar power. The circulation pump pulls the water into the solar collector, which is then pulled back into the pool as diagrammed below:[13]



BILL HISTORY

COMMITTEE REFERENCE	ACTION	DATE	STAFF DIRECTOR/ POLICY CHIEF	ANALYSIS PREPARED BY
Industries & Professional Activities Subcommittee			Anstead	Miralia
Commerce Committee				

[13] Performance Solar, *How Solar Pool Heating Works*, https://performancesolar.com/solar-pool-heating/ (last visited December 2, 2025); David Stillwell, How does a solar pool heater work? (September 6, 2023) Consumer Affairs https://www.consumeraffairs.com/solar-energy/how-does-a-solar-pool-heater-work.html (last visited December 2, 2025).

A bill to be entitled

An act relating to air-conditioning and mechanical contractors; amending s. 489.105, F.S.; revising the definitions of the terms "class A air-conditioning contractor" and "mechanical contractor" to include additional services that such contractors may perform; providing an effective date.

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

Section 1. Paragraphs (f) and (i) of subsection (3) of section 489.105, Florida Statutes, are amended to read:

489.105 Definitions.—As used in this part:

(3) "Contractor" means the person who is qualified for, and is only responsible for, the project contracted for and means, except as exempted in this part, the person who, for compensation, undertakes to, submits a bid to, or does himself or herself or by others construct, repair, alter, remodel, add to, demolish, subtract from, or improve any building or structure, including related improvements to real estate, for others or for resale to others; and whose job scope is substantially similar to the job scope described in one of the paragraphs of this subsection. For the purposes of regulation under this part, the term "demolish" applies only to demolition of steel tanks more than 50 feet in height; towers more than 50

feet in height; other structures more than 50 feet in height; and all buildings or residences. Contractors are subdivided into two divisions, Division I, consisting of those contractors defined in paragraphs (a)-(c), and Division II, consisting of those contractors defined in paragraphs (d)-(q):

(f) "Class A air-conditioning contractor" means a contractor whose services are unlimited in the execution of contracts requiring the experience, knowledge, and skill to:

1. Install, maintain, repair, fabricate, alter, extend, or design, if not prohibited by law, central air-conditioning, refrigeration, heating, and ventilating systems, including duct work in connection with a complete system if such duct work is performed by the contractor as necessary to complete an air-distribution system, boiler and unfired pressure vessel systems, and all appurtenances, apparatus, or equipment used in connection therewith, and any duct cleaning and equipment sanitizing that requires at least a partial disassembling of the system.~~; to~~

2. Install, maintain, repair, fabricate, alter, extend, or design, if not prohibited by law, piping, insulation of pipes, vessels and ducts, pressure and process piping, and pneumatic control piping.~~; to~~

3. Replace, disconnect, or reconnect power wiring on the line or load side of the dedicated existing electrical disconnect switch on single phase electrical systems.~~; to~~

4. Repair or replace power wiring, disconnects, breakers, or fuses for dedicated HVAC circuits with proper use of a circuit breaker lock.~~; to~~

5. Install, disconnect, and reconnect low voltage heating, ventilating, and air-conditioning control wiring.~~; and to~~

6. Install a condensate drain from an air-conditioning unit to an existing safe waste or other approved disposal other than a direct connection to a sanitary system.

7. Replace and repair existing package pool heaters and connect replacement package pool heaters to existing pool piping. The replacement of an existing package pool heater must use the same make and model as the existing package pool heater. This includes maintaining the flow rate, connection points, and heater specifications without modifications to existing pool piping or system components. The replacement or repair of an existing package pool heater does not include alterations to the pool's hydraulic system, the addition of bypass valves, the installation of new plumbing, the rerouting of pipes, any changes to the pool's circulation system, or any other modifications beyond what is necessary to disconnect and reconnect the unit to the existing piping.

8. Perform ~~The scope of work for such contractor also includes~~ any excavation work incidental to work performed in subparagraphs 1.-7., but not ~~thereto, but does not include~~ any work such as liquefied petroleum or natural gas fuel lines

within buildings, except for disconnecting or reconnecting changeouts of liquefied petroleum or natural gas appliances within buildings; potable water lines or connections thereto; sanitary sewer lines; swimming pool piping and filters; or electrical power wiring.

9. ~~A Class A air-conditioning contractor may~~ Test and evaluate central air-conditioning, refrigeration, heating, and ventilating systems, including duct work; however, a mandatory licensing requirement is not established for the performance of these specific services.

(i) "Mechanical contractor" means a contractor whose services are unlimited in the execution of contracts requiring the experience, knowledge, and skill to:

1. Install, maintain, repair, fabricate, alter, extend, or design, if not prohibited by law, central air-conditioning, refrigeration, heating, and ventilating systems, including duct work in connection with a complete system if such duct work is performed by the contractor as necessary to complete an air-distribution system, boiler and unfired pressure vessel systems, lift station equipment and piping, and all appurtenances, apparatus, or equipment used in connection therewith, and any duct cleaning and equipment sanitizing that requires at least a partial disassembling of the system.~~; to~~

2. Install, maintain, repair, fabricate, alter, extend, or design, if not prohibited by law, piping, insulation of pipes,

vessels and ducts, pressure and process piping, pneumatic control piping, gasoline tanks and pump installations and piping for same, standpipes, air piping, vacuum line piping, oxygen lines, nitrous oxide piping, ink and chemical lines, fuel transmission lines, liquefied petroleum gas lines within buildings, and natural gas fuel lines within buildings.~~; to~~

3. Replace, disconnect, or reconnect power wiring on the line or load side of the dedicated existing electrical disconnect switch on single phase electrical systems.~~; to~~

4. Repair or replace power wiring, disconnects, breakers, or fuses for dedicated HVAC circuits with proper use of a circuit breaker lock.~~; to~~

5. Install, disconnect, and reconnect low voltage heating, ventilating, and air-conditioning control wiring.~~; and to~~

6. Install a condensate drain from an air-conditioning unit to an existing safe waste or other approved disposal other than a direct connection to a sanitary system.

7. Replace and repair existing package pool heaters and connect replacement package pool heaters to existing pool piping. The replacement of an existing package pool heater must use the same make and model as the existing package pool heater. This includes maintaining the flow rate, connection points, and heater specifications without modifications to existing pool piping or system components. The replacement or repair of an existing package pool heater does not include alterations to the

pool's hydraulic system, the addition of bypass valves, the installation of new plumbing, the rerouting of pipes, any changes to the pool's circulation system, or any other modifications beyond what is necessary to disconnect and reconnect the unit to the existing piping.

8. Perform ~~The scope of work for such contractor also includes~~ any excavation work incidental to work performed in subparagraphs 1.-7., but not ~~thereto, but does not include~~ any work such as potable water lines or connections thereto, sanitary sewer lines, swimming pool piping and filters, or electrical power wiring.

9. ~~A mechanical contractor may~~ Test and evaluate central air-conditioning, refrigeration, heating, and ventilating systems, including duct work; however, a mandatory licensing requirement is not established for the performance of these specific services.

Section 2. This act shall take effect July 1, 2026.

HB 487

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 487	**COMPANION BILL:** SB 586 (Smith)
TITLE: Repair of Mobility Devices	**LINKED BILLS:** None
SPONSOR(S): Eskamani	**RELATED BILLS:** None

Committee References

Industries & Professional Activities ➤ Commerce

SUMMARY

Effect of the Bill:
The bill establishes the "Right to Repair Act for Mobility Devices" in Florida, requires original equipment manufacturers (OEMs) to provide documentation, parts, and tools for mobility devices to independent repair providers and device owners, clarifies that OEMs are not required to disclose trade secrets and protects existing arrangements between authorized repair providers and OEMs, limits the liability of OEMs and authorized repair providers for damages they cause during repair, makes violations a deceptive and unlawful trade practice, and applies to mobility devices sold or used on or after July 1, 2026.

Fiscal or Economic Impact:
None

JUMP TO SUMMARY ANALYSIS RELEVANT INFORMATION BILL HISTORY

ANALYSIS

EFFECT OF THE BILL:

The bill establishes the "Right to Repair Act for Mobility Devices" in Florida. (Section 2)

Definitions

The bill provides the following definitions:

- "**Authorized repair provider**" means an individual or a business that has an arrangement with the OEM under which the OEM grants to the individual or business a license to use a trade name, service mark, or other proprietary identifier for the purposes of offering the services of diagnosis, maintenance, or repair of a mobility device under the name of the OEM, or other arrangement with the OEM to offer such services on behalf of the OEM. An OEM that offers the services of diagnosis, maintenance, or repair of its own mobility device, and that does not have an arrangement with an unaffiliated individual or business, must be considered an authorized repair provider with respect to mobility devices.
- "**Documentation**" means a manual, diagram, reporting output, service code description, schematic diagram, security code, password, or any other guidance or information used in effecting the services of diagnosis, maintenance, or repair of a mobility device.
- "**Fair and reasonable terms**" means making available documentation, tools, or parts as follows:
    - Documentation made available by the OEM at no charge, except that when a physical copy is requested, a charge may be included for the reasonable actual costs of preparing and sending the copy.
    - Tools made available by the OEM at no charge:
        - Without requiring authorization or Internet access for use or operation of the tools.
        - Without imposing impediments to access or use the tools to diagnose, maintain, or repair and enable full functionality of digital electronic equipment.

        - In a manner that does not impair the efficient and cost-effective performance of any such diagnosis, maintenance, or repair.
            - However, if a tool is requested in physical form, a charge may be included for the reasonable, actual costs of preparing and sending the tool.
    - Parts made available by the OEM, either directly or through an authorized repair provider, to independent repair providers and owners at costs and terms that are equivalent to the most favorable costs and terms under which an OEM offers the parts to an authorized repair provider, and that:
        - Accounts for a discount, rebate, convenient and timely means of delivery, means of enabling fully restored and updated functionality, rights of use, or:
            - Any other incentive or preference the original manufacturer offers to an authorized repair provider; or
            - Any additional cost or impediment the OEM imposes on an owner or independent repair provider.
        - Is not conditioned upon or does not impose a substantial obligation or restriction that is not reasonably necessary for enabling the owner or independent repair provider to engage in the diagnosis, maintenance, or repair of equipment made by or on behalf of the OEM.
        - Is not conditioned upon an arrangement with the OEM.
- "**Independent repair provider**" means an individual or business operating in this state which is unaffiliated with an OEM that is engaged in the services of diagnosis, maintenance, or repair of mobility devices.
- "**OEM**" means a business engaged in selling, leasing, or supplying new mobility devices designed for individuals with physical disabilities including, but not limited to, power wheelchairs, manual wheelchairs, mobility scooters, and power assist devices for manual wheelchairs, manufactured by, or on behalf of, the business to an individual or business.
- "**Owner**" means an individual or business that owns or leases a mobility device purchased or used in this state.
- "**Part**" means any replacement part, either new or used, made available by an OEM for purposes of effecting the services of maintenance or repair of a mobility device manufactured by or on behalf of, sold, or otherwise supplied by the OEM.
- "**Tool**" means any software, hardware, or other apparatus used for the diagnosis, maintenance, or repair of a mobility device, including, but not limited to, software or any other mechanism that programs a new part, calibrates functionality, or performs any other function required to return the mobility device to its fully functional condition, which includes any updates.
- "**Trade secret**" has the same meaning as in s. 688.002, F.S. (Section 3)

Repair Requirements

The bill requires OEMs of mobility devices and parts for mobility devices that are sold or used in this state to make available to any independent repair provider and owner by, on behalf of, or sold by such OEM, on fair and reasonable terms, any documentation, parts, and tools, required for the diagnosis, maintenance, or repair of such devices and parts, which includes any updates. (Section 4)

The bill requires the documentation, parts, and tools to be made available either directly by the OEM or by an authorized repair provider. (Section 4)

The bill requires OEMs to also make available through appropriate secure release systems any special documentation, tools, and parts required to access and reset the lock or function when disabled in the course of diagnosis, maintenance, or repair of the mobility device. (Section 4)

Violations

The bill makes violations punishable under the Florida Deceptive and Unfair Trade Practices Act. (Section 5)

Limitations

The bill specifies that these requirements do not:

- Require an OEM to divulge a trade secret to an owner or independent service provider.
- Alter the terms of an arrangement between an authorized repair provider and an OEM, including, but not limited to, the performance or provision of warranty or recall repair work by an authorized repair provider on behalf of an OEM and pursuant to such arrangement. However, any terms that waive, avoid, restrict, or limit the OEM's obligation to comply with this part are void.
- Make an OEM and an authorized repair provider liable for any damage or injury caused by an independent repair provider or owner to a mobility device that occurs during the course of repair, diagnosis, or maintenance. (Section 6)

Prospective Application

The bill applies with respect to mobility devices sold or in use on or after July 1, 2026. (Section 7)

Effective Date

The effective date of the bill is July 1, 2026. (Section 8)

FISCAL OR ECONOMIC IMPACT:

PRIVATE SECTOR:

Indeterminate. To the extent that manufacturers will be required to make repair information and tools available to customers, expenditures for manufacturers may increase, and repair costs for wheelchair owners may decrease.

RELEVANT INFORMATION

SUBJECT OVERVIEW:

Right-to-Repair

Recently, state legislatures have been contemplating "right to repair" laws, requiring manufacturers to share repair information and tools so that consumers may repair their products more easily and less costly.[1] This type of legislation is founded on the idea that consumers should be able to choose how to repair their products.[2] Proponents of right-to-repair legislation are concerned due to the amount of products that are utilizing computer chips and advanced technology, which are becoming increasingly difficult to repair without sending the entire product back to the manufacturer.[3] Many products, ranging from cars and appliances to wheelchairs, use proprietary tools and parts.[4] Manufacturers may refuse to publish documents necessary for a third party or consumer to repair.[5] The policy objectives of these laws are to ensure customers have access to manuals, schematics, and software updates, as well as diagnostic tools needed to service the product themselves.[6]

Manufacturers have been concerned about electronic privacy and preservation of intellectual property.[7] Technological advances in electronic equipment, such as fitness monitors, home security devices, and smart home

[1] Luyi Wang, et al., HARV. BUS. REV., *Research: The Unintended Consequences of Right-to-Repair Laws*, https://hbr.org/2023/01/research-the-unintended-consequences-of-right-to-repair-laws (last visited Dec. 1, 2025).
[2] Mike Serra, *Looking Under the Hood on the Right to Repair*, Michigan Bar Journal (May 2022), https://www.michbar.org/journal/Details/Looking-under-the-hood-on-the-right-to-repair?ArticleID=4428 (last visited Dec. 1, 2025).
[3] Thorin Klosowski, *What You Should Know About Right to Repair*, New York Times (July 15, 2021), https://www.nytimes.com/wirecutter/blog/what-is-right-to-repair/ (last visited Dec. 1, 2025).
[4] *Id.*
[5] *Id.*
[6] *Id.*
[7] Ike Brannon, CATO INST., *A Criticism of Right to Repair Laws*, https://www.cato.org/regulation/spring-2024/criticism-right-repair-laws (last visited Dec. 1, 2025).

appliances, have led to consumer data being collected at a higher volume.[8] Opponents of right-to-repair legislation are concerned that proprietary access to such tools and information may undermine consumers' digital privacy, as diagnostic tools may provide access to an entire device and improper repair can disable security features.[9] Additionally, there is a concern that unrestricted access into product software design may compromise intellectual property protections.[10] If proprietary knowledge is embedded in the products they sell, some manufacturers worry that trade secrets will become public knowledge when required to disclose digital locks and other information.[11]

Mobility Devices

Millions of Americans rely on wheelchairs due to impaired mobility.[12] According to the Centers for Disease Control and Prevention, "one in four U.S. adults has a disability that impacts major life activities, including 40 percent of adults age 65 and older... The most common disability type – mobility, or serious difficulty walking or climbing stairs – affects one in seven adults."[13] In Florida, approximately 14 percent of residents report having a disability, with the most common type being a mobility disability.[14] Studies also indicate that the use of mobility devices like wheelchairs provides independence to users who may otherwise have difficulty with physical functioning.[15]

Wheelchair repairs impact over 50 percent of wheelchair users and often result in individuals stranded at home or missing a medical appointment.[16] One survey of wheelchair users found that a result of wheelchair breakdown, out-of-pocket repair costs ranged from $50-$620.[17]

To address the costs and delays associated with repairs, right-to-repair laws allow consumers to repair their own products instead of using the OEM for service. In general, right-to-repair laws include the tools, parts, software or instructions OEMs must provide to independent repairers and owners.[18]

The Florida Deceptive and Unfair Trade Practices Act

The Florida Deceptive and Unfair Trade Practices Act (FDUTPA) is a consumer and business protection measure that prohibits unfair methods of competition, unconscionable acts or practices, and unfair or deceptive acts or practices in trade or commerce.[19] The FDUTPA is based on federal law.[20]

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[8] *Id.*
[9] *Id.*
[10] *Id.*
[11] *Id.*
[12] Danielle M. Taylor, U.S. DEPT. OF COM., *Americans With Disabilities: 2014*, https://www.census.gov/content/dam/Census/library/publications/2018/demo/p70-152.pdf (last visited Dec. 1, 2025) (citing more than 5.5 million wheelchair users).
[13] Catherine A. Okoro, PhD, et al., Centers for Disease Control and Prevention, *Prevalence of Disabilities and Health Care Access by Disability Status and Type Among Adults — United States, 2016*, https://www.cdc.gov/mmwr/volumes/67/wr/mm6732a3.htm?s_cid=mm6732a3_w (last visited Dec. 1, 2025).
[14] Stacker, 352today, *These are the most prevalent disabilities in Florida*, https://352today.com/news/257752-these-are-the-most-prevalent-disabilities-in-florida/ (last visited Dec. 2, 2025).
[15] Lynn Worobey, et al., *Increases in Wheelchair Breakdowns, Repairs, and Adverse Consequences for People with Traumatic Spinal Cord Injury*, 91:6 AM. J. OF PHYSICAL MED. AND REHAB. 463 (2012), available at https://pmc.ncbi.nlm.nih.gov/articles/PMC4886332/ (last visited Dec. 2, 2025).
[16] *Id.*
[17] Lisa I. Iezzoni, HARV. HEALTH PUBL'G, *Millions rely on wheelchairs for mobility, but repair delays are hurting users*, available at https://www.health.harvard.edu/blog/millions-rely-on-wheelchairs-for-mobility-but-repair-delays-are-hurting-users-202207212785 (last visited Dec. 2, 2025).
[18] Right to Repair 2023 Legislation, *National Conference of State Legislatures*, November 1, 2023, https://www.ncsl.org/technology-and-communication/right-to-repair-2023-legislation (last visited Dec. 2, 2025).
[19] Chapter 73-124, L.O.F., and s. 501.202, F.S., F.S.
[20] D. Matthew Allen, et. al., *The Federal Character of Florida's Deceptive and Unfair Trade Practices Act*, 65 U. MIAMI L. REV. 1083 (Summer 2011). "With the federal Uniform Deceptive Trade Practices Act, as its model, the Florida Legislature enacted FDUTPA in 1973. The Legislature has amended FDUTPA several times during the intervening decades, ' however, and the Act is now unique in the extent to which it references federal consumer-protection law."

The Office of the State Attorney (SAO) or the Department of Legal Affairs (DLA) may bring FDUTPA actions, if it serves the public interest, on behalf of consumers or governmental entities.[21] The SAO may enforce FDUTPA violations occurring in its jurisdiction. The DLA has enforcement authority if the violation is multi-jurisdictional, the state attorney defers in writing, or the state attorney fails to act within 90 days after a written complaint is filed.[22] Consumers may also file suit through private actions.[23]

DLA and the SAO have powers to investigate FDUTPA claims, which include:[24]

- Administering oaths and affirmations;
- Subpoenaing witnesses or matter; and
- Collecting evidence.

DLA and the SAO, as enforcing authorities, may seek the following remedies:

- Declaratory judgments;
- Injunctive relief;
- Actual damages on behalf of consumers and businesses;
- Cease and desist orders; and
- Civil penalties of up to $10,000 per willful violation.[25]

Trade Secrets

The Florida Uniform Trade Secrets Act (FUTSA) protects confidential business information that has economic value and is kept secret through reasonable efforts.[26] It prohibits the misappropriation[27] of trade secrets through improper means, such as theft, bribery, misrepresentation, breach or inducement of a breach of a duty to maintain secrecy, or espionage through electronic or other means.[28] If a trade secret is misappropriated, the owner can seek remedies including injunctions[29] to stop the misuse, damages[30] to cover losses and unjust enrichment, and, in cases of willful and malicious misappropriation, exemplary damages.[31]

The FUTSA defines "trade secrets" as information, including a formula, pattern, compilation, program, device, method, technique, or process that:[32]

- Derives independent economic value, actual or potential, from not being generally known to, and not being readily ascertainable by proper means by, other persons who can obtain economic value from its disclosure or use; and
- Is the subject of efforts that are reasonable under the circumstances to maintain its secrecy.

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[21] S. 501.207, F.S.(1)(c) and (2), F.S.; *see* s. 501.203(2), F.S. (defining "enforcing authority" and referring to the office of the state attorney if a violation occurs in or affects the judicial circuit under the office's jurisdiction; or the Department of Legal Affairs if the violation occurs in more than one circuit; or if the office of the state attorney defers to the department in writing; or fails to act within a specified period.); *see also* David J. Federbush, *FDUTPA for Civil Antitrust: Additional Conduct*, *Party*, *and Geographic Coverage; State Actions for Consumer Restitution*, 76 FLORIDA BAR JOURNAL 52, Dec. 2002 (analyzing the merits of FDUPTA and the potential for deterrence of anticompetitive conduct in Florida), http://www.floridabar.org/divcom/jn/jnjournal01.nsf/c0d731e03de9828d852574580042ae7a/99aa165b7d8ac8a485256c8300791ec1!OpenDocument&Highlight=0,business,Division* (last visited on Dec. 2, 2025).

[22] S. 501.203(2), F.S.

[23] S. 501.211, F.S.

[24] S. 501.206(1), F.S.

[25] S. 501.207, F.S.(1), 501.208, F.S., and 501.2075, F.S. Civil Penalties are deposited into the General Revenue fund. Enforcing authorities may also request attorney fees and costs of investigation or litigation. Section 501.2105, F.S.

[26] Ch. 688, F.S.

[27] S. 688.002(2), F.S.

[28] S. 688.002(1), F.S.

[29] S. 688.003, F.S.

[30] S. 688.004(1), F.S.

[31] S. 688.004(2), F.S.

[32] S. 688.002(4), F.S.

RECENT LEGISLATION:

YEAR	BILL #/SUBJECT	HOUSE/*SENATE* SPONSOR(S)	OTHER INFORMATION
2025	HB 311 - Repair of Motorized Wheelchairs	Eskamani/ *Smith*	The bill passed the House but died in the Senate.

BILL HISTORY

COMMITTEE REFERENCE	ACTION	DATE	STAFF DIRECTOR/ POLICY CHIEF	ANALYSIS PREPARED BY
Industries & Professional Activities Subcommittee			Anstead	Thompson
Commerce Committee				

A bill to be entitled

An act relating to repair of mobility devices; providing a directive to the Division of Law Revision; creating s. 559.971, F.S.; providing a short title; creating s. 559.972, F.S.; providing definitions; creating s. 559.973, F.S.; requiring original equipment manufacturers to make available documentation, parts, and tools required for the diagnosis, maintenance, or repair of mobility devices and parts for such devices; requiring original equipment manufacturers of mobility devices with electronic security locks to make available any special documentation, parts, and tools required to access and reset the locks when disabled in the course of diagnosis, maintenance, or repair; creating s. 559.974, F.S.; providing that violation of the act is an unlawful practice under the Florida Deceptive and Unfair Trade Practices Act; creating s. 559.975, F.S.; providing that original equipment manufacturers are not required to divulge trade secrets; providing that the act does not alter the terms of an arrangement between an authorized repair provider and an original equipment manufacturer; providing an exception; limiting the liability of original equipment manufacturers and authorized repair providers in

certain circumstances; creating s. 559.976, F.S.; providing applicability; providing an effective date.

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

Section 1. Part XIV of chapter 559, Florida Statutes, consisting of ss. 559.971-559.976, is created and entitled "Repair of Mobility Devices."

Section 2. Section 559.971, Florida Statutes, is created to read:

559.971 Short title.-This part may be cited as the "Right to Repair Act for Mobility Devices."

Section 3. Section 559.972, Florida Statutes, is created to read:

559.972 Definitions.-As used in this part, the term:

(1) "Authorized repair provider" means an individual or a business that has an arrangement with the original equipment manufacturer under which the original equipment manufacturer grants to the individual or business a license to use a trade name, service mark, or other proprietary identifier for the purposes of offering the services of diagnosis, maintenance, or repair of a mobility device under the name of the original equipment manufacturer, or other arrangement with the original equipment manufacturer to offer such services on behalf of the original equipment manufacturer. An original equipment

manufacturer that offers the services of diagnosis, maintenance, or repair of its own mobility device, and that does not have an arrangement with an unaffiliated individual or business, must be considered an authorized repair provider with respect to mobility devices.

(2) "Documentation" means a manual, diagram, reporting output, service code description, schematic diagram, security code, password, or any other guidance or information used in effecting the services of diagnosis, maintenance, or repair of a mobility device.

(3) "Fair and reasonable terms" means making available documentation, tools, or parts as follows:

(a) Documentation made available by the original equipment manufacturer at no charge, except that when a physical copy is requested, a charge may be included for the reasonable actual costs of preparing and sending the copy.

(b) Tools made available by the original equipment manufacturer at no charge:

1. Without requiring authorization or Internet access for use or operation of the tools.

2. Without imposing impediments to access or use the tools to diagnose, maintain, or repair and enable full functionality of digital electronic equipment.

3. In a manner that does not impair the efficient and cost-effective performance of any such diagnosis, maintenance,

or repair.

However, if a tool is requested in physical form, a charge may be included for the reasonable, actual costs of preparing and sending the tool.

(c) Parts made available by the original equipment manufacturer, either directly or through an authorized repair provider, to independent repair providers and owners at costs and terms that are equivalent to the most favorable costs and terms under which an original equipment manufacturer offers the parts to an authorized repair provider, and that:

1. Accounts for a discount, rebate, convenient and timely means of delivery, means of enabling fully restored and updated functionality, rights of use, or:

a. Any other incentive or preference the original manufacturer offers to an authorized repair provider; or

b. Any additional cost or impediment the original equipment manufacturer imposes on an owner or independent repair provider.

2. Is not conditioned upon or does not impose a substantial obligation or restriction that is not reasonably necessary for enabling the owner or independent repair provider to engage in the diagnosis, maintenance, or repair of equipment made by or on behalf of the original equipment manufacturer.

3. Is not conditioned upon an arrangement with the

original equipment manufacturer.

(4) "Independent repair provider" means an individual or business operating in this state which is unaffiliated with an original equipment manufacturer that is engaged in the services of diagnosis, maintenance, or repair of mobility devices.

(5) "Original equipment manufacturer" means a business engaged in selling, leasing, or supplying new mobility devices designed for individuals with physical disabilities including, but not limited to, power wheelchairs, manual wheelchairs, mobility scooters, and power assist devices for manual wheelchairs, manufactured by, or on behalf of, the business to an individual or business.

(6) "Owner" means an individual or business that owns or leases a mobility device purchased or used in this state.

(7) "Part" means any replacement part, either new or used, made available by an original equipment manufacturer for purposes of effecting the services of maintenance or repair of a mobility device manufactured by or on behalf of, sold, or otherwise supplied by the original equipment manufacturer.

(8) "Tool" means any software, hardware, or other apparatus used for the diagnosis, maintenance, or repair of a mobility device, including, but not limited to, software or any other mechanism that programs a new part, calibrates functionality, or performs any other function required to return the mobility device to its fully functional condition, which

includes any updates.

(9) "Trade secret" has the same meaning as in s. 688.002.

Section 4. Section 559.973, Florida Statutes, is created to read:

559.973 Requirements.—

(1) For mobility devices and parts for mobility devices that are sold or used in this state, an original equipment manufacturer must make available to any independent repair provider and owner by, on behalf of, or sold by such original equipment manufacturer, on fair and reasonable terms, any documentation, parts, and tools, required for the diagnosis, maintenance, or repair of such devices and parts, which includes any updates. The documentation, parts, and tools must be made available either directly by the original equipment manufacturer or by an authorized repair provider.

(2) For equipment that contains an electronic security lock or other security-related function, the original equipment manufacturer must make available to an owner and independent repair provider, on fair and reasonable terms, any special documentation, tools, and parts required to access and reset the lock or function when disabled in the course of diagnosis, maintenance, or repair of the mobility device. The documentation, parts, and tools may be made available through appropriate secure release systems.

Section 5. Section 559.974, Florida Statutes, is created

to read:

559.974 Enforcement.—A violation of this part is punishable under the Florida Deceptive and Unfair Trade Practices Act.

Section 6. Section 559.975, Florida Statutes, is created to read:

559.975 Limitations.—

(1) This part does not require an original equipment manufacturer to divulge a trade secret to an owner or independent service provider.

(2) This part does not alter the terms of an arrangement between an authorized repair provider and an original equipment manufacturer, including, but not limited to, the performance or provision of warranty or recall repair work by an authorized repair provider on behalf of an original equipment manufacturer and pursuant to such arrangement. However, any terms that waive, avoid, restrict, or limit the original equipment manufacturer's obligation to comply with this part are void.

(3) An original equipment manufacturer and an authorized repair provider are not liable for any damage or injury caused by an independent repair provider or owner to a mobility device that occurs during the course of repair, diagnosis, or maintenance.

Section 7. Section 559.976, Florida Statutes, is created to read:

559.976 Applicability.—This part applies with respect to mobility devices sold or in use on or after July 1, 2026.

Section 8. This act shall take effect July 1, 2026.

INDUSTRIES & PROFESSIONAL ACTIVITIES SUBCOMMITTEE

HB 487 by Rep. Eskamani
Repair of Mobility Devices

AMENDMENT SUMMARY
December 11, 2025

358023 by Rep. Eskamani (strike-all):

- Adds definitions for “embedded software” “firmware” “mobility device” and “service.”
- Clarifies that original equipment manufacturers must make available “embedded software” and “firmware.”
- Clarifies that original equipment manufacturers make certain items available to independent repair providers “or” owners of such equipment, instead of “and” owners.

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 Eskamani offered the following:

Amendment (with title amendment)

Remove everything after the enacting clause and insert:

Section 1. Part XIV of chapter 559, Florida Statutes, consisting of ss. 559.971-559.976, is created and entitled "Repair of Mobility Devices."

Section 2. Section 559.971, Florida Statutes, is created to read:

559.971 Short title.-This part may be cited as the "Right to Repair Act for Mobility Devices."

Section 3. Section 559.972, Florida Statutes, is created to read:

559.972 Definitions.-As used in this part, the term:

(1) "Authorized repair provider" means an individual or a business that has an arrangement with the original equipment manufacturer under which the original equipment manufacturer grants to the individual or business a license to use a trade name, service mark, or other proprietary identifier for the purposes of servicing a mobility device under the name of the original equipment manufacturer, or other arrangement with the original equipment manufacturer to offer such services on behalf of the original equipment manufacturer. An original equipment manufacturer that services its own mobility device, and that does not have an arrangement with an unaffiliated individual or business, is an authorized repair provider with respect to mobility devices.

(2) "Documentation" means a manual, diagram, reporting output, service code description, schematic diagram, security code, password, or any other guidance or information used in servicing a mobility device.

(3) "Embedded software" means programmable instructions provided on firmware delivered with an electronic component of a mobility device or with any part for the purpose of restoring or improving operation of the mobility device or part and includes all relevant patches and fixes that the original equipment manufacturer makes to a mobility device or to any part for the purpose of restoring or improving the mobility device or part.

(4) "Fair and reasonable terms" means making available documentation, tools, or parts as follows:

(a) Documentation must be made available by the original equipment manufacturer at no charge, except that when a physical copy is requested, a charge may be included for the reasonable actual costs of preparing and sending the copy.

(b) Tools must be made available by the original equipment manufacturer at no charge:

1. Without requiring authorization or Internet access for use or operation.

2. Without imposing impediments to access or use.

3. In a manner that does not impair the efficient and cost-effective performance of any such service and ensures that full functionality of digital electronic equipment is enabled.

However, if a tool is requested in physical form, a charge may be included for the reasonable, actual costs of preparing and sending the tool.

(c) Parts must be made available by the original equipment manufacturer, either directly or through an authorized repair provider, to an independent repair provider or owner at costs and terms that are equivalent to the most favorable costs and terms under which an original equipment manufacturer offers the parts to an authorized repair provider, and that:

1. Accounts for:

a. Any discount, rebate, delivery method, functionality, rights of use, incentive, preference; or

b. Any additional cost or impediment the original equipment manufacturer imposes on an authorized repair provider.

2. Does not condition or impose a substantial obligation or restriction that is not reasonably necessary for enabling the independent repair provider or owner to service a mobility device.

3. Is not conditioned upon an arrangement with the original equipment manufacturer.

(5) "Firmware" means a software program or set of instructions programmed on a mobility device or a part to allow a mobility device or a part to communicate with itself or with other computer hardware.

(6) "Independent repair provider" means an individual or business operating in this state engaged in servicing mobility devices, which is unaffiliated with an original equipment manufacturer.

(7) "Mobility device" means equipment designed for people with a mobility disability, including power wheelchairs, manual wheelchairs, mobility scooters, and power assist devices for manual wheelchairs.

(8) "Original equipment manufacturer" means an individual or business that is engaged in manufacturing, selling, leasing, or supplying new mobility devices.

(9) "Owner" means an individual or business that owns or leases a mobility device purchased or used in this state.

(10) "Part" means any replacement part, either new or used, made available by an original equipment manufacturer to service a mobility device manufactured by or on behalf of, sold, or otherwise supplied by the original equipment manufacturer.

(11) "Service" , "services" , or "servicing" means any activity related to the diagnosis, maintenance, or repair of a mobility device or a part thereof.

(12) "Tool" means any software, hardware, or other apparatus used for the service of a mobility device, including, but not limited to, software or any other mechanism that programs a new part, calibrates functionality, or performs any other function required to return the mobility device to its fully functional condition, which includes any updates.

(13) "Trade secret" has the same meaning as in s. 688.002.

Section 4. Section 559.973, Florida Statutes, is created to read:

559.973 Requirements.—

(1) For the purpose of servicing mobility devices and parts of mobility devices that are sold or used in this state, an original equipment manufacturer must make available to any independent repair provider or owner of the original equipment manufacturer's mobility device, on fair and reasonable terms, any documentation, embedded software, firmware, parts, and

tools, that are necessary to service such mobility devices and parts, including any updates to documentation, embedded software, firmware, parts, and tools. The documentation, embedded software, firmware, parts, and tools must be made available either directly by the original equipment manufacturer or by an authorized repair provider.

(2) For equipment that contains an electronic security lock or other security-related function, the original equipment manufacturer must make available to an independent repair provider or owner, on fair and reasonable terms, any special documentation, embedded software, firmware, tools, and parts required to access and reset the lock or function when disabled in the course of servicing the mobility device. The documentation, embedded software, firmware, parts, and tools may be made available through appropriate secure release systems.

Section 5. Section 559.974, Florida Statutes, is created to read:

559.974 Enforcement.—A violation of this part is punishable under the Florida Deceptive and Unfair Trade Practices Act.

Section 6. Section 559.975, Florida Statutes, is created to read:

559.975 Limitations.—

(1) This part does not require an original equipment manufacturer to divulge a trade secret to an independent service

provider or an owner of the original equipment manufacturer's mobility device.

(2) This part does not alter the terms of an arrangement between an authorized repair provider and an original equipment manufacturer, including, but not limited to, the performance or provision of warranty or recall repair work by an authorized repair provider on behalf of an original equipment manufacturer and pursuant to such arrangement. However, any terms that waive, avoid, restrict, or limit the original equipment manufacturer's obligation to comply with this part are void.

(3) An original equipment manufacturer and an authorized repair provider are not liable for any damage or injury caused by an independent repair provider or owner to a mobility device that occurs during the course of service of a mobility device.

Section 7. Section 559.976, Florida Statutes, is created to read:

559.976 Applicability.—This part applies with respect to mobility devices sold or in use on or after July 1, 2026.

Section 8. This act shall take effect July 1, 2026.

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

Remove everything before the enacting clause and insert:

An act relating to repair of mobility devices; providing a directive to the Division of Law Revision; creating s. 559.971, F.S.; providing a short title; creating s. 559.972, F.S.; providing definitions; creating s. 559.973, F.S.; requiring original equipment manufacturers to make available documentation, embedded software, firmware, parts, and tools required to service mobility devices and parts of such devices; requiring original equipment manufacturers of mobility devices with electronic security locks to make available any special documentation, embedded software, firmware, parts, and tools required to access and reset the locks when disabled in the course of service; creating s. 559.974, F.S.; providing that violation of the act is an unlawful practice under the Florida Deceptive and Unfair Trade Practices Act; creating s. 559.975, F.S.; providing that original equipment manufacturers are not required to divulge trade secrets; providing that the act does not alter the terms of an arrangement between an authorized repair provider and an original equipment manufacturer; providing an exception; limiting the liability of original equipment manufacturers and authorized repair providers in

certain circumstances; creating s. 559.976, F.S.; providing applicability; providing an effective date.

HB 607

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 607	**COMPANION BILL:** None
TITLE: Industries and Professional Activities	**LINKED BILLS:** None
SPONSOR(S): Yarkosky	**RELATED BILLS:** None

Committee References

Industries & Professional Activities ➤ State Administration Budget ➤ Commerce

SUMMARY

Effect of the Bill:
The bill promotes economic growth in Florida by removing regulatory barriers for businesses and professions by: repealing certain boards, councils, and commissions from the Department of Business and Professional Regulation (DBPR) and the Department of Agriculture and Consumer Services (DACS); repealing continuing education requirements for certain licensed professionals; extending the licensure renewal cycle for certain professions under DBPR and DACS; increasing the pathways to licensure for certain professionals; and reducing other barriers to entry for certain professions.

Fiscal or Economic Impact:
The bill may reduce state and local government revenues associated with certain licensing fees, though these reductions may be offset in whole or in part due to reduced operational and administrative costs associated with the repealed boards, councils, and commissions. The bill may have a positive impact on the private sector by lowering costs for businesses and professionals.

JUMP TO SUMMARY ANALYSIS RELEVANT INFORMATION BILL HISTORY

ANALYSIS

EFFECT OF THE BILL:

The bill promotes economic growth in Florida by removing regulatory barriers for businesses and professions. The provisions of the bill are addressed in detail below.

Regulation of Businesses and Professions

The bill repeals the following boards, commissions, and councils within the Department of Business and Professional Regulation (DBPR) and shifts the authority for and responsibilities of 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 Veterinary Medicine
- Board of Accountancy
- Florida Real Estate Commission
- Florida Real Estate Appraisal Board
- 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. (Sections 1 and 2)

However, the bill **does not** immediately repeal the Board of Professional Engineers. Instead, the Board of Professional Engineers is abolished effective July 1, 2033. (Section 279)

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)

Continuing Education

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

- Barbers (Section 2)
- Cosmetology (Sections 2, and 143)
- Home Inspectors (Sections 2, 78, and 79)
- Mold-Related Services (Sections 2, 81, and 82)
- Contractors (Sections 182, 184, and 185)
- Electrical Contractors (Sections 214, 215, 216, and 217)
- Engineers (Sections 88 and 89)
- Architects and Interior Designers (Sections 156 and 157)
- Landscape Architects (Sections 170 and 171)
- Asbestos Contractors (Sections 84, 85, and 86)
- Community Association Managers (Sections 2, 53, and 54)
- Building Officials (Sections 2, 75, and 273)
- Harbor Pilots (Section 15)
- Real Estate Brokers and Sales Associates (Sections 127, 286, 289, and 290)
- Veterinarians (Section 118)
- Surveyors and Mappers. (Section 2)

However, the bill **does not** repeal the continuing education requirement for Certified Public Accountants. (Section 283)

Licensure Renewal Period

The bill extends licensure expiration and renewal periods for all professions within DBPR and DACS to every four years. (Section 33)

Division of Certified Public Accounting and Division of Real Estate Office Relocation

Effective at the termination of any lease in effect on December 31, 2025, the bill moves the offices of the Division of Certified Public Accounting from Gainesville to Tallahassee. (Section 1)

Effective at the termination of any lease in effect on December 31, 2025, the bill moves the offices of the Division of Real Estate from Orlando to Tallahassee. (Section 1)

Certified Public Accountants

The bill 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, 2027, a person may qualify for a CPA license if they:

- Complete 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 has one year of work experience;
- 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, and has one year of work experience;
- 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, and has two years of work experience; or
- Holds a baccalaureate degree in any major course of study conferred by an accredited college or university, has completed coursework required for a concentration in accounting and business as prescribed by the department, and have two years of work experience. (Sections 281 and 282)

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 281)

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 281)

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 282)

Effective January 1, 2027, 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 284)

Licensure of Engineers and Architects by Endorsements

The bill allows DBPR to approve engineers and architects licensed outside of the United States for licensure by endorsement. (Sections 280 and 317)

Applicants for endorsement as an engineer must hold a valid license from a foreign jurisdiction if the criteria for licensure was substantially the same as the licensure criteria in Florida when the license was issued or must hold a valid license from a foreign jurisdiction and hold an active Council Record with the National Council of Examiners for Engineers and Surveying. (Section 280)

Applicants seeking licensure as an architect must hold a valid license from a foreign jurisdiction if the criteria for licensure was substantially the same as the licensure criteria in Florida when the license was issued, or must hold a valid license from a foreign jurisdiction, pass the licensure examination for architects, and hold a valid certificate issued by the National Council of Architectural Registration Boards. Additionally, all applicants must complete a two hour department-approved class on wind mitigation techniques to qualify for licensure by endorsement. (Section 317)

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 license holder'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 license holder 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 license holder 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 315)

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 319)

The bill provides that a permitted entity applying for a new permit from the Division of Drugs, Devices, and Cosmetics because of a sale or transfer of ownership in the permitted entity must apply **within** 30 days of the sale or transfer, instead of **before** the sale or transfer. (Section 319)

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 Investigative Agency Branch Offices;
- Security Agency Branch Offices;
- Recovery Agent Interns;
- Recovery Agency Branch Offices;
- Recovery Agency Managers. (Sections 238, 239, 240, 247, 248, 249, 250, 252, 255, 256, and 257)

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

The bill replaces the secondary license of Private Investigator Interns with a provisional private investigator license. The bill also shortens the required experience period to become qualified to take the private investigator examination from two years to six months. (Section 243, 247, 248, and 249)

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 277)

The bill authorizes the Florida Department of Law Enforcement (FDLE) to accept and process fingerprints and exchange criminal history records for individuals involved in the insurance industry. The bill requires background checks for a wide range of persons associated with insurers or insurance-related entities, including officers,

employees, contractors, or persons who control insurance operations. Fingerprints must be submitted to the OIR or an authorized vendor and will be processed by both the FDLE and the Federal Bureau of Investigation. The results of the background checks will be used by the OIR to determine whether individuals meet eligibility requirements for licensure, certification, or authority to operate under the Florida Insurance Code. The bill also provides procedures for submission, retention, and cost responsibilities associated with fingerprint processing and background checks. (Section 322)

Landscape Architects Services

The bill requires state agencies and local governments to accept the seal of a landscape architect for any professional services within a landscape architect's scope of work, including, but not limited to, grading and drainage. (Section 318)

Building Code Administrators & Inspectors

The bill allows for proof of verifiable work experience as an inspector or plans examiner of any other type to be exchanged for the internship experience requirement for licensure as a building code official on a year-for-year basis for up to three years of the four year requirement. (Section 278).

Veterinary Telehealth Prescriptions

The bill extends the duration of treatment for flea and tick control that a licensed veterinarian may prescribe via telehealth from one month to one year. (Section 285)

Elevator Accessibility

The bill revises elevator accessibility requirements to align with the Florida Building Code. (Section 276)

DBPR Information on Professions

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

FISCAL OR ECONOMIC IMPACT:

STATE GOVERNMENT:

The bill may have a positive fiscal impact for DBPR and DACS due to the following:

- Reduced operational and administrative costs associated with maintaining the repealed boards, commissions, and councils.
- Decreased continuing education (CE) oversight expenses needed to administer, monitor, or enforce CE requirements.

While the state may lose some fee revenue (e.g. CE-related fees or secondary license fees), this is likely offset by lower enforcement and processing expenses.

DBPR may incur short-term costs related to reorganizing oversight functions, updating rules, systems, and internal processes that may be absorbed by current resources.

PRIVATE SECTOR:

The bill may have a positive impact on the private sector by lowering costs for professionals. Eliminating required continuing education saves professionals time and money. Private investigators and security firms may experience lower overhead costs through the elimination of secondary licenses. Easier licensure may increase competition in some professions, which could affect wages or business volume for existing licensees.

RELEVANT INFORMATION

SUBJECT OVERVIEW:

Department of Business and Professional Regulation

The Florida Department of Business and Professional Regulation (DBPR) regulates and licenses various businesses and professionals in Florida.[1]

The Division of Professions licenses and regulates more than 542,000 professionals through the following professional boards and programs:[2]

- 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.

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.[3]

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.[4]

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.[5]

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[1] S. 20.165, F.S.
[2] Florida Department of Business and Professional Regulation, *Division of Professions*, https://www2.myfloridalicense.com/division-of-professions/ (last visited Dec. 2, 2025).
[3] Florida Department of Business and Professional Regulation, *Auctioneers – Board Information*, https://www2.myfloridalicense.com/auctioneers/board-information/ (last visited Dec. 2, 2025).
[4] S. 468.384, F.S.
[5] Florida Department of Business and Professional Regulation, *Real Estate Commission – Commission Information*, https://www2.myfloridalicense.com/real-estate-commission/commission-information/ (last visited Dec. 2, 2025).

The FREC 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 sixty years of age or older. Members serve for terms of four years.[6]

The Division of Real Estate (DRE) is responsible for supporting the FREC and the Florida Real Estate Appraisal Board in the regulation of real estate sales associates, brokers, and appraisers.[7] The DRE's offices are located in Orlando.[8]

Florida Real Estate Appraisal Board

The Florida Real Estate Appraisal Board (FREAB) administers and enforces the real estate appraiser license law. The FREAB has power to regulate the issuance of appraiser licenses, certifications, registrations, and permits; to discipline appraisers; to establish qualifications for appraiser licenses, certifications, registrations, and permits; to regulate approved courses; to establish standards for real estate appraisals; and to establish standards for and regulate supervisory appraisers. Additionally, the board has authority to adopt rules in order to implement its authorized duties and responsibilities.[9] The FREAB generally meets six times a year.[10]

The FREAB consists of nine members who are appointed by the governor and confirmed by the Senate. Four members must be appraisers with at least five years of experience, one member must represent the appraisal management industry, one member must represent an organization that uses appraisals, and three members must represent the general public and have no connection to the practice of real estate appraisal.[11]

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.[12] The offices for the Division of CPA are located in Gainesville.[13]

The Board of Accountancy is responsible for licensing and regulating CPAs. The board meets ten 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. [14]

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 sixty years old.[15]

In order to obtain licensure as a CPA, an applicant must:[16]

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[6] S. 475.02, F.S.
[7] S. 475.021, F.S.
[8] S. 20.165(2), F.S.
[9] S. 475.613, F.S.; Florida Department of Business and Professional Regulation, *Real Estate Appraisal – Board Information*, https://www2.myfloridalicense.com/real-estate-appraisal-board/board-information/ (last visited Dec. 2, 2025).
[10] Florida Department of Business and Professional Regulation, *Real Estate Appraisal – Meetings and Workshops*, https://www2.myfloridalicense.com/real-estate-appraisal-board/meetings-and-workshops/ (last visited Dec. 2, 2025).
[11] S. 475.613, F.S.
[12] Florida Department of Business and Professional Regulation, *Certified Public Accounting*, https://www2.myfloridalicense.com/certified-public-accounting/ (last visited Dec. 2, 2025).
[13] S. 20.165(2), F.S.
[14] Florida Department of Business and Professional Regulation, *Certified Public Accounting*, https://www2.myfloridalicense.com/certified-public-accounting/ (last visited Dec. 2, 2025).
[15] S. 473.303, F.S.
[16] Ss. 473.306, and 473.308, F.S.

- Have at least 150 semester hours of college education, including a baccalaureate or higher degree conferred;
- Have one year of experience;
- Have good moral character; and
- Pass an examination.

An applicant is also eligible for licensure by endorsement if the applicant has good moral character and meets one of the following requirements:[17]

- 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 ten 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.[18]

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.[19]

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 business, as necessary.[20]

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.[21]

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:[22]

- 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 and all mobile salon records must be kept at the permanent address;
- Must file a written monthly itinerary with the Board of Cosmetology;

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[17] S. 473.308, F.S. and Rule 61H1-29.003, F.A.C.
[18] Florida Department of Business and Professional Regulation, *Barbers*, https://www2.myfloridalicense.com/barbers/ (last visited Dec. 2, 2025).
[19] S. 476.054, F.S.
[20] Florida Department of Business and Professional Regulation, *Cosmetology*, https://www2.myfloridalicense.com/cosmetology/ (last visited Dec. 2, 2025).
[21] S. 477.015, F.S.
[22] Ss. 477.025(10), and 477.0263, F.S.

- Must pay a fee, which may not be more than the fee for a fixed cosmetology salon; and
- Must comply with all local laws and ordinances regulating business establishments, the applicable Americans with Disabilities Act requirements, and the applicable OSHA requirements.

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.[23]

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.[24]

The board consists of eighteen 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.[25]

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.[26]

The board consists of eleven members appointed by the Governor and confirmed by the Senate. Seven members must be certified electrical contractors, two must be consumer members, and two must be certified alarm system contractors.[27]

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.[28] 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.[29]

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[23] S. 476.188, F.S.
[24] Florida Department of Business and Professional Regulation, *Construction Industry*, https://www2.myfloridalicense.com/construction-industry/ (last visited Dec. 2, 2025).
[25] S. 489.107, F.S.
[26] Florida Department of Business and Professional Regulation, *Electrical Contractors*, https://www2.myfloridalicense.com/electrical-contractors/ (last visited Dec. 2, 2025).
[27] S. 489.507, F.S.
[28] A community association manager or community association management firm manages community associations with more than ten 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 Dec. 2, 2025).
[29] Florida Department of Business and Professional Regulation, *Community Association Managers and Firms*, https://www2.myfloridalicense.com/community-association-managers-and-firms/ (last visited Dec. 2, 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.[30]

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.[31]

The council generally meets three times a year and consists of twelve members. The council must consist of the Secretary of DBPR (or their designee), the Secretary of Health Care Administration (or their designee), and ten 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,[32] and one employee of a pharmaceutical manufacturer.[33]

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.[34]

A designated representative:[35]

- 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; and
- 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:[36]

- 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;
    - Managerial experience with a prescription drug wholesale distributor licensed in Florida or in another state;

[30] S. 468.4315, F.S.
[31] 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 Dec. 2, 2025).
[32] 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. Compressed Gas Association, *About CGA*, https://www.cganet.com/about-us/ (last visited Dec. 2, 2025).
[33] S. 499.01211, F.S.
[34] S. 499.012(15), F.S.
[35] Id.
[36] Id.

- 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 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; and
- Provide DBPR with a personal information statement and fingerprints.

If an entity, which has received a permit from DDC, changes a majority of the ownership or the controlling interest, then it must apply for a new permit from DDC **before** the change of ownership or controlling interest.[37]

Board of Pilot Commissioners

The Board of Pilot Commissioners is responsible for licensing and regulating state pilots and deputy pilots.[38] 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.[39]

The board consists of ten 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.[40]

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.[41]

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.[42]

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

[37] S. 499.012(6), F.S.
[38] State and deputy pilots navigate vessels within channels, waters, harbors, and ports.
[39] Florida Department of Business and Professional Regulation, *Harbor Pilots*, https://www2.myfloridalicense.com/harbor-pilots/ (last visited Dec. 2, 2025).
[40] S. 310.011, F.S.
[41] Florida Department of Business and Professional Regulation, *Veterinary Medicine*, https://www2.myfloridalicense.com/veterinary-medicine/ (last visited Dec. 2, 2025).
[42] S. 474.204, F.S.

rulemaking to implement the provisions set forth in its statutes and conducts other general business, as necessary.[43]

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 their designee) must serve as an ex officio member of the board.[44]

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.[45]

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 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.[46]

Board of Employee Leasing Companies

The Board of Employee Leasing Companies is responsible for licensing and regulating employee leasing companies.[47] 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.[48]

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, and one of which must be part of an employee leasing company that has an annual gross Florida payroll for its leased employees which is among the smallest 20% 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.[49]

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

[43] Florida Department of Business and Professional Regulation, *Geologists*, https://www2.myfloridalicense.com/geologists/ (last visited Dec. 2, 2025).
[44] S. 492.103, F.S.; Florida Department of Business and Professional Regulation, *Geologists – Board Information*, https://www2.myfloridalicense.com/geologists/board-information/ (last visited Dec. 2, 2025).
[45] Florida Department of Business and Professional Regulation, *Building Code Administrators & Inspectors*, https://www2.myfloridalicense.com/building-code-administrators-and-inspectors/ (last visited Dec. 2, 2025).
[46] S. 468.605, F.S.
[47] "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.
[48] Florida Department of Business and Professional Regulation, *Employee Leasing Companies*, https://www2.myfloridalicense.com/employee-leasing-companies/ (last visited Dec. 2, 2025).
[49] S. 468.521, F.S.

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 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.[51]

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.[52]

The board consists of eleven members who are appointed by the Governor and confirmed by the Senate. Five members must be registered architects 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 five 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 sixty years of age or older.[53]

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 the FBPE are administered by the Florida Engineers Management Corporation (FEMC). FEMC is a nonprofit, single purpose corporation that operates through a contract with DBPR.[54]

FBPE meets six times a year and consists of eleven members who are appointed by the Governor for terms of four years. 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 their qualifications to provide expertise and experience to the board at all times in civil engineering, structural engineer, electrical or electronic engineering, mechanical engineering, or engineering education.[55]

Licensure by Endorsement for Engineers and Architects

Current law allows persons licensed as engineers or architects in other states or United States territories to receive a licensure by endorsement if the person meets one of the following:[56]

- Holds a valid license to practice engineering or architecture issued by another state or territory of the United States.
    - The criteria for issuance of the license in the other state or territory must be substantially the same as the licensure criteria that existed in Florida at the time the license was issued.
- Qualifies for and passes the licensure exam to be an engineer or architect and meets the experience requirement to be an engineer or architect.
- 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 or jurisdiction of the United States.

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[50] Florida Department of Business and Professional Regulation, *Landscape Architecture*, https://www2.myfloridalicense.com/landscape-architecture/ (last visited Dec. 2, 2025).
[51] S. 481.305, F.S.
[52] Florida Department of Business and Professional Regulation, *Architecture and Interior Design*, https://www2.myfloridalicense.com/architecture-and-interior-design/ (last visited Dec. 2, 2025).
[53] S. 481.205, F.S.
[54] Ss. 20.165(4)(a), and 471.038, F.S.
[55] S. 471.007, F.S.
[56] Ss. 471.015(3), and 481.213(3), F.S.

- Note: This option only applies to licensure as an architect.

Current law does not provide an option for licensure by endorsement for persons licensed as an engineer or architect in a foreign jurisdiction.

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.[57]

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.[58]

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".[59]

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.[60]

Fingerprinting for Military and Military Spouse Licensure

Under certain circumstances, DBPR is required to issue professional licenses to applicants who are, or were, active duty members, or to a spouse or surviving spouse of such, of the United States Armed Forces. To be eligible for such licensure, the applicant must provide the following to the department:[61]

- Proof that the applicant themselves, or their spouse, is or was a member of the Unites States Armed Forces serving on active duty;
- Proof that the applicant holds a valid license for the profession issued by another state, 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; and
- 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 respective board may, review the results of the criminal history checks, and determine whether the applicant meets the licensure requirements.[62]

The cost of fingerprint processing is 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.[63]

Department of Agriculture and Consumer Services

[57] Florida Department of Business and Professional Regulation, *Hotels and Restaurants – Information*, https://www2.myfloridalicense.com/hotels-restaurants/division-information/ (last visited Dec. 2, 2025).
[58] S. 509.261, F.S.
[59] S. 399.001, F.S.
[60] S. 399.035(2), F.S.
[61] S. 455.02(3), F.S.
[62] Id.
[63] Id.

The Florida 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.[64]

Private Investigative, Private Security, and Recovery Services Industries

The Division of Licensing (Division) within DACS administers Florida's concealed weapon licensing program[65] and oversees Florida's private investigative, private security, and recovery services industries.[66] The Division's regulatory oversight of those services includes licensing, enforcing compliance standards, and ensuring public protection from unethical business practices and unlicensed activity.[67]

Currently, the Division offers twenty-two different types of private investigative, private security, and recovery services licenses and four different types of concealed weapon or firearm licenses. As of October 31, 2025 the Division had issued a total of 222,454 private investigative, private security, and recovery services licenses. The following chart provides a breakdown of the total number of each license type.[68]

License Type	License Title	Total
C	Private Investigators	6,929
CC	Private Investigator Interns	1,371
A	Private Investigative Agencies	2,582
AA	Private Investigative Agency Branch Offices	20
MA	Private Investigative Agency Managers	86
M	Private Investigative / Security Agency Managers	428
D	Security Officers	173,915
B	Security Agencies	2,157
BB	Security Agency Branch Offices	180
MB	Security Managers	1,577
AB	Security Agency / Private Investigative Agency Branch Offices	10
DS	Security Officer Schools	473
DI	Security Officer Instructors	1,772
G	Statewide Firearm Licenses	28,669
K	Firearms Instructor	658
E	Recovery Agents	802
EE	Recover Agent Interns	462
R	Recovery Agencies	298
RR	Recovery Agency Branch Offices	47
MR	Recovery Agency Managers	4
RS	Recovery Agent School	7
RI	Recovery Agent Instructor	7
Total of Private Investigative, Private Security, and Recovery Services Licenses		**222,454**

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:[69]

- Be at least eighteen years old;
- Be one of the following:
    - A United States citizen,

[64] Florida Department of Agriculture and Consumer Services, *About Us*, https://www.fdacs.gov/About-Us (last visited Dec. 2, 2025).
[65] S. 790.06, F.S.
[66] Ch. 493, F.S.
[67] Florida Department of Agriculture and Consumer Services, *Division of Licensing*, https://www.fdacs.gov/Divisions-Offices/Licensing (last visited Dec. 2, 2023).
[68] Florida Department of Agriculture and Consumer Services, *Division of Licensing Statistical Reports*, https://www.fdacs.gov/Divisions-Offices/Licensing/Statistical-Reports (last visited Dec. 2, 2025).
[69] Ss. 493.6105, and 493.6106, F.S.

    - A permanent legal resident, or
    - A holder of a work vise 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.[70] 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:[71]

- 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
    - 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 a private investigator intern Class "CC" license. In order to obtain a license a person must:[72]

- Pay a fee of $60
- Complete forty 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.[73]

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:[74]

- 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:[75]

- 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

[70] S. 493.6101(16), F.S.
[71] Ss. 493.6202, and 493.6203, F.S.
[72] Id.
[73] Id.
[74] Id.
[75] Id.

A security officer is any individual who, for consideration, advertises or performs the following:[76]

- 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 a security officer class "D" license from DACS.[77]

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.[78]

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:[79]

- 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:[80]

- 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:[81]

- 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:[82]

- Qualify for a private investigator 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

[76] S. 493.6101(19), F.S.
[77] S. 493.6301, F.S.
[78] Ss. 493.6301, and 493.6302, F.S.
[79] Id.
[80] Id.
[81] Ss. 493.6201, and 493.6202, F.S.
[82] Ss. 493.6203, and 493.6303, F.S.

the legal owner, lienholder, or lessor to recover that which has been sold or leased under a security agreement that contains a repossession clause.[83]

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:[84]

- 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 forty hours of professional training; and
- Pay a fee of $75.

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:[85]

- Pay a fee of $60; and
- Complete forty 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:[86]

- 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:[87]

- Have a Class "R" license for the main location; and
- 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:[88]

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

Board of Professional Surveyors and Mappers

The Florida Department of Agricultural and Consumer Services (FDACS) licenses and regulates professional surveyors and mappers in Florida through the Florida Board of Professional Surveyors and Mappers.[89]

The Florida Board of Professional Surveyors and Mappers encourages the entry of qualified individuals in 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.[90]

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

[83] S. 493.6101(22), F.S.
[84] Ss. 493.6402, and 493.6403, F.S.
[85] Id.
[86] Id.
[87] Id.
[88] Id.
[89] 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/Professional-Surveyors-and-Mappers (last visited Dec. 2, 2025).
[90] Id.

never been surveyors and mappers or members of any closely related profession or occupation. Members serve four-year staggered terms.[91]

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.[92]

The council shall consist of 11 members appointed to 4-year terms by the Commissioner of Agriculture. The 11 members must include the following:[93]

- A representative of DACS
- A citizen not involved in the conduct of pest control
- A statue 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.

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.[94]

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:[95]

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

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.[96]

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.[97]

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

[91] S. 472.007, F.S.
[92] S. 482.243, F.S.
[93] Id.
[94] S. 559.9221, F.S.
[95] Id.
[96] Ch. 91-268, Laws of Florida
[97] S. 570.81, F.S.

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.[98]

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.[99]

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:[100]

- 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.

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:[101]

Profession	Continuing Education Requirements
Architects	• 20 hours of CE biannually • Up to 20 hours of CE to reinstate an inactive license
Interior Designers	• 20 hours of CE biannually • Up to 20 hours of CE to reinstate an inactive license

[98] Id.

[99] 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, F.S. and 259.1053, F.S.

[100] S. 259.1053(4), F.S.

[101] *See* Ss. 310.081, 455.2228, 468.4337, 468.4338, 468.627, 468.8316, 468.8317, 468.8416, 469.004, 469.012, 469.013, 471.017, 471.019, 472.018, 472.019, 473.312, 473.313, 474.211, 475.17, 475.182, 475.183, 477.019, 477.0212, 481.215, 481.217, 481.313. 481.315, 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, 61J2-1.011, 61J2-3.020, and 61H1-33.003 F.A.C

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 biannually for onsite supervisor
Barbers	• 2 hours of CE biannually
Building Code Officials, Inspectors, and Plans Examiners	• 4 classroom hours biannually
Community Association Managers	• 10 hours of CE annually • 15 classroom hours of CE to reinstate an inactive license
Construction Contractors	• 14 classroom hours of CE biannually • Up to 14 classroom hours to reinstate an inactive license
Cosmetologists	• Up to 10 hours of CE biannually • Up to 10 hours of CE to reinstate inactive license
Electrical Contractors	• 2 classroom hours of CE biannually if the licensee is a fire alarm system agent • 6 classroom hours of CE biannually if the licensee is a 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
Home Inspectors	• 14 hours of CE biannually • 14 hours of CE to reinstate an inactive license
Landscape Architects	• 16 hours of CE biannually • Up to 16 hours to reinstate an inactive license
Mold-Related Services	• 14 hours of CE biannually
Harbor Pilots	• Board approved seminar biannually
Veterinary Medicine	• Up to 30 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 of CE biannually • Up to 120 hours to reinstate inactive license
Land Surveyors and Mappers	• 24 hours of CE biannually • Up to 12 classroom hours of CE for each inactive year to reinstate an inactive license
Real Estate Brokers and Sales Associates	• 14 hours of CE biannually • 12 hours of CE for each inactive year to reinstate an inactive license • 45 hours for sales associates before the first renewal after initial licensure • 60 hours for brokers before the first renewal after initial licensure

Licensure Renewal Period

Current law requires licensees under DBPR and DACS to renew their professional licensure as follows:[102]

Profession	License Renewal Frequency
Public Accountants	Biannually
Architects	Biannually
Asbestos Contractors	Biannually
Auctioneers	Biannually
Barbers	Biannually
Building Code Administrators and Inspectors	Biannually
Cosmetologists	Biannually
Community Association Managers	Biannually
Construction Contractors	Biannually
Electrical Contractors	Biannually
Employee Leasing Companies	Biannually
Engineers	Biannually
Geologists	Biannually
Harbor Pilots	Biannually
Health Studios	Annually
Home Inspectors	Biannually
Interior Designers	Biannually
Intrastate Moving	Biannually
Landscape Architects	Biannually
Mold Related Services	Biannually
Motor Vehicle Repair Shops	Biannually
Pawnshops and Pawnbrokers	Annually
Private Investigative, Private Security, and Repossession Services	Biannually
Real Estate Appraisers	Biannually
Real Estate Brokers, Sales Associates, and Schools	Biannually
Sellers of Travel	Annually
Surveyors and Mappers	Biannually
Talent Agents	Annually
Veterinarians	Biannually
Yacht and Ship Brokers	Biannually

Florida Department of Law Enforcement

The Florida Department of Law Enforcement (FDLE) is a state agency created in 1969 to provide investigative, forensic, and criminal justice services in support of Florida's law enforcement community.[103] FDLE operates under the direction of the Florida Cabinet and maintains its headquarters in Tallahassee, with regional operations throughout the state. FDLE's mission is to promote public safety and strengthen domestic security by providing services to local, state, and federal agencies.[104]

FDLE is responsible for processing criminal history background checks and fingerprint submissions for a wide range of professions and regulatory programs, including those involving licensure and employment eligibility.[105]

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[102] Ss. 310.121, 326.004, 468.3851, 468.404, 468.4336, 468.527, 468.627, 468.8315, 468.8415, 469.009, 471.017, 473.311, 474.211, 475.182, 475.618, 476.154, 477.019, 481.215, 481.313, 489.115, 489.517, 492.109, 493.6111, 501.015, 507.03, 539.001, 559.904, 559.928, F.S.

[103] S. 943.03, F.S.

[104] Florida Department of Law Enforcement, *About FDLE – General Information*, https://www.fdle.state.fl.us/about-us/general-information (last visited Dec. 2, 2025)

[105] S. 943.053, F.S.

The agency is authorized to exchange fingerprint data with the United States Department of Justice as part of national criminal history checks.[106]

As part of Florida's oversight of the insurance industry, the FDLE provides access to criminal history information to noncriminal justice agencies, such as the Department of Financial Services (DFS), for use in evaluating insurance licensure applications.[107] Individuals applying for licenses—such as insurance agents, adjusters, and other regulated professionals—must submit to fingerprint-based background screenings.[108] Fingerprints must be submitted electronically through a LiveScan vendor approved by FDLE.[109] FDLE processes the fingerprints and transmits the results to the appropriate licensing authority, typically DFS, to determine the applicant's eligibility.[110]

RECENT LEGISLATION:

YEAR	BILL #/SUBJECT	HOUSE/*SENATE* SPONSOR(S)	OTHER INFORMATION
2025	CS/HB 1461 - Industries and Professional Activities	Yarkosky, Esposito	Click or tap here to enter text.
2025	CS/CS/HB 991 - Community and Economic Development	Giallombardo	Click or tap here to enter text.

BILL HISTORY

COMMITTEE REFERENCE	ACTION	DATE	STAFF DIRECTOR/ POLICY CHIEF	ANALYSIS PREPARED BY
Industries & Professional Activities Subcommittee			Anstead	Bunnell
State Administration Budget Subcommittee				
Commerce Committee				

[106] S. 943.054, F.S.
[107] S. 943.053(3), F.S.
[108] S. 626.171(4), F.S.
[109] Florida Department of Financial Services, *Fingerprinting Information*, https://www.myfloridacfo.com/division/agents/licensing/agents-and-adjusters/fingerprinting-information (last visited Dec. 2, 2025).
[110] 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; changing the office locations of certain divisions; prohibiting extension or renewal of certain leases; 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, 471.0195, 472.007, 472.008, 472.009, 472.017, 472.018, 472.019, 473.303, 474.204, 474.205, 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, 499.01211, 559.9221, and 570.81, F.S., relating to the 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; the Florida Board of

Auctioneers; expenditure of excess funds; the 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; the Florida Building Code Administrators and Inspectors Board; continuing education; Florida Building Code training for engineers; the Board of Professional Surveyors and Mappers; rules of the board; board headquarters; continuing education; continuing education for reactivating a license; the Board of Veterinary Medicine; board headquarters; renewal of license; the Board of Accountancy; the Barbers' Board; organization, headquarters, personnel, and meetings of the board; the Board of Cosmetology; the Board of Architecture and Interior Design; authority of the board to make rules; the Florida Real Estate Commission; delegation of powers and duties; legal services; duty of commission to educate members of profession; the Florida Real Estate Commission Education and Research Foundation; power of commission to enact bylaws and rules and decide questions of practice; seal; the Board of Landscape Architecture; the Pest Control Enforcement Advisory Council; the

Construction Industry Licensing Board; the Electrical Contractors' Licensing Board; the Board of Professional Geologists; the Drug Wholesale Distributor Advisory Council; the Motor Vehicle Repair Advisory Council; and the Agricultural Economic Development Project Review Committee, respectively; amending ss. 120.54, 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, 310.121, 310.131, 310.142, 310.151, 310.183, 310.185, 326.002, 326.006, 376.303, 381.0065, 403.868, 403.9329, 440.02, 448.26, 455.203, 455.271, 468.382, 468.385, 468.3851, 468.3852, 468.3855, 468.386, 468.387, 468.388, 468.389, 468.392, 468.393, 468.395, 468.396, 468.397, 468.398, 468.404, 468.407, 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, 468.8412, 468.8415, 468.8417, 468.8419, 469.004, 469.012, 469.013, 471.011, 471.017, 471.019, 471.045, 472.003, 472.005, 472.006, 472.011, 472.0202, 472.0203, 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, 474.2065, 474.207, 474.211, 474.2125, 474.213, 474.214, 474.215, 474.216, 474.2165, 474.217, 474.221, 475.451, 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, 481.219, 481.221, 481.222, 481.223, 481.225, 481.2251, 481.303, 481.306, 481.307, 481.309, 481.310, 481.311, 481.313, 481.315, 481.317, 481.323, 481.325, 489.103, 489.105, 489.108, 489.109, 489.111, 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, 489.505, 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, 492.109, 492.1101, 492.111, 492.113, 493.6101, 493.6105, 493.6106, 493.6111, 493.6113, 493.6116, 493.6118, 493.6120, 493.6123, 493.6201, 493.6202,

493.6203, 493.6301, 493.6302, 493.6303, 493.6304, 493.631, 493.6401, 493.6402, 493.6403, 493.6406, 499.067, 501.015, 501,609, 507.03, 514.0315, 514.075, 527,03, 539.001, 553.79, 553.791, 553.998, 559.904, 559.928, 627.192, 633.216, and 713.01, F.S.; providing licensing authority to the department rather than licensing boards; removing continuing education requirements; revising licensure renewal periods; conforming provisions to changes made by the act; amending s. 259.1053, F.S.; removing the Babcock Ranch Advisory Group; amending s. 339.035, F.S.; revising the requirements for accessibility of elevators for the physically handicapped; amending s. 455.02, F.S.; specifying that certain license application requirements apply only to certain professions; amending s. 468.609, F.S.; revising the standards for certification as a building code inspector or plans examiner; amending s. 471.007, F.S.; providing for abolishment of the Board of Professional Engineers; 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. 474.2021, F.S.; revising requirements relating to prescriptions by veterinarians practicing telehealth; providing licensing authority to the department rather than

licensing boards; amending s. 475.17, F.S.; removing postlicensure education requirements for brokers, broker associates, and sales associates; amending ss. 475.175 and 475.180, F.S.; conforming provisions to changes made by the act; amending s. 475.182, F.S.; removing continuing education requirements for licensure renewal as a broker, a broker associate, and a sales associate; amending s. 475.183, F.S.; removing continuing education requirements for licensure renewal due to inactive status; amending ss. 475.25, 475.611, 475.612, 475.614, 475.6145, 475.6147, 475.615, 475.617, 475.6171, 475.618, 475.619, 475.621, 475.6222, 475.6235, 475.624, 475.6245, 475.625, 475.626, 475.627, 475.628, 475.629, 475.630, 475.631, F.S.; revising provisions pertaining to the board to transfer powers, duties, and responsibilities of the board to the Department of Business and Professional Regulation; amending s. 475.613, F.S.; granting certain authority to the department, rather than the Florida Real Estate Appraisal Board; 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. 481.321, F.S.; revising provisions relating to seals and display of certificate number of registered landscape architects; amending s. 499.012, F.S.; revising permit application requirements for sale, transfer, assignment, or lease; 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; creating s. 624.341, F.S.; providing legislative findings; requiring the Department of Law Enforcement to accept and process certain fingerprints; specifying procedures for submitting and processing fingerprints; providing fees for fingerprinting; authorizing the department to exchange certain records with the Office of Insurance Regulation for certain purposes; specifying that fingerprints must be submitted in accordance with certain rules; authorizing fingerprints to be submitted through a third-party vendor authorized by the department; requiring the department to conduct certain background checks; requiring certain background checks to be conducted through the Federal Bureau of Investigation; requiring that fingerprints be submitted and entered into a specified system; specifying who bears the costs of fingerprint processing; requiring the office to review certain background checks results and to make certain determinations; requiring that certain criminal history records be used by the office for certain purposes; amending s. 468.609, F.S.; revising the

standards for certification as a building code inspector or plans examiner; amending s. 471.007, F.S.; providing for abolishment of the Board of Professional Engineers; 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. 473.312, F.S.; conforming provisions to changes made by the act; 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. 474.2021, F.S.; revising requirements relating to prescriptions by veterinarians practicing telehealth; providing licensing authority to the department rather than licensing boards; amending s. 475.17, F.S.; removing postlicensure education requirements for brokers, broker associates, and sales associates; amending ss. 475.175 and 475.180, F.S.; conforming provisions to changes made by the act; amending s. 475.182, F.S.; removing continuing education requirements for licensure renewal as a broker, a broker associate, and a sales associate; amending s. 475.183, F.S.; removing continuing education requirements for licensure renewal due to inactive status; amending ss. 475.25, 475.611, 475.612, 475.614, 475.6145, 475.6147, 475.615, 475.617, 475.6171, 475.618, 475.619, 475.621, 475.6222, 475.6235, 475.624, 475.6245, 475.625, 475.626,

475.627, 475.628, 475.629, 475.630, and 475.631, F.S.; revising provisions pertaining to the board to transfer powers, duties, and responsibilities of the board to the department; amending s. 475.613, F.S.; granting certain authority to the department, rather than the Florida Real Estate Appraisal Board; 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. 481.321, F.S.; revising provisions relating to seals and display of certificate number of registered landscape architects; amending s. 499.012, F.S.; revising permit application requirements for sale, transfer, assignment, or lease; 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; creating s. 624.341, F.S.; providing legislative findings; requiring the Department of Law Enforcement to accept and process certain fingerprints; specifying procedures for submitting and processing fingerprints; providing fees for fingerprinting; authorizing the department to exchange certain records with the Office of Insurance Regulation for certain purposes; specifying that fingerprints must be submitted in accordance with certain rules; authorizing fingerprints to be submitted through a third-party vendor authorized by

the department; requiring the department to conduct certain background checks; requiring certain background checks to be conducted through the Federal Bureau of Investigation; requiring that fingerprints be submitted and entered into a specified system; specifying who bears the costs of fingerprint processing; requiring the office to review certain background check results and to make certain determinations; requiring that certain criminal history records be used by the office for certain purposes; 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. Effective at the termination of any lease in effect on December 31, 2025, the offices of the division shall be located in Tallahassee ~~Gainesville~~. Such a lease may not be extended or renewed.

(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. Effective at the termination of any lease in effect on December 31, 2025, the offices of the division shall be located in Tallahassee ~~Orlando~~. Such a lease may not be extended or renewed.

(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:

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

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

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

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

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

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

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

(h) ~~8. Board of~~ Employee Leasing Companies licensing

program, created under part XI of chapter 468.

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

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

(k) ~~11.~~ Board of Professional Engineers, created under chapter 471.

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

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

(n) ~~14.~~ Home inspection services licensing program, created under part XV of chapter 468.

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

(p) Talent agency licensing program, created under part VII of chapter 468.

(q) The Florida Building Commission, created under chapter 553.

(r) The Community Association Managers licensing program, created under part VIII of chapter 468.

(s) Yacht and ship brokers licensing program, created under chapter 326.

~~(b) The 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, part VII of chapter 559, and chapters 561-569, 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 e-mail, to each person licensed by the department, as promptly as possible after the adjournment sine die of the regular session of the Legislature, 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, 471.0195, 472.007, 472.008, 472.009, 472.017, 472.018, 472.019, 473.303, 474.204, 474.205, 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, 499.01211, 559.9221, and 570.81, Florida Statutes, are repealed.

Section 3. Paragraph (c) of subsection (3) of section 120.54, Florida Statutes, is amended to read:

120.54 Rulemaking.—

(3) ADOPTION PROCEDURES.—

(c) Hearings.—

1. If the intended action concerns any rule other than one relating exclusively to procedure or practice, the agency shall, on the request of any affected person received within 21 days after the date of publication of the notice of intended agency action, give affected persons an opportunity to present evidence and argument on all issues under consideration. The agency may schedule a public hearing on the rule and, if requested by any affected person, shall schedule a public hearing on the rule. When a public hearing is held, the agency must ensure that staff are available to explain the agency's proposal and to respond to questions or comments regarding the rule. If the agency head is a board, licensing program, or commission ~~or other collegial body~~ created under s. 20.165(4) or s. 20.43(3)(g), and one or more requested public hearings is scheduled, the board, licensing program, or commission ~~or other collegial body~~ shall conduct at least one of the public hearings itself and may not delegate this responsibility without the consent of those persons requesting the public hearing. Any material pertinent to the issues under consideration submitted to the agency within 21 days after the date of publication of the notice or submitted to

the agency between the date of publication of the notice and the end of the final public hearing shall be considered by the agency and made a part of the record of the rulemaking proceeding.

2. Rulemaking proceedings shall be governed solely by the provisions of this section unless a person timely asserts that the person's substantial interests will be affected in the proceeding and affirmatively demonstrates to the agency that the proceeding does not provide adequate opportunity to protect those interests. If the agency determines that the rulemaking proceeding is not adequate to protect the person's interests, it shall suspend the rulemaking proceeding and convene a separate proceeding under the provisions of ss. 120.569 and 120.57. Similarly situated persons may be requested to join and participate in the separate proceeding. Upon conclusion of the separate proceeding, the rulemaking proceeding shall be resumed.

Section 4. Paragraph (ttt) 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.

(ttt) *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(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 an 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 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 standards for certificateholders shall include a drug test.

(d) Have had maritime experience satisfactory to the department before ~~board prior to~~ taking the examination required

under s. 310.081(2), as evidenced by documentation of the following service while holding a United States Coast Guard license:

1. At least 2 years of service at sea during the 5-year period immediately preceding the examination, 1 year of which must have been in at least the capacity of an unlimited second mate;

2. At least 2 years of service during the 5-year period immediately preceding the examination in a deepwater United States port as an active first-class unlimited pilot serving on at least an unlimited second mate's license or a license as master of freight and towing vessel of at least 1,600 gross registered tons upon oceans, and acting under authority of a duly constituted governmental regulatory entity;

3. At least 2 years of service during the 5-year period immediately preceding the examination as an active first-class unlimited pilot serving on a Great Lakes unlimited master's license;

4. At least 2 years of towing experience during the 5-year period immediately preceding the examination, 1 year of which must have been in the capacity of master of a tugboat/barge combination of at least 5,000 gross registered tons, combined 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) ~~(c)~~ 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 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 department ~~office of the board~~ or the piloting consultant within 48 hours after ~~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 after ~~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 after ~~of~~ the occurrence in addition to submission of the required written report.

Section 19. 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 20. 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 21. 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 22. 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. "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 23. 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 24. Subsection (1) of section 310.185, Florida Statutes, is amended to read:

310.185 Rulemaking.—

(1) 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.

Section 25. Subsection (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 26. 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 27. 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) INSPECTION OF POLLUTANT STORAGE TANKS.—

(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 28. 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 29. 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 30. 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 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 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 31. 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 32. 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 33. Section 455.203, Florida Statutes, is amended to read:

455.203 Department; powers and duties.—Notwithstanding any other law, for each profession under the jurisdiction of the department, and for the boards under its jurisdiction, the department shall:

(1) Adopt rules establishing a procedure for the ~~biennial~~ renewal of licenses every 4 years~~; however, the department may issue up to a 4-year license to selected licensees~~

~~notwithstanding any other provisions of law to the contrary~~. Fees for such renewal shall not exceed the fee caps for individual professions on an annualized basis as authorized by law.

(2) Appoint the executive director of each board, subject to the approval of the board.

(3) Submit an annual budget to the Legislature at a time and in the manner provided by law.

(4) Develop a training program for persons newly appointed to membership on any board. The program shall familiarize such persons with the substantive and procedural laws and rules and fiscal information relating to the regulation of the appropriate profession and with the structure of the department.

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

(6) Establish by rule procedures by which the department shall use the expert or technical advice of the appropriate board for the purposes of investigation, inspection, evaluation of applications, other duties of the department, or any other areas the department may deem appropriate.

(7) Require all proceedings of any board or panel thereof and all formal or informal proceedings conducted by the department, an administrative law judge, or a hearing officer with respect to licensing or discipline to be electronically recorded in a manner sufficient to assure the accurate

transcription of all matters so recorded.

(8) Select only those investigators, or consultants who undertake investigations, who meet criteria established with the advice of the respective boards.

(9) Work cooperatively with the Department of Revenue to implement an automated method for periodically disclosing information relating to current licensees to the Department of Revenue. The purpose of this subsection is to promote the public policy of this state as established in s. 409.2551. The department shall, when directed by the court or the Department of Revenue pursuant to s. 409.2598, suspend or deny the license of any licensee found not to be in compliance with a support order, subpoena, order to show cause, or written agreement entered into by the licensee with the Department of Revenue. The department shall issue or reinstate the license without additional charge to the licensee when notified by the court or the Department of Revenue that the licensee has complied with the terms of the support order. The department shall not be held liable for any license denial or suspension resulting from the discharge of its duties under this subsection.

(10) Have authority to:

(a) Close and terminate deficient license application files 2 years after the board or the department notifies the applicant of the deficiency; and

(b) Approve applications for professional licenses that

meet all statutory and rule requirements for licensure.

Section 34. Subsections (8) and (9) of section 455.271, Florida Statutes, are amended to read:

455.271 Inactive and delinquent status.—

(8) Each board, or the department when there is no board, shall, by rule, impose an additional fee, not to exceed the ~~biennial~~ renewal fee for an active status license, for processing a licensee's request to change licensure status at any time other than at the beginning of a licensure cycle.

(9) Each board, or the department when there is no board, may, by rule, impose reasonable conditions, excluding full reexamination but including part of a national examination or a special purpose examination to assess current competency, necessary to ensure that a licensee who has been on inactive status for more than one ~~two consecutive biennial~~ licensure cycle ~~cycles~~ and who applies for active status can practice with the care and skill sufficient to protect the health, safety, and welfare of the public. Reactivation requirements may differ depending on the length of time licensees are inactive. The costs to meet reactivation requirements shall be borne by licensees requesting reactivation.

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) and (3) through (7) of section 468.385, Florida Statutes, are amended to read:

468.385 Licenses required; qualifications; examination.—

(1) The department shall license any applicant who ~~the board certifies~~ is 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) A ~~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. Subsection (2) of section 468.3851, Florida Statutes, is amended to read:

468.3851 Renewal of license.—

(2) The department shall adopt a procedure for the ~~biennial~~ renewal of licenses every 4 years.

Section 38. 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 39. Subsections (2) through (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 40. Subsection (1) of section 468.386, Florida Statutes, is amended to read:

468.386 Fees; local licensing requirements.—

(1) 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.

Section 41. 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 42. 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 board~~.

Section 43. 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 44. 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 45. 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 46. 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 ~~attorney's~~ fees or punitive damages awarded.

(4) The department may ~~board 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 47. 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 48. 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 49. 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 50. Subsection (1) of section 468.404, Florida Statutes, is amended to read:

468.404 License; fees; renewals.—

(1) The department shall establish ~~biennial~~ fees for initial licensing, renewal of license every 4 years, and reinstatement of license, none of which fees shall exceed $400. The department may establish a delinquency fee of no more than $50. The fees shall be adequate to proportionately fund the expenses of the department which are allocated to the regulation of talent agencies and shall be based on the department's estimate of the revenue required to administer this part.

Section 51. Subsection (1) of section 468.407, Florida Statutes, is amended to read:

468.407 License; content; posting.—

(1) The talent agency license shall be valid for the ~~biennial~~ period in which issued and shall be in such form as may be determined by the department, but shall at least specify the name under which the applicant is to operate, the address of the place of business, the expiration date of the license, the full names and titles of the owner and the operator, and the number of the license.

Section 52. 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 53. 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 54. 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 55. 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 56. 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 57. 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 58. Section 468.522, Florida Statutes, is amended to read:

468.522 Rules of the department ~~board~~.—The department may ~~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 59. 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 60. 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 department ~~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 61. Subsection (2) and paragraphs (c) through (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 62. 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 63. Subsection (1) of 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.

Section 64. 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 65. 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 66. 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 may not ~~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 67. 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 68. 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 69. 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 70. 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 71. 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. A ~~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 72. 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 73. 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 ~~attorney's~~ fees incurred. The amount awarded may ~~shall~~ not

exceed the limit provided in s. 120.595.

Section 74. Paragraph (a) 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.

(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 75. 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 76. 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 77. 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 78. Subsections (4) and (7) of section 468.8312, Florida Statutes, are amended to read:

468.8312 Fees.—

(4) The ~~biennial~~ renewal fee shall not exceed $200.

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

Section 79. 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~~.

(2) The department shall adopt rules establishing a procedure for the ~~biennial~~ renewal of licenses every 4 years.

Section 80. Subsection (5) of section 468.8412, Florida

Statutes, is amended to read:

468.8412 Fees.—

(5) The fee for a ~~biennial~~ license renewal shall not exceed $400.

Section 81. 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~~.

(2) The department shall adopt rules establishing a procedure for the ~~biennial~~ renewal of licenses every 4 years.

Section 82. 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 83. 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 84. 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 4 ~~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 85. 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 86. 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 87. Subsection (5) of section 471.011, Florida Statutes, is amended to read:

471.011 Fees.—

(5) The ~~biennial~~ renewal fee shall not exceed $125.

Section 88. Subsections (2) and (3) of section 471.017, Florida Statutes, are amended to read:

471.017 Renewal of license.—

(2) The board shall adopt rules establishing a procedure for the ~~biennial~~ renewal of licenses every 4 years.

~~(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 89. Section 471.019, Florida Statutes, is amended to read:

471.019 Reactivation.—The board shall establish by rule a reinstatement process for void licenses. ~~The rule shall prescribe appropriate continuing education requirements for reactivating a license. The continuing education requirements~~

~~for reactivating a license for a licensed engineer may not exceed the continuing education requirements prescribed pursuant to s. 471.017 for each year the license was inactive.~~

Section 90. 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 Board of Professional Engineers rather than the Florida Building Code Administrators and Inspectors licensing program ~~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 91. Subsection (4) of section 472.003, Florida Statutes, is amended to read:

472.003 Persons not affected by ss. 472.001-472.037.—Sections 472.001-472.037 do not apply to:

(4) Persons employed by county property appraisers, as defined at s. 192.001(3), and persons employed by the Department of Revenue, to prepare maps for property appraisal purposes only, but only to the extent that they perform mapping services which do not include any surveying activities as described in s. 472.005(3)(a) and (b) ~~s. 472.005(4)(a) and (b)~~.

Section 92. 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 93. Subsection (1) of section 472.006, Florida Statutes, is amended to read:

472.006 Department; powers and duties.—The department shall:

(1) Adopt rules establishing a procedure for the ~~biennial~~ renewal of licenses every 4 years. ~~However, the department may issue up to a 4-year license to selected licensees notwithstanding any other law to the contrary.~~ Fees for such renewal may not exceed the fee caps for individual professions on an annualized basis as authorized by law.

Section 94. Subsection (5) of section 472.011, Florida Statutes, is amended to read:

472.011 Fees.—

(5) The ~~biennial~~ renewal fee shall not exceed $500.

Section 95. Subsections (7) through (10) of section 472.0202, Florida Statutes, are amended to read:

472.0202 Inactive and delinquent status.—

(7) The board, by rule, shall impose an additional delinquency fee, not to exceed the ~~biennial~~ renewal fee for an active status license, on a delinquent status licensee when such licensee applies for active or inactive status.

(8) The board, by rule, shall impose an additional fee, not to exceed the ~~biennial~~ renewal fee for an active status license, for processing a licensee's request to change licensure status at any time other than at the beginning of a licensure cycle.

(9) The board, by rule, may impose reasonable conditions, excluding full reexamination but including part of a national examination or a special purpose examination to assess current competency, necessary to ensure that a licensee who has been on inactive status for more than one ~~two consecutive biennial~~ licensure cycle ~~cycles~~ and who applies for active status can practice with the care and skill sufficient to protect the health, safety, and welfare of the public. Reactivation requirements may differ depending on the length of time

licensees are inactive. The costs to meet reactivation requirements shall be borne by licensees requesting reactivation.

(10) Before reactivation, an inactive or delinquent licensee shall meet the same continuing education requirements, if any, imposed on an active status licensee for all ~~biennial~~ licensure periods in which the licensee was inactive or delinquent.

Section 96. Subsection (2) of section 472.0203, Florida Statutes, is amended to read:

472.0203 Renewal and cancellation notices.—

(2) Each licensure renewal notification and each notice of pending cancellation of licensure must state conspicuously that a licensee who remains on inactive status for more than one ~~two consecutive biennial~~ licensure cycle ~~cycles~~ and who wishes to reactivate the license may be required to demonstrate the competency to resume active practice by sitting for a special purpose examination or by completing other reactivation requirements, as defined by rule of the board.

Section 97. Section 473.302, Florida Statutes, is amended to read:

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

~~(1) "Board" means the Board of Accountancy.~~

(1)~~(2)~~ "Department" means the Department of Business and Professional Regulation.

(2)~~(3)~~ "Division" means the Division of Certified Public Accounting.

(3)~~(4)~~ "Certified public accountant" means an individual who holds a license to practice public accounting in this state or an individual who is practicing public accounting in this state pursuant to the practice privilege granted in s. 473.3141. The term "Florida certified public accountant" means an individual holding a license under the authority of this chapter.

(4)~~(5)~~ "Firm" means any legal entity that is engaged in the practice of public accounting.

(5)~~(6)~~ "Home office" means the principal headquarters of an entity. An entity may have only one principal headquarters.

(6)~~(7)~~ "Licensed firm" or "public accounting firm" means a sole proprietorship, partnership, corporation, limited liability company, firm, or any other legal entity licensed under s. 473.3101.

(7)~~(8)~~ "Practice of," "practicing public accountancy," or "public accounting" means:

(a) Offering to perform or performing for the public one or more types of services involving the expression of an opinion on financial statements, the attestation as an expert in accountancy to the reliability or fairness of presentation of financial information, the utilization of any form of opinion or financial statements that provide a level of assurance, the

utilization of any form of disclaimer of opinion which conveys an assurance of reliability as to matters not specifically disclaimed, or the expression of an opinion on the reliability of an assertion by one party for the use by a third party;

(b) Offering to perform or performing for the public one or more types of services involving the use of accounting skills, or one or more types of tax, management advisory, or consulting services, by any person who is 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, including the performance of such services by a certified public accountant in the employ of a person or firm;

(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

(d) Offering to perform or performing for the public one or more types of services involving any attestation engagements in accordance with the Statements on Standards for Attestation Engagements.

(8) ~~(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 98. 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 99. 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 100. 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 101. 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 102. 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 103. 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 104. Subsection (2) of section 473.311, Florida Statutes, is amended to read:

473.311 Renewal of license.—

(2) The department shall adopt rules establishing a procedure for the ~~biennial~~ renewal of licenses issued pursuant to this section every 4 years.

Section 105. 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 106. 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 department ~~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 department ~~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 department ~~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 department ~~board~~ by March 15 immediately after the delinquent period.

(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.

(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

nonprofit ~~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.

(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.

(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 107. 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 board~~, the department shall issue a temporary license to the applicant.

Section 108. 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 109. 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 or an~~,~~ 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 or an~~,~~ 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 110. 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 111. 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 112. 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 113. 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 114. 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 board~~ that the disciplined licensee has complied with all of the terms and conditions set forth in the final order.

Section 115. Subsection (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 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 department ~~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 before ~~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 every 4 years.

~~(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 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 may ~~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 thereafter ~~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 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 department ~~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 finds ~~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 department's ~~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 (6) of section 475.451, Florida

Statutes, is amended to read:

475.451 Schools teaching real estate practice.—

(6) Any course prescribed by the commission as a condition precedent to a person's becoming initially licensed as a sales associate or broker may be taught by a real estate school in a classroom or via distance learning pursuant to s. 475.17(2) by a currently permitted instructor from any such school. All other prescribed courses~~, except the continuing education course required by s. 475.182,~~ shall be taught by a currently permitted school instructor personally in attendance at such course or by distance learning pursuant to s. 475.17. ~~The continuing education course required by s. 475.182 may be taught by distance learning pursuant to s. 475.17 or by an equivalent correspondence course; however, any such correspondence course shall be required to have a final examination, prepared and administered by the school or course provider issuing the correspondence course.~~ The continuing education requirements provided in this chapter do not apply to an attorney who is otherwise qualified under this chapter and who is a member in good standing of The Florida Bar.

Section 128. 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 129. 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 130. 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 131. 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 132. 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 133. Section 476.154, Florida Statutes, is amended to read:

476.154 ~~Biennial~~ Renewal of licenses.—

(1) Each licensed barber who continues in active practice or service shall renew her or his license every 4 years ~~biennially~~ and pay the required fee.

(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.

(3)(a) The department shall renew a license upon receipt of the renewal application and fee.

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

Section 134. 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 135. 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 136. 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 137. 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 138. 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 139. 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.~~

(7)~~(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 140. 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 141. 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 142. 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 143. 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 144. 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(5)(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(5)(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(5)(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 145. 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 146. 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 147. 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 may ~~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 148. 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 board,~~ shall prepare and submit a proposed budget in accordance with law.

Section 149. 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 150. 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 151. 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 152. 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 153. 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 154. 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 155. 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 156. Section 481.215, Florida Statutes, is amended to read:

481.215 Renewal of license or certificate of registration.—

(1) ~~Subject to the requirement of subsection (3),~~ The department shall renew a license or certificate of registration upon receipt of the renewal application and renewal fee.

(2) The department shall adopt rules establishing a procedure for the ~~biennial~~ renewal of licenses and certificates of registration every 4 years.

~~(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 157. 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 158. Subsection (2), paragraph (b) of subsection (3), and subsection (5) 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 may ~~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.

Section 159. 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) A ~~No~~ registered architect may not ~~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 secretary of the department ~~executive director of the board~~ and confirm in writing to the secretary ~~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 160. 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 ~~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 161. Paragraphs (a) and (d) 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~~.

Section 162. 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 board~~ that he or she has complied with all of the terms and conditions set forth in the final order.

Section 163. 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 164. 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 165. 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 166. 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 167. 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 168. 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 169. 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 170. Subsections (2) through (5) of section 481.313, Florida Statutes, are amended to read:

481.313 Renewal of license.—

(2) The department shall adopt rules establishing a procedure for the ~~biennial~~ renewal of licenses every 4 years.

~~(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 171. 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 172. 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 173. 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 174. 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 board~~ that she or he has complied with all of the terms and conditions set forth in the final order.

Section 175. 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 Florida Department of Business and Professional Regulation ~~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 176. Subsections (2) through (19) of section 489.105, Florida Statutes, are renumbered as subsections (1) through (18), respectively, and subsection (1) and present subsection (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 177. Section 489.108, Florida Statutes, is amended to read:

489.108 Rulemaking authority.—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 conferring duties upon it.

Section 178. Subsections (1) and (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:

(a) With respect to an applicant for a certificate, the initial application fee may not exceed $150, and, if an examination cost is included in the application fee, the combined amount may not exceed $350. The initial certification fee and the renewal fee may not exceed $250. However, any applicant who seeks certification under this part by taking a practical examination must pay as an examination fee the actual cost incurred by the department in developing, preparing, administering, scoring, score reporting, and evaluating the examination, if the examination is conducted by the department.

(b) With respect to an applicant for registration, the initial application fee may not exceed $100, and the initial registration fee and the renewal fee may not exceed $200.

(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.

(d) With respect to an application for registration or certification to qualify a business organization, the initial application fee and the renewal fee shall be $50.

(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 179. 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 180. 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 181. 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 182. 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 the licensee's initial 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 183. 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 184. Paragraph (c) of subsection (4) of section

489.115, Florida Statutes, is redesignated as paragraph (b), and paragraph (a) of subsection (2), subsection (3), present paragraph (b) of subsection (4), and subsections (5) through (9) of that section 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)-(8) ~~(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~~

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

~~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 of Business and Professional Regulation ~~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~~.

~~(8) If a certificateholder or registrant holds a license under both this part and part II and is required to have continuing education courses under s. 489.517(3), the certificateholder or registrant may apply those course hours for workers' compensation, workplace safety, and business practices obtained under part II to the requirements under this part.~~

(8)~~(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 of Business and Professional Regulation shall ~~and the 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 185. Subsections (7) and (8) of section 489.116, Florida Statutes, are renumbered as subsections (6) and (7), respectively, and subsections (2) through (6) and present subsection (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 186. 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 187. 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 188. Paragraphs (b), (c), and (e) of subsection (2), paragraph (a) of subsection (3), paragraphs (a), (b), and (e) of subsection (5), subsection (6), and paragraph (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)

(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 189. 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 190. 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 191. 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 192. 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 193. Section 489.129, Florida Statutes, is 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.

(10) If a business organization or any of its partners, officers, directors, trustees, or members is or has previously been fined for violating subsection (2) or s. 489.132, the board may, on that basis alone, revoke, suspend, place on probation, or deny issuance of a certificate or registration to a qualifying agent or financially responsible officer of that business organization.

(11)(a) Notwithstanding the provisions of chapters 120 and 455, upon receipt of a legally sufficient consumer complaint alleging a violation of this part, the department may provide by rule for binding arbitration between the complainant and the certificateholder or registrant, provided the following conditions exist:

1. There is evidence that the complainant has suffered or is likely to suffer monetary damages resulting from the violation of this part;

2. The certificateholder or registrant does not have a history of repeated or similar violations;

3. Reasonable grounds exist to believe that the public interest will be better served by arbitration than by disciplinary action; and

4. The complainant and certificateholder or registrant

have not previously entered into private arbitration, and no civil court action based on the same transaction has been filed.

(b) The certificateholder or registrant and the complainant may consent in writing to binding arbitration within 15 days following notification of this process by the department. The department may suspend all action in the matter for 45 days when notice of consent to binding arbitration is received by the department. If the arbitration process is successfully concluded within the 60-day period, the department may close the case file with a notation of the disposition and the licensee's record shall reflect only that a complaint was filed and resolved through arbitration.

(c) Where a complaint meets the criteria for arbitration set forth in paragraph (a) and the damages at issue are less than $2,500, the department shall refer the complaint for mandatory arbitration.

(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 194. 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 department ~~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 contractor ~~member or practitioner of a profession regulated by the 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 195. 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 196. 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 197. 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 198. Paragraphs (c) through (l) of subsection (1)

of section 489.1402, Florida Statutes, are redesignated as paragraphs (b) through (k), respectively, and paragraph (b) and present paragraph (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.~~

(c)~~(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 199. 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 200. 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 201. 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 202. 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 203. 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 204. 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 205. Subsections (4) through (29) of section 489.505, Florida Statutes, are renumbered as subsections (3) through (28), respectively, and subsection (3) and present subsections (14), (15), (19), and (23) of that section are amended to read:

489.505 Definitions.—As used in this part:

~~(3) "Board," except "local board," means the Electrical Contractors' Licensing Board created by this part.~~

(13)~~(14)~~ "Primary qualifying agent" means a person who possesses the requisite skill, knowledge, and experience, and has the responsibility, to supervise, direct, manage, and control the electrical or alarm system contracting activities of the business organization with which he or she is connected; and whose technical and personal qualifications have been determined by investigation and examination as provided in this part by the department, as attested to by the department ~~board~~; and who has been issued a certificate of competency by the department.

(14)~~(15)~~ "Secondary qualifying agent" means a person who possesses the requisite skill, knowledge, and experience, and has the responsibility to supervise, direct, manage, and control the electrical or alarm system contracting activities on a job for which he or she has obtained a permit; and whose technical and personal qualifications have been determined by investigation and examination as provided in this part by the department, as attested to by the department ~~board~~; and who has

been issued a certificate of competency by the department.

(18) ~~(19)~~ "Specialty contractor" means a contractor whose scope of practice is limited to a specific segment of electrical or alarm system contracting established in a category adopted by department ~~board~~ rule, including, but not limited to, residential electrical contracting, maintenance of electrical fixtures, and fabrication, erection, installation, and maintenance of electrical and nonelectrical advertising signs together with the interrelated parts and supports thereof.

(22) ~~(23)~~ "Registered residential alarm system contractor" means an alarm system contractor whose business is limited to burglar alarm systems in single-family residential, quadruplex housing, and mobile homes of a residential occupancy class and who is registered with the department pursuant to s. 489.513. The department ~~board~~ shall define "residential occupancy class" by rule. A registered residential alarm system contractor may contract only in the jurisdiction for which his or her registration is issued.

Section 206. 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 207. 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 208. 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 209. 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 210. 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 211. Section 489.515, Florida Statutes, is 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.

(5) A certificate or registration is not transferable.

Section 212. 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 213. 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 214. Subsections (4), (5), and (6) of section 489.517, Florida Statutes, are renumbered as subsections (3), (4), and (5), respectively, and present subsections (3), (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.

~~(6) The 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 215. Subsection (6) of section 489.518, Florida Statutes, is renumbered as subsection (5), and paragraph (b) of subsection (1), paragraphs (b) and (d) of subsection (4), and

subsection (5) of that section 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 4 ~~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 4 ~~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 216. 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 4 ~~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 217. Subsection (4) of section 489.519, Florida Statutes, is renumbered as subsection (3), and subsection (1) and present subsection (3) of that section 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 218. 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 219. 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 220. 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 221. 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 222. 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 223. Subsections (2) through (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 board's decision 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 224. 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 225. 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 226. 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 227. 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 228. Section 492.104, Florida Statutes, is amended to read:

492.104 Rulemaking authority.—The department may ~~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 229. 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 230. 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 231. 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 232. 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 233. 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 234. Subsection (2) of section 492.109, Florida Statutes, is amended to read:

492.109 Renewal of license; fees.—

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

Section 235. 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 236. 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 237. 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 238. Subsections (11) and (12) of section 493.6101, Florida Statutes, are amended to read:

493.6101 Definitions.—

(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" provisional licensee ~~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) "Provisional licensee" ~~"Intern"~~ means an individual who studies as a trainee or apprentice under the direction and control of a designated sponsoring licensee.

Section 239. 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:~~

~~(a) The proposed name under which the agency intends to~~

~~operate.~~

~~(b) The street address, mailing address, and telephone numbers of the principal location at which business is to be conducted in this state.~~

~~(c) The street address, mailing address, and telephone numbers of all branch offices within this state.~~

~~(d) The names and titles of all partners or, in the case of a corporation, the names and titles of its principal officers.~~

Section 240. 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 241. Subsections (4), (5), and (6) of section 493.6111, Florida Statutes, are renumbered as subsections (3), (4), and (5), respectively, and subsection (2) and present subsection (3) of that section are amended to read:

493.6111 License; contents; identification card.—

(2) Licenses shall be valid for a period of 4 ~~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 242. Subsection (1) and paragraph (b) of subsection (3) of section 493.6113, Florida Statutes, are amended to read:

493.6113 Renewal application for licensure.—

(1) A license granted under the provisions of this chapter shall be renewed every 4 years ~~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~~.

(3) Each licensee is responsible for renewing his or her license on or before its expiration by filing with the department an application for renewal accompanied by payment of the renewal fee and the fingerprint retention fee to cover the cost of ongoing retention in the statewide automated biometric identification system established in s. 943.05(2)(b). Upon the first renewal of a license issued under this chapter before January 1, 2017, the licensee shall submit a full set of fingerprints and fingerprint processing fees to cover the cost of entering the fingerprints into the statewide automated biometric identification system pursuant to s. 493.6108(4)(a) and the cost of enrollment in the Federal Bureau of Investigation's national retained print arrest notification program. Subsequent renewals may be completed without submission of a new set of fingerprints.

(b) Each Class "G" licensee shall additionally submit proof that he or she has received during each year of the license period a minimum of 4 hours of firearms requalification training taught by a Class "K" licensee and has complied with

such other health and training requirements that the department shall adopt by rule. Proof of completion of firearms requalification training shall be submitted to the department upon completion of the training. A Class "G" licensee must successfully complete this requalification training for each type and caliber of firearm carried in the course of performing his or her regulated duties. At the discretion of a Class "K" instructor, a Class "G" licensee may qualify for up to two calibers of firearms in one 4-hour firearm requalification class if the licensee successfully completes training for each firearm, including a separate course of fire for each caliber of firearm. If the licensee fails to complete the required 4 hours of annual training during the first year of the 2-year term of the license, the license is automatically suspended. The licensee must complete the minimum number of hours of range and classroom training required at the time of initial licensure and submit proof of completion of such training to the department before the license may be reinstated. If the licensee fails to complete the required 4 hours of annual training during the second year of the 4-year ~~2-year~~ term of the license, the licensee must complete the minimum number of hours of range and classroom training required at the time of initial licensure and submit proof of completion of such training to the department before the license may be renewed. The department may waive the firearms training requirement if:

1. The applicant provides proof that he or she is currently certified as a law enforcement officer or correctional officer under the Criminal Justice Standards and Training Commission and has completed law enforcement firearms requalification training annually during the previous 4 years ~~2 years~~ of the licensure period;

2. The applicant provides proof that he or she is currently certified as a federal law enforcement officer and has received law enforcement firearms training administered by a federal law enforcement agency annually during the previous 4 years ~~2 years~~ of the licensure period;

3. The applicant submits a valid firearm certificate among those specified in s. 493.6105(6)(a) and provides proof of having completed requalification training during the previous 4 years ~~2 years~~ of the licensure period; or

4. The applicant provides proof that he or she has completed annual firearms training in accordance with the requirements of the federal Law Enforcement Officers Safety Act under 18 U.S.C. ss. 926B-926C.

Section 243. Section 493.6116, Florida Statutes, is amended to read:

493.6116 Sponsorship of provisional licensees ~~interns~~.—

(1) Only licensees may sponsor provisional licensees ~~interns~~. A Class "C," Class "M," or Class "MA" licensee may sponsor a Class "CC" provisional licensees ~~private investigator~~

~~intern; a Class "E" or Class "MR" licensee may sponsor a Class "EE" recovery agent intern~~.

(2) Provisional licensure ~~An internship~~ may not commence until the sponsor has submitted to the department the notice of intent to sponsor. Such notice shall be on a form provided by the department.

(3) Provisional licensure ~~Internship is~~ intended to serve as a learning process. Sponsors shall assume a training status by providing direction and control of provisional licensees ~~interns~~. Sponsors shall not allow provisional licensees ~~interns~~ to operate independently of such direction and control or require provisional licensees ~~interns~~ to perform activities that do not enhance the provisional licensee's ~~intern's~~ qualification for licensure. Provisional licensees ~~Interns~~ must perform regulated duties within the boundaries of this state during the period of provisional licensure ~~internship~~.

(4) No sponsor may sponsor more than six provisional licensees ~~interns~~ at the same time.

(5) A sponsor ~~shall certify a biannual progress report on each intern and~~ shall certify completion or termination of provisional licensure ~~an internship~~ to the department within 15 days after such completion or termination. The report must be made on a form provided by the department and must include at a minimum:

(a) The inclusive dates of the provisional licensure

~~internship~~.

(b) A narrative part explaining the primary duties, types of experiences gained, and the scope of training received.

(c) An evaluation of the performance of the provisional licensee ~~intern~~ and a recommendation regarding future licensure.

Section 244. 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 provisional private investigator ~~intern~~ or to certify completion or termination of an provisional private investigator ~~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 245. 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 an ~~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 unlawful ~~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 an ~~a licensed~~ agency or a school or training facility during the

period of suspension.

Section 246. 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 provisional private investigators ~~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 247. 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 all locations ~~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.~~

(2)~~(5)~~ Any individual who performs the services of a private investigator shall have a Class "C" license.

(3)~~(6)~~ Any individual who performs private investigative work as an provisional private investigator ~~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.

(4)~~(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.

(5)~~(8)~~ A Class "C" or Class "CC" licensee may perform bodyguard services without obtaining a Class "D" license.

Section 248. 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 a ~~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.~~

(b)~~(d)~~ Class "C" license—private investigator: $75.

(c)~~(e)~~ Class "CC" license—provisional 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~~,~~" Class "C," or 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~~,~~" or 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 249. Section 493.6203, Florida Statutes, is 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).~~

(2)~~(4)~~ An applicant for a Class "C" license shall have 6 months ~~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 provisional private investigator ~~intern~~.

However, experience in performing bodyguard services is not creditable toward the requirements of this subsection.

(3)~~(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~~,~~" or 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.

(4)(a)~~(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.

(5) ~~(7)~~ In addition to any other requirement, an applicant

for a Class "G" license shall satisfy the firearms training set forth in s. 493.6115.

Section 250. Section 493.6301, Florida Statutes, is 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.~~

(2)~~(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.

(3)~~(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.

(4)~~(7)~~ Any person who operates a security officer school or training facility must have a Class "DS" license.

(5)~~(8)~~ Any individual who teaches or instructs at a Class "DS" security officer school or training facility must have a Class "DI" license.

Section 251. 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 252. Subsections (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:

~~(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 253. Subsection (1) of section 493.6304, Florida Statutes, is amended to read:

493.6304 Security officer school or training facility.—

(1) Any school, training facility, or instructor who offers the training specified in s. 493.6303(2) ~~s. 493.6303(4)~~ for Class "D" applicants shall, before licensure of such school, training facility, or instructor, file with the department an application accompanied by an application fee in an amount to be determined by rule, not to exceed $60. The fee is not refundable.

Section 254. Subsection (2) of section 493.631, Florida Statutes, is amended to read:

493.631 Temporary detention by a licensed security officer or licensed security agency manager at critical infrastructure facilities.—

(2) As used in this section, the terms "security officer" and "security agency manager" mean a security officer or security agency manager who possess a valid Class "D" ~~or Class "MB"~~ license pursuant to s. 493.6301 and a valid Class "G" license pursuant to s. 493.6115.

Section 255. Section 493.6401, Florida Statutes, is 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 any ~~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.~~

(2)~~(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.~~

(3)~~(6)~~ Class "E" ~~or Class "EE"~~ licensees shall own or be an employee of a Class "R" agency ~~or branch office~~.

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

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

Section 256. 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.~~

(b)~~(d)~~ Class "E" license—recovery agent: $75.

~~(e) Class "EE" license—recovery agent intern: $60.~~

(c)~~(f)~~ Class "RS" license—recovery agent school or training facility: $60.

(d)~~(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 257. 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.~~

(b)~~(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, 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 258. Subsection (1) of section 493.6406, Florida Statutes, is amended to read:

493.6406 Recovery agent school or training facility.—

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

training, Internet-based training, or correspondence training.

Section 259. Paragraph (b) of subsection (1) of section 499.067, Florida Statutes, is amended to read:

499.067 Denial, suspension, or revocation of permit, certification, or registration.—

(1)

(b) The department may deny an application for a permit or certification, or suspend or revoke a permit or certification, if the department finds that:

1. The applicant is not of good moral character or that it would be a danger or not in the best interest of the public health, safety, and welfare if the applicant were issued a permit or certification.

2. The applicant has not met the requirements for the permit or certification.

3. The applicant is not eligible for a permit or certification for any of the reasons enumerated in s. 499.012.

4. The applicant~~,~~ or permittee~~, or person certified under s. 499.012(15)~~ demonstrates any of the conditions enumerated in s. 499.012.

5. The applicant~~,~~ or permittee~~, or person certified under s. 499.012(15)~~ has committed any violation of this chapter.

Section 260. Subsection (2) of section 501.015, Florida Statutes, is amended to read:

501.015 Health studios; registration requirements and

fees.—Each health studio shall:

(2) Remit a ~~an annual~~ registration fee every 4 years of $300 to the department at the time of registration for each of the health studio's business locations.

(a) The department shall waive the initial registration fee for an honorably discharged veteran of the United States Armed Forces, the spouse or surviving spouse of such a veteran, a current member of the United States Armed Forces who has served on active duty, the spouse of such a member, the surviving spouse of a member of the United States Armed Forces if the member died while serving on active duty, or a business entity that has a majority ownership held by such a veteran or spouse or surviving spouse if the department receives an application, in a format prescribed by the department. The application format must include the applicant's signature, under penalty of perjury, and supporting documentation. To qualify for the waiver:

1. A veteran must provide to the department 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;

2. The spouse or surviving spouse of a veteran must provide to the department a copy of the veteran's 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, and a copy of a valid marriage license or certificate verifying that he or she was lawfully married to the veteran at the time of discharge; or

3. A business entity must provide to the department proof that a veteran or the spouse or surviving spouse of a veteran holds a majority ownership in the business, a copy of the veteran's 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, and, if applicable, a copy of a valid marriage license or certificate verifying that the spouse or surviving spouse of the veteran was lawfully married to the veteran at the time of discharge.

(b) The department shall waive the registration renewal fee for a registrant who:

1. Is an active duty member of the United States Armed Forces or the spouse of such member;

2. Is or was a member of the United States Armed Forces and served on active duty within the 2 years preceding the renewal date. To qualify for the fee waiver, a registrant who is a former member of the United States Armed Forces who served on active duty within the 2 years preceding the expiration date of the registration must have received an honorable discharge upon separation or discharge from the United States Armed Forces; or

3. Is the surviving spouse of a member of the United States Armed Forces if the member was serving on active duty at

the time of death and died within the 2 years preceding the date of renewal.

A registrant seeking such waiver must apply in a format prescribed by the department, including the applicant's signature, under penalty of perjury, and supporting documentation.

Section 261. Subsections (1) and (5) of section 501.609, Florida Statutes, are amended to read:

501.609 License renewal.—

(1) Each person licensed under the provisions of this part must renew his or her license every 4 years ~~annually~~ by paying the fee for licensing and submitting to the department the application required by this part.

(5) The department shall waive the ~~annual~~ fee to renew for a licensee who:

(a) Is an active duty member of the United States Armed Forces or the spouse of such member;

(b) Is or was a member of the United States Armed Forces, and served on active duty within the 2 years preceding the renewal date. To qualify for the fee waiver, a licensee who is a former member of the United States Armed Forces who served on active duty within the 2 years preceding the expiration date of the registration must have received an honorable discharge upon separation or discharge from the United States Armed Forces; or

(c) Is the surviving spouse of a member of the United States Armed Forces if the member was serving on active duty at the time of death and died within the 2 years preceding the renewal.

A licensee seeking such waiver must apply in a format prescribed by the department, including the applicant's signature, under penalty of perjury, and supporting documentation.

Section 262. Subsection (4) of section 507.03, Florida Statutes, is amended to read:

507.03 Registration.—

(4) A registration must be renewed every 4 years ~~biennially~~ on or before its expiration date. In order to establish staggered expiration dates, the department may extend the expiration date of a registration for a period not to exceed 12 months.

Section 263. 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 264. 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 265. Section 527.03, Florida Statutes, is amended to read:

527.03 Renewal of license.—All licenses required under this chapter shall be renewed every 4 years ~~annually, biennially, or triennially, as elected by the licensee,~~ subject to the license fees prescribed in s. 527.02. All renewals must

meet the same requirements and conditions as an annual license for each licensed year. Any license allowed to expire will become inoperative because of failure to renew. The fee for restoration of a license is equal to the original license fee and must be paid before the licensee may resume operations.

Section 266. Paragraph (c) of subsection (3) of section 539.001, Florida Statutes, is amended to read:

539.001 The Florida Pawnbroking Act.—

(3) LICENSE REQUIRED.—

(c) Each license is valid for a period of 4 years ~~1 year~~ unless it is earlier relinquished, suspended, or revoked. Each license shall be renewed every 4 years ~~annually~~, and each licensee shall~~,~~ initially ~~and annually thereafter,~~ pay to the agency a license fee of $300 for each license held. The agency shall waive the initial license fee for an honorably discharged veteran of the United States Armed Forces, the spouse or surviving spouse of such a veteran, a current member of the United States Armed Forces who has served on active duty, the spouse of such a member, the surviving spouse of a member of the United States Armed Forces if the member died while serving on active duty, or a business entity that has a majority ownership held by such a veteran or spouse or surviving spouse if the agency receives an application, in a format prescribed by the agency. The application format must include the applicant's signature, under penalty of perjury, and supporting

documentation. To qualify for the waiver:

1. A veteran must provide to the agency 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;

2. The spouse or surviving spouse of a veteran must provide to the agency a copy of the veteran's 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, and a copy of a valid marriage license or certificate verifying that he or she was lawfully married to the veteran at the time of discharge; or

3. A business entity must provide to the agency proof that a veteran or the spouse or surviving spouse of a veteran holds a majority ownership in the business, a copy of the veteran's 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, and, if applicable, a copy of a valid marriage license or certificate verifying that the spouse or surviving spouse of the veteran was lawfully married to the veteran at the time of discharge.

Section 267. Subsection (10) of section 553.79, Florida Statutes, is amended to read:

553.79 Permits; applications; issuance; inspections.—

(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.

Section 268. 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 269. 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 270. Subsections (2), (5), and (8) of section 559.904, Florida Statutes, are amended to read:

559.904 Motor vehicle repair shop registration; application; exemption.—

(2) Any motor vehicle repair shop maintaining more than one place of business may file a single application every 4 years ~~biennially~~, which, along with the other information required by this part, clearly indicates the location of and the individual in charge of each facility or in the case of a mobile motor vehicle repair shop, the home address of the owner, if different from the business address. In such case, fees shall be paid for each place of business.

(5) No ~~biennial~~ registration fee is required for any motor vehicle repair shop which has a local municipal or county

license issued pursuant to an ordinance containing standards which the department determines are at least equal to the requirements of this part, or for any motor vehicle dealer licensed pursuant to chapter 320.

(8) Each registration must be renewed ~~biennially~~ on or before the expiration date of the current registration. A late fee of $25 shall be paid, in addition to the registration fee or any other penalty, for any registration renewal application that is received by the department after the expiration date of the current registration. The department may not issue the registration until all fees are paid.

Section 271. Subsection (3) of section 559.928, Florida Statutes, is amended to read:

559.928 Registration.—

(3) Each independent agent shall ~~annually~~ file an application with the department every 4 years before engaging in business in this state. This application must include the independent agent's full name, legal business or trade name, mailing address, business address, telephone number, and the name and address of each seller of travel represented by the independent agent. A letter evidencing proof of filing must be issued by the department and must be prominently displayed in the independent agent's primary place of business. Each independent agent must also submit a ~~an annual~~ registration fee of $50. All moneys collected pursuant to the imposition of the

fee shall be deposited by the Chief Financial Officer into the General Inspection Trust Fund of the Department of Agriculture and Consumer Services for the sole purpose of administrating this part. As used in this subsection, the term "independent agent" means a person who represents a seller of travel by soliciting persons on its behalf; who has a written contract with a seller of travel which is operating in compliance with this part and any rules adopted thereunder; who does not receive a fee, commission, or other valuable consideration directly from the purchaser for the seller of travel; who does not at any time have any unissued ticket stock or travel documents in his or her possession; and who does not have the ability to issue tickets, vacation certificates, or any other travel document. The term "independent agent" does not include an affiliate of the seller of travel, as that term is used in s. 559.935(3), or the employees of the seller of travel or of such affiliates.

Section 272. 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 273. 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 274. 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 275. Subsection (4) of section 259.1053, Florida Statutes, 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 276. 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 277. Paragraph (a) of subsection (3) of section

455.02, Florida Statutes, is amended 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.—

(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 for those professions that require fingerprints for initial licensure.

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 278. 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 279. Subsection (4) is added to section 471.007, Florida Statutes, to read:

471.007 Board of Professional Engineers.—

(4) The board is abolished July 1, 2033.

Section 280. Subsection (3) of section 471.015, Florida Statutes, is amended to read:

471.015 Licensure.—

(3) The 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 department and holds an active Council Record with the National Council of Examiners for Engineering and Surveying.

Section 281. Effective January 1, 2027, 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~~.

(d) ~~(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 282. 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 283. Section 473.312, Florida Statutes, is amended to read:

473.312 Continuing education.—

(1)(a) As part of the license renewal procedure, the department ~~board~~ shall by rule require Florida certified public accountants to submit proof satisfactory to the department ~~board~~ that during the 2 years before ~~prior to~~ application for renewal, they have successfully completed not less than 48 or more than 80 hours of continuing professional education programs in public accounting subjects approved by the department ~~board~~. The department ~~board~~ may prescribe by rule additional continuing professional education hours, not to exceed 25 percent of the total hours required, for failure to complete the hours required for renewal by the end of the reestablishment period.

(b) Not less than 10 percent of the total hours required

by the department ~~board~~ shall be in accounting-related and auditing-related subjects, as distinguished from federal and local taxation matters and management services.

(c) Not less than 5 percent of the total hours required by the department ~~board~~ shall be in ethics applicable to the practice of public accounting. This requirement shall be administered by providers approved by the department ~~board~~, and a majority of the hours shall include a review of ~~the provisions of~~ chapter 455 and this chapter and the related administrative rules.

(2) Programs of continuing professional education approved by the department ~~board~~ shall be formal programs of learning which contribute directly to the professional competency of an individual following licensure to practice public accounting and may be any of the following:

(a) Professional development programs of the American Institute of Certified Public Accountants, state societies of certified public accountants, or other organizations.

(b) Technical sessions at meetings of the American Institute of Certified Public Accountants, state societies, chapters, or other organizations.

(c) University and college courses.

(d) Formal organized in-firm education programs.

(3) The department ~~board~~ shall adopt rules establishing the continuing education requirements for Florida certified

public accountants who are engaged in the audit of a governmental entity. The department ~~board~~ shall approve subjects directly related to the governmental environment and to governmental auditing for purposes of satisfying the requirement of this subsection.

(4) For the purposes of maintaining proper continuing education requirements for renewal of licensure under this chapter, the department ~~board~~ may appoint a Continuing Professional Education Advisory Committee, which shall be composed of one member of the department ~~board~~, one academician on the faculty of a university in this state, and six certified public accountants.

Section 284. Effective January 1, 2027, 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 285. Subsection (3) and paragraph (e) of subsection (4) of section 474.2021, Florida Statutes, are 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.

(4) A veterinarian practicing veterinary telehealth:

(e) Shall prescribe all drugs and medications in accordance with all federal and state laws and the following requirements:

1. A veterinarian practicing veterinary telehealth may order, prescribe, or make available medicinal drugs or drugs specifically approved for use in animals by the United States Food and Drug Administration, the use of which conforms to the approved labeling. Prescriptions based solely on a telehealth evaluation may be issued for up to 1 year ~~month~~ for products labeled solely for flea and tick control and up to 14 days of treatment for other animal drugs. Prescriptions based solely on a telehealth evaluation may not be renewed without an in-person examination.

2. A veterinarian practicing veterinary telehealth may not order, prescribe, or make available medicinal drugs or drugs as defined in s. 465.003 approved by the United States Food and Drug Administration for human use or compounded antibacterial, antifungal, antiviral, or antiparasitic medications, unless the veterinarian has conducted an in-person physical examination of the animal or made medically appropriate and timely visits to

the premises where the animal is kept.

3. A veterinarian may not use veterinary telehealth to prescribe a controlled substance as defined in chapter 893 unless the veterinarian has conducted an in-person physical examination of the animal or made medically appropriate and timely visits within the past year to the premises where the animal is kept.

4. A veterinarian practicing veterinary telehealth may not prescribe a drug or other medication for use on a horse engaged in racing or training at a facility under the jurisdiction of the Florida Gaming Control Commission or on a horse that is a covered horse as defined in the federal Horseracing Integrity and Safety Act, 15 U.S.C. ss. 3051 et seq.;

Section 286. Subsections (3) through (7) of section 475.17, Florida Statutes, are amended to read:

475.17 Qualifications for practice.—

~~(3)(a) The commission may prescribe a postlicensure education requirement in order for a person to maintain a valid sales associate's license, which shall not exceed 45 classroom hours of 50 minutes each, inclusive of examination, prior to the first renewal following initial licensure. If prescribed, this shall consist of one or more commission-approved courses which total at least 45 classroom hours on one or more subjects which include, but are not limited to, property management, appraisal, real estate finance, the economics of real estate management,~~

~~marketing, technology, sales and listing of properties, business office management, courses teaching practical real estate application skills, development of business plans, marketing of property, and time management. Required postlicensure education courses must be provided by an accredited college, university, or community college, by a career center, by a registered real estate school, or by a commission-approved sponsor.~~

~~(b) Satisfactory completion of the postlicensure education requirement is demonstrated by successfully meeting all standards established for the commission-prescribed or commission-approved institution or school. However, notice of satisfactory completion shall not be issued if the student has absences in excess of 10 percent of the required classroom hours or has not satisfactorily completed a timed distance learning course examination.~~

~~(c) The license of any sales associate who does not complete the postlicensure education requirement prior to the first renewal following initial licensure shall be considered null and void. Such person wishing to again operate as a real estate sales associate must requalify by satisfactorily completing the sales associate's prelicensure course and passing the state examination for licensure as a sales associate.~~

~~(d) A sales associate who is required to complete any postlicensure education requirement must complete any postlicensure education requirement and hold a current and valid~~

~~license in order to be eligible for licensure as a broker.~~

~~(4)(a) The commission may prescribe a postlicensure education requirement in order for a person to maintain a valid broker's license, which shall not exceed 60 classroom hours of 50 minutes each, inclusive of examination, prior to the first renewal following initial licensure. If prescribed, this shall consist of one or more commission-approved courses which total at least 60 classroom hours on one or more subjects which include, but are not limited to, advanced appraisal, advanced property management, real estate marketing, business law, advanced real estate investment analyses, advanced legal aspects, general accounting, real estate economics, syndications, commercial brokerage, feasibility analyses, advanced real estate finance, residential brokerage, advanced marketing, technology, advanced business planning, time management, or real estate brokerage office operations. Required postlicensure education courses must be provided by an accredited college, university, or community college, by a career center, by a registered real estate school, or by a commission-approved sponsor.~~

~~(b) Satisfactory completion of the postlicensure education requirement is demonstrated by successfully meeting all standards established for the commission-prescribed or commission-approved institution or school. However, notice of satisfactory completion shall not be issued if the student has~~

~~absences in excess of 10 percent of the required classroom hours or has not satisfactorily completed a timed distance learning course examination.~~

~~(c) The license of any broker who does not complete the postlicensure education requirement prior to the first renewal following initial licensure shall be considered null and void. If the licensee wishes to operate as a sales associate, she or he may be issued a sales associate's license after providing proof that she or he has satisfactorily completed the 14-hour continuing education course within the 6 months following expiration of her or his broker's license. To operate as a broker, the licensee must requalify by satisfactorily completing the broker's prelicensure course and passing the state examination for licensure as a broker.~~

~~(5)(a) The commission may allow an additional 6-month period after the first renewal following initial licensure for completing the postlicensure education courses for sales associates and brokers who cannot, due to individual physical hardship, as defined by rule, complete the courses within the required time.~~

~~(b) Except as provided in subsection (4), sales associates and brokers are not required to meet the 14-hour continuing education requirement prior to the first renewal following initial licensure.~~

~~(c)1. A distance learning course or courses shall be~~

~~approved by the commission as an option to classroom hours as satisfactory completion of the postlicensure education course or courses as required by this section. The schools or sponsors authorized by this section have the option of providing classroom courses, distance learning courses, or both. However, satisfactory completion of a distance learning postlicensure education course or courses requires the satisfactory completion of a timed distance learning course examination. Such examination shall not be required to be monitored or given at a centralized location.~~

~~2. The commission shall provide for postlicensure education courses to be made available by correspondence or other suitable means to any person who, by reason of hardship, as defined by rule, cannot attend the place or places where courses are regularly conducted or does not have access to the distance learning courses.~~

(3) ~~(6)~~ The postlicensure education requirements of this section, and the education course requirements for one to become initially licensed, do not apply to any applicant or licensee who has received a 4-year degree, or higher, in real estate from an accredited institution of higher education.

(4) ~~(7)~~ The commission may not approve prelicensure or postlicensure distance learning courses for brokers, broker associates, and sales associates by correspondence methods, except in instances of hardship pursuant to subparagraphs

(2)(a)3. and (5)(c)2.

Section 287. Subsection (2) of section 475.175, Florida Statutes, is amended to read:

475.175 Examinations.—

(2) Each accredited college, university, community college, or registered real estate school shall notify the department ~~commission~~ of the names of all persons who have satisfactorily completed the educational requirements provided for in s. 475.17(2)~~, (3), and (4)~~ in a manner prescribed by the department ~~commission~~. Furthermore, each such educational institution shall provide to each person satisfactorily completing the educational requirements provided for in s. 475.17(2)~~, (3), and (4)~~ a certificate as proof of such satisfactory completion.

Section 288. Subsection (1) of section 475.180, Florida Statutes, is amended to read:

475.180 Nonresident licenses.—

(1) Notwithstanding the prelicensure requirements set forth under ss. 475.17(2) and (3) ~~(6)~~ and 475.175, the department ~~commission~~ in its discretion may enter into written agreements with similar licensing authorities of other states, territories, or jurisdictions of the United States or foreign national jurisdictions to ensure for Florida licensees nonresident licensure opportunities comparable to those afforded to nonresidents by this section. Whenever the department

~~commission~~ determines that another jurisdiction does not offer nonresident licensure to Florida licensees substantially comparable to those afforded to licensees of that jurisdiction by this section, the department ~~commission~~ shall require licensees of that jurisdiction who apply for nonresident licensure to meet education, experience, and examination requirements substantially comparable to those required by that jurisdiction with respect to Florida licensees who seek nonresident licensure, not to exceed such requirements as prescribed in ss. 475.17(2) and (3) ~~(6)~~ and 475.175.

Section 289. Subsection (1) of section 475.182, Florida Statutes, is amended to read:

475.182 Renewal of license~~; continuing education~~.—

(1)~~(a)~~ The department shall renew a license upon receipt of the renewal application and fee. ~~The renewal application for an active license as broker, broker associate, or sales associate shall include proof satisfactory to the commission that the licensee has, since the issuance or renewal of her or his current license, satisfactorily completed at least 14 classroom hours of 50 minutes each of a continuing education course during each biennium of a license period, as prescribed by the commission. Approval or denial of a specialty course must be based on the extent to which the course content focuses on real estate issues relevant to the modern practice of real estate by a real estate licensee, including technology used in~~

~~the real estate industry. The commission may accept as a substitute for such continuing education course, on a classroom-hour-for-classroom-hour basis, any satisfactorily completed education course that the commission finds is adequate to educate licensees within the intent of this section, including an approved distance learning course. However, the commission may not require, for the purpose of satisfactorily completing an approved correspondence or distance learning course, a written examination that is to be taken at a centralized location and is to be monitored.~~

~~(b) The commission may accept as a substitute for 3 classroom hours, one time per renewal cycle, attendance at one legal agenda session of the commission. In order to obtain credit, the licensee must notify the division at least 7 days in advance of his or her intent to attend. A licensee may not earn any continuing education credit for attending a legal agenda session of the commission as a party to a disciplinary action.~~

Section 290. Subsections (1), (2), and (4) of section 475.183, Florida Statutes, are amended to read:

475.183 Inactive status.—

(1) A license which has become voluntarily inactive may be renewed pursuant to s. 475.182 upon application to the department. ~~The commission shall prescribe by rule continuing education requirements, not to exceed 12 classroom hours for each year the license was inactive, as a condition of renewing a~~

~~voluntarily inactive license. The commission shall substitute for such continuing education requirements, on a classroom-hour-for-classroom-hour basis, any satisfactorily completed education course approved in the manner specified in s. 475.182(1).~~ A person whose license is voluntarily inactive and who renews the license may elect to continue her or his voluntarily inactive status.

(2)~~(a) A licensee may reactivate a license that has been involuntarily inactive for 12 months or less by satisfactorily completing at least 14 hours of a commission-prescribed continuing education course. Notwithstanding the provisions of s. 455.271, a licensee may reactivate a license that has been involuntarily inactive for more than 12 months but fewer than 24 months by satisfactorily completing 28 hours of a commission-prescribed education course.~~

~~(b)~~ Any license that has been involuntarily inactive for more than 2 years shall automatically expire. Once a license expires, it becomes null and void without any further action by the ~~commission or~~ department. Ninety days prior to expiration of the license, the department shall give notice to the licensee. The department ~~commission~~ shall prescribe by rule a fee not to exceed $100 for the late renewal of an involuntarily inactive license. The department shall collect the current renewal fee for each renewal period in which the license was involuntarily inactive in addition to any applicable late renewal fee.

(4) The department ~~commission~~ may reinstate the license of an individual whose license has become void if the department ~~commission~~ determines that the individual failed to comply because of illness or economic hardship, as defined by rule. The individual must apply to the department ~~commission~~ for reinstatement within 6 months after the date that the license becomes void. Such individual must ~~meet all continuing education requirements prescribed by law,~~ pay appropriate licensing fees, and otherwise be eligible for renewal of licensure under this section.

Section 291. Paragraph (t) of subsection (1) of section 475.25, Florida Statutes, is amended to read:

475.25 Discipline.—

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

(t) Has violated any standard of professional practice adopted by rule of the department ~~Florida Real Estate Appraisal Board~~, including standards for the development or communication

of a real estate appraisal, as approved and adopted by the Appraisal Standards Board of the Appraisal Foundation, as defined in s. 475.611. This paragraph does not apply to a real estate broker or sales associate who, in the ordinary course of business, performs a comparative market analysis, gives a broker price opinion, or gives an opinion of value of real estate. However, in no event may this comparative market analysis, broker price opinion, or opinion of value of real estate be referred to as an appraisal, as defined in s. 475.611.

Section 292. Paragraphs (k) through (dd) of subsection (1) are redesignated as paragraphs (j) through (cc), respectively, and present paragraphs (j), (p), (q), (z), and (aa) of subsection (1) and subsection (2) of section 475.611, Florida Statutes, are amended to read:

475.611 Definitions.—

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

~~(j) "Board" means the Florida Real Estate Appraisal Board established under s. 475.613.~~

(o) ~~(p)~~ "Direct supervision" means the degree of supervision required of a supervisory appraiser overseeing the work of a registered trainee appraiser by which the supervisory appraiser has control over and detailed professional knowledge of the work being done. Direct supervision is achieved when a registered trainee appraiser has regular direction, guidance, and support from a supervisory appraiser who has the

competencies as determined by rule of the department ~~board~~.

(p) ~~(q)~~ "Evaluation" means a valuation permitted by any federal financial institutions regulatory agency appraisal regulations for transactions that do not require an appraisal, as such valuations qualify for an applicable exemption under federal law. The department ~~board~~ shall adopt rules, as necessary, to define the term "evaluation" and the applicable exemptions under federal law.

(y) ~~(z)~~ "Supervisory appraiser" means a certified residential appraiser or a certified general appraiser responsible for the direct supervision of one or more registered trainee appraisers and fully responsible for appraisals and appraisal reports prepared by those registered trainee appraisers. The department ~~board~~, by rule, shall determine the responsibilities of a supervisory appraiser, the geographic proximity required, the minimum qualifications and standards required of a certified appraiser before she or he may act in the capacity of a supervisory appraiser, and the maximum number of registered trainee appraisers to be supervised by an individual supervisory appraiser.

(z) ~~(aa)~~ "Training" means the process of providing for and making available to a registered trainee appraiser, under direct supervision, a planned, prepared, and coordinated program, or routine of instruction and education, in appraisal professional and technical appraisal skills as determined by rule of the

department ~~board~~.

(2) Wherever the word "operate" or "operating" appears in this part with respect to a registered trainee appraiser, registered appraisal management company, licensed appraiser, or certified appraiser; in any order, rule, or regulation of the department ~~board~~; in any pleading, indictment, or information under this part; in any court action or proceeding; or in any order or judgment of a court, it shall be deemed to mean the commission of one or more acts described in this part as constituting or defining a registered trainee appraiser, registered appraisal management company, licensed appraiser, or certified appraiser, not including, however, any of the exceptions stated therein. A single act is sufficient to bring a person within the meaning of this subsection, and each act, if prohibited herein, constitutes a separate offense.

Section 293. Subsection (7) of section 475.612, Florida Statutes, is amended to read:

475.612 Certification, licensure, or registration required.—

(7) Notwithstanding any other provision of law, an appraiser may perform an evaluation of real property in connection with a real estate-related financial transaction, as defined by rule of the department ~~board~~, which is regulated by a federal financial institutions regulatory agency. The appraiser shall comply with the standards for evaluations imposed by the

federal financial institutions regulatory agency and other standards as prescribed by the department ~~board~~. However, an evaluation may not be referred to or construed as an appraisal.

Section 294. Section 475.614, Florida Statutes, is amended to read:

475.614 Power of department ~~board~~ to adopt rules and decide questions of practice; requirements for protection of appraiser's signature.—

(1) The department may ~~board has authority to~~ adopt rules ~~pursuant to ss. 120.536(1) and 120.54~~ to implement provisions of law conferring duties upon it. The board may decide questions of practice arising in the proceedings before it, having regard to this section and the rules then in force.

(2) The department ~~board~~ shall adopt rules specifying the means by which an appraiser's signature may be affixed to an appraisal report or other work performed by the appraiser. The rules shall include requirements for protecting the security of an appraiser's signature and prohibiting practices that may discredit the use of an appraiser's signature to authenticate the work performed by the appraiser.

Section 295. Section 475.6145, Florida Statutes, is amended to read:

475.6145 Seal.—The department ~~board~~ shall adopt a seal by which it shall authenticate its proceedings, records, and acts. Copies of the proceedings, records, and acts of the board, and

certificates purporting to relate the facts concerning such proceedings, records, and acts, which are signed by the board chair, the custodian of such records, or any other person authorized to make such certification and which are authenticated by such seal, shall be prima facie evidence of such proceedings, records, and acts in all courts of this state.

Section 296. Section 475.6147, Florida Statutes, is amended to read:

475.6147 Fees.—

(1)(a) The department ~~board~~ by rule may establish fees to be paid for application, licensing and renewal, certification and recertification, registration and reregistration, reinstatement, and recordmaking and recordkeeping.

(b) The fee for initial application of an appraiser may not exceed $150, and the combined cost of the application and examination may not exceed $300. The initial certification, registration, or license fee and the certification, registration, or license renewal fee may not exceed $150 for each year of the duration of the certification, registration, or license.

(c) The fee for initial application of an appraisal management company may not exceed $150. The initial registration and registration renewal fee may not exceed $150 for each year of the duration of the registration.

(d) The department ~~board~~ may also establish by rule a late

renewal penalty.

(e) The department ~~board~~ shall establish fees which are adequate to ensure its continued operation. Fees shall be based on estimates made by the department of the revenue required to implement this part and other provisions of law relating to the regulation of real estate appraisers.

(2) Application and certification, registration, and license fees shall be refunded upon a determination by the department ~~board~~ that the state is not entitled to the fees or that only a portion of the resources have been expended in the processing of the application or shall be refunded if for any other reason the application is not completely processed. The department ~~board~~ shall implement this subsection by rule.

Section 297. Section 475.615, Florida Statutes, is amended to read:

475.615 Qualifications for registration or certification.—

(1) Any person desiring to act as a registered trainee appraiser or as a certified appraiser must make application in writing to the department in such form and detail as the department ~~board~~ shall prescribe. Each applicant must be at least 18 years of age and hold a high school diploma or its equivalent.

(2) The department ~~board~~ is authorized to waive or modify any education, experience, or examination requirements established in this part in order to conform with any such

requirements established by the Appraiser Qualifications Board of the Appraisal Foundation or any successor body recognized by federal law, including any requirements adopted on December 9, 2011. The department ~~board~~ shall implement this section by rule.

(3) Appropriate fees, as set forth in the rules of the department ~~board~~ pursuant to s. 475.6147, and a set of fingerprints must accompany all applications for registration or certification. The fingerprints shall be forwarded to the Division of Criminal Justice Information Systems within the Department of Law Enforcement for processing to determine whether the applicant has a criminal history record. The fingerprints shall also be forwarded to the Federal Bureau of Investigation to determine whether the applicant has a criminal history record. The information obtained by the processing of the fingerprints by the Department of Law Enforcement and the Federal Bureau of Investigation shall be sent to the department to determine whether the applicant is statutorily qualified for registration or certification.

(4) In the event that the applicant is currently a registered trainee appraiser or a licensed or certified appraiser and is making application to obtain a different status of appraisal credential, should such application be received by the department within 180 days prior to through 180 days after the applicant's scheduled renewal, the charge for the application shall be established by the rules of the department

~~board~~ pursuant to s. 475.6147.

(5) At the time of filing an application for registration or certification, the applicant must sign a pledge indicating that upon becoming registered or certified, she or he will comply with the standards of professional practice established by rule of the department ~~board~~, including standards for the development or communication of a real estate appraisal, and must indicate in writing that she or he understands the types of misconduct for which disciplinary proceedings may be initiated. The application expires 1 year after the date received by the department.

(6) All applicants must be competent and qualified to make real estate appraisals with safety to those with whom they may undertake a relationship of trust and confidence and the general public. If any applicant has been denied registration, licensure, or certification, or has been disbarred, or the applicant's registration, license, or certificate to practice or conduct any regulated profession, business, or vocation has been revoked or suspended by this or any other state, any nation, or any possession or district of the United States, or any court or lawful agency thereof, because of any conduct or practices which would have warranted a like result under this part, or if the applicant has been guilty of conduct or practices in this state or elsewhere which would have been grounds for disciplining her or his registration, license, or certification under this part

had the applicant then been a registered trainee appraiser or a licensed or certified appraiser, the applicant is deemed not to be qualified unless the applicant has met the conditions adopted by the Appraiser Qualifications Board of the Appraisal Foundation on December 9, 2011, as prescribed by rule of the department ~~board~~ and it appears to the department ~~board~~ that the interest of the public is not likely to be endangered by the granting of registration or certification.

(7) No applicant seeking to become registered or certified under this part may be rejected solely by virtue of membership or lack of membership in any particular appraisal organization.

Section 298. Section 475.617, Florida Statutes, is amended to read:

475.617 Education and experience requirements.—

(1) To be registered as a trainee appraiser, an applicant must present evidence satisfactory to the department ~~board~~ that she or he has successfully completed at least 100 hours of approved qualifying education courses in subjects related to real estate appraisal, which must include coverage of the Uniform Standards of Professional Appraisal Practice, or its equivalent, as established by rule of the department ~~board~~, from a nationally recognized or state-recognized appraisal organization, career center, accredited community college, college, or university, state or federal agency or commission, or proprietary real estate school that holds a permit pursuant

to s. 475.451. The department ~~board~~ may increase the required number of hours to not more than 125 hours. All qualifying education courses may be completed through in-person classroom instruction or distance learning. A classroom hour is defined as 50 minutes out of each 60-minute segment. Past courses may be approved on an hour-for-hour basis.

(2) To be certified as a residential appraiser, an applicant must present satisfactory evidence to the department ~~board~~ that she or he has met the minimum education and experience requirements prescribed by rule of the department ~~board~~. The department ~~board~~ shall prescribe by rule education and experience requirements that meet or exceed the following real property appraiser qualification criteria adopted on December 9, 2011, by the Appraiser Qualifications Board of the Appraisal Foundation:

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

(b) Has successfully completed at least 200 classroom hours, inclusive of examination, of approved qualifying education courses in subjects related to real estate appraisal, which must include a 15-hour National Uniform Standards of Professional Appraisal Practice course, or its equivalent, as established by rule of the department ~~board~~, from a nationally recognized or state-recognized appraisal organization, career center, accredited community college, college, or university,

state or federal agency or commission, or proprietary real estate school that holds a permit pursuant to s. 475.451. All qualifying education courses may be completed through in-person classroom instruction or distance learning. A classroom hour is defined as 50 minutes out of each 60-minute segment. Past courses may be approved by the department ~~board~~ and substituted on an hour-for-hour basis.

(3) To be certified as a general appraiser, an applicant must present evidence satisfactory to the department ~~board~~ that she or he has met the minimum education and experience requirements prescribed by rule of the department ~~board~~. The department ~~board~~ shall prescribe education and experience requirements that meet or exceed the following real property appraiser qualification criteria adopted on December 9, 2011, by the Appraiser Qualifications Board of the Appraisal Foundation:

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

(b) Has successfully completed at least 300 classroom hours, inclusive of examination, of approved qualifying education courses in subjects related to real estate appraisal, which must include a 15-hour National Uniform Standards of Professional Appraisal Practice course, or its equivalent, as established by rule of the department ~~board~~, from a nationally recognized or state-recognized appraisal organization, career center, accredited community college, college, or university,

state or federal agency or commission, or proprietary real estate school that holds a permit pursuant to s. 475.451. All qualifying education courses may be completed through in-person classroom instruction or distance learning. A classroom hour is defined as 50 minutes out of each 60-minute segment. Past courses may be approved by the department ~~board~~ and substituted on an hour-for-hour basis.

(4) A distance learning course may be approved by the department ~~board~~ as an option to classroom hours for satisfactory completion of the academic courses required under this section. The schools authorized by this section have the option of providing classroom courses, distance learning courses, or both.

(a) A distance learning course must use a delivery method that is certified or approved by a department-authorized ~~board-authorized~~ independent certifying organization.

(b) A distance learning course intended for use as academic education must include a written, closed-book final examination. As used in this paragraph, the term "written" refers to an exam that might be written on paper or administered electronically on a computer workstation or other device. Oral exams are not acceptable.

(5) Each applicant must furnish, under oath, a detailed statement of the experience for each year of experience she or he claims. Upon request, the applicant shall furnish to the

department ~~board~~, for its examination, copies of appraisal reports or file memoranda to support the claim for experience. Any appraisal report or file memoranda used to support a claim for experience must be maintained by the applicant for no less than 5 years after the date of certification.

(6) The department ~~board~~ may implement the provisions of this section by rule.

Section 299. Section 475.6171, Florida Statutes, is amended to read:

475.6171 Issuance of registration or certification.—The registration or certification of an applicant may be issued upon receipt by the department ~~board~~ of the following:

(1) A complete application indicating compliance with qualifications as specified in s. 475.615.

(2) Proof of successful course completion as specified in s. 475.617.

(3) Proof of experience for certification as specified in s. 475.617.

(4) If required, proof of passing a written examination as specified in s. 475.616.

(5) The department ~~board~~ shall implement this section by rule.

Section 300. Subsection (1) of section 475.618, Florida Statutes, is amended to read:

475.618 Renewal of registration, license, certification,

or instructor permit; continuing education.—

(1)(a) The department shall renew a registration, license, certification, or instructor permit upon receipt of the renewal application and proper fee. Such application shall include proof satisfactory to the department ~~board~~ that the individual has satisfactorily completed any continuing education that has been prescribed by the department ~~board~~.

(b) A distance learning course or courses shall be approved by the department ~~board~~ as an option to classroom hours as satisfactory completion of the course or courses as required by this section. The schools authorized by this section have the option of providing classroom courses, distance learning courses, or both.

(c) The department ~~board~~ may authorize independent certification organizations to certify or approve the delivery method of distance learning courses. Certification from such authorized organizations must be provided at the time a distance learning course is submitted to the department ~~board~~ by an accredited college, university, community college, career center, proprietary real estate school, or department-approved ~~board-approved~~ sponsor for content approval.

Section 301. Section 475.619, Florida Statutes, is amended to read:

475.619 Inactive status.—

(1) A registration, license, or certification which has

become inactive may be renewed upon application to the department. The department ~~board~~ shall prescribe by rule continuing education requirements for each year the registration, license, or certification was inactive, as a condition of renewing an inactive registration, license, or certification.

(2) Any registration, license, or certification which has been inactive for more than 4 years shall automatically expire. Once a registration, license, or certification expires, it becomes null and void without any further action by the ~~board or~~ department. Two years prior to the expiration of the registration, license, or certification, the department shall give notice by mail to the registered trainee, licensee, or certificateholder at her or his last known address. The department ~~board~~ shall prescribe by rule a fee not to exceed $100 for the late renewal of an inactive registration, license, or certification. The department shall collect the current renewal fee for each renewal period in which the registration, license, or certification was inactive, in addition to any applicable late renewal fee.

(3) The department ~~board~~ shall adopt rules relating to inactive registrations, licenses, and certifications and for the renewal of such registrations, licenses, and certifications.

Section 302. Subsections (2) and (3) of section 475.621, Florida Statutes, are amended to read:

475.621 Registry of licensed and certified appraisers; registry of appraisal management companies.—

(2) The department shall collect from such individuals who perform or seek to perform appraisals in federally related transactions an annual fee as set by rule of, and transmitted to, the appraisal subcommittee. The department shall collect from such appraisal management companies that perform or seek to perform appraisal management services in covered transactions an annual fee set by rule of the department ~~board~~ and transmitted to the appraisal subcommittee.

(3) Notwithstanding the prohibition against requiring registration of a federally regulated appraisal management company as provided in s. 475.6235(8)(b), the department ~~board~~ shall establish a procedure to collect from a federally regulated appraisal management company an annual fee as set by rule of the department ~~board~~ and transmitted to the appraisal subcommittee.

Section 303. Section 475.6222, Florida Statutes, is amended to read:

475.6222 Supervision and training of registered trainee appraisers.—The primary or secondary supervisory appraiser of a registered trainee appraiser shall provide direct supervision and training to the registered trainee appraiser. The role and responsibility of the supervisory appraiser is determined by rule of the department ~~board~~.

Section 304. Subsections (3) and (4) of section 475.6235, Florida Statutes, are amended to read:

475.6235 Registration of appraisal management companies required; exemptions.—

(3) Appropriate fees, as set forth in the rules of the department ~~board~~ pursuant to s. 475.6147, and a complete set of fingerprints for each person listed in paragraph (2)(f) must accompany all applications for registration. The fingerprints shall be forwarded to the Division of Criminal Justice Information Systems within the Department of Law Enforcement for purposes of processing the fingerprints to determine whether the person has a criminal history record. The fingerprints shall also be forwarded to the Federal Bureau of Investigation for purposes of processing the fingerprints to determine whether the person has a criminal history record. The information obtained by the processing of fingerprints by the Department of Law Enforcement and the Federal Bureau of Investigation shall be sent to the department for the purpose of determining whether the appraisal management company is statutorily qualified for registration.

(4) At the time of filing an application for registration of an appraisal management company, each person listed in paragraph (2)(f) must sign a pledge to comply with applicable standards of professional practice established by rule of the department ~~board~~, including standards for the development or

communication of a real estate appraisal, and must indicate in writing that she or he understands the types of misconduct for which disciplinary proceedings may be initiated. The application expires 1 year after the date received.

Section 305. Section 475.624, Florida Statutes, is amended to read:

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

(1) Has violated any provision of this part or s. 455.227(1); however, any appraiser registered, licensed, or certified under this part is exempt from s. 455.227(1)(i).

(2) Has been guilty of fraud, misrepresentation, concealment, false promises, false pretenses, dishonest conduct, culpable negligence, or breach of trust in any business transaction in this state or any other state, nation, or territory; has violated a duty imposed upon her or him by law or

by the terms of a contract, whether written, oral, express, or implied, in an appraisal assignment; has aided, assisted, or conspired with any other person engaged in any such misconduct and in furtherance thereof; or has formed an intent, design, or scheme to engage in such misconduct and committed an overt act in furtherance of such intent, design, or scheme. It is immaterial to the guilt of the registered trainee appraiser or licensed or certified appraiser that the victim or intended victim of the misconduct has sustained no damage or loss; that the damage or loss has been settled and paid after discovery of the misconduct; or that such victim or intended victim was a customer or a person in confidential relation with the registered trainee appraiser or licensed or certified appraiser, or was an identified member of the general public.

(3) Has advertised services in a manner that is fraudulent, false, deceptive, or misleading in form or content.

(4) Has violated any provision of this part or any lawful order or rule issued under this part or chapter 455.

(5) Has been convicted or found guilty of, or entered a plea of nolo contendere to, regardless of adjudication, a crime in any jurisdiction that directly relates to the activities of a registered trainee appraiser or licensed or certified appraiser or that involves moral turpitude or fraudulent or dishonest conduct. The record of a conviction certified or authenticated in such form as admissible in evidence under the laws of the

state shall be admissible as prima facie evidence of such guilt.

(6) Has had a registration, license, or certification as an appraiser revoked, suspended, or otherwise acted against; has been disbarred; has had her or his registration, license, or certificate to practice or conduct any regulated profession, business, or vocation revoked or suspended by this or any other state, any nation, or any possession or district of the United States; or has had an application for such registration, licensure, or certification to practice or conduct any regulated profession, business, or vocation denied by this or any other state, any nation, or any possession or district of the United States.

(7) Has become temporarily incapacitated from acting as an appraiser with safety to those in a fiduciary relationship with her or him because of drunkenness, use of drugs, or temporary mental derangement; however, suspension of a license, certification, or registration in such cases shall only be for the period of such incapacity.

(8) Is confined in any county jail, postadjudication; is confined in any state or federal prison or mental institution; or, through mental disease or deterioration, can no longer safely be entrusted to deal with the public or in a confidential capacity.

(9) Has failed to inform the department ~~board~~ in writing within 30 days after pleading guilty or nolo contendere to, or

being convicted or found guilty of, any felony.

(10) Has been found guilty, for a second time, of any misconduct that warrants disciplinary action, or has been found guilty of a course of conduct or practice that shows that she or he is incompetent, negligent, dishonest, or untruthful to an extent that those with whom she or he may sustain a confidential relationship may not safely do so.

(11) Has made or filed a report or record, either written or oral, that the registered trainee appraiser or licensed or certified appraiser knows to be false; has willfully failed to file a report or record required by state or federal law; has willfully impeded or obstructed such filing; or has induced another person to impede or obstruct such filing. However, such reports or records shall include only those that are signed or presented in the capacity of a registered trainee appraiser or licensed or certified appraiser.

(12) Has obtained or attempted to obtain a registration, license, or certification by means of knowingly making a false statement, submitting false information, refusing to provide complete information in response to an application question, or engaging in fraud, misrepresentation, or concealment.

(13) Has paid money or other valuable consideration, except as required by this section, to any member or employee of the department ~~board~~ to obtain a registration, license, or certification under this section.

(14) Has violated any standard of professional practice established by rule of the department ~~board~~, including standards for the development or communication of a real estate appraisal.

(15) Has failed or refused to exercise reasonable diligence in developing an appraisal or preparing an appraisal report.

(16) Has failed to communicate an appraisal without good cause.

(17) Has accepted an appraisal assignment if the employment itself is contingent upon the appraiser reporting a predetermined result, analysis, or opinion or if the fee to be paid for the performance of the appraisal assignment is contingent upon the opinion, conclusion, or valuation reached upon the consequences resulting from the appraisal assignment.

(18) Has failed to timely notify the department of any change in business location, or has failed to fully disclose all business locations from which she or he operates as a registered trainee appraiser or licensed or certified appraiser.

Section 306. Section 475.6245, Florida Statutes, is amended to read:

475.6245 Discipline of appraisal management companies.—

(1) The department ~~board~~ may deny an application for registration or renewal registration of an appraisal management company; may investigate the actions of any appraisal management company registered under this part; may reprimand or impose an

administrative fine not to exceed $5,000 for each count or separate offense against any such appraisal management company; and may revoke or suspend, for a period not to exceed 10 years, the registration of any such appraisal management company, or place any such appraisal management company on probation, if the department ~~board~~ finds that the appraisal management company or any person listed in s. 475.6235(2)(f):

(a) Has violated any provision of this part or s. 455.227(1); however, any appraisal management company registered under this part is exempt from s. 455.227(1)(i).

(b) Has been guilty of fraud, misrepresentation, concealment, false promises, false pretenses, dishonest conduct, culpable negligence, or breach of trust in any business transaction in this state or any other state, nation, or territory; has violated a duty imposed upon her or him by law or by the terms of a contract, whether written, oral, express, or implied, in an appraisal assignment; has aided, assisted, or conspired with any other person engaged in any such misconduct and in furtherance thereof; or has formed an intent, design, or scheme to engage in such misconduct and committed an overt act in furtherance of such intent, design, or scheme. It is immaterial to the guilt of the appraisal management company that the victim or intended victim of the misconduct has sustained no damage or loss; that the damage or loss has been settled and paid after discovery of the misconduct; or that such victim or

intended victim was a customer or a person in confidential relation with the appraisal management company or was an identified member of the general public.

(c) Has advertised services in a manner that is fraudulent, false, deceptive, or misleading in form or content.

(d) Has violated any provision of this part or any lawful order or rule issued under this part or chapter 455.

(e) Has been convicted or found guilty of, or entered a plea of nolo contendere to, regardless of adjudication, a crime in any jurisdiction that directly relates to the activities of an appraisal management company or that involves moral turpitude or fraudulent or dishonest conduct. The record of a conviction certified or authenticated in such form as admissible in evidence under the laws of the state shall be admissible as prima facie evidence of such guilt.

(f) Has had a registration, license, or certification as an appraiser or a registration as an appraisal management company revoked, suspended, or otherwise acted against; has been disbarred; has had her or his registration, license, or certificate to practice or conduct any regulated profession, business, or vocation revoked or suspended by this or any other state, any nation, or any possession or district of the United States; or has had an application for such registration, licensure, or certification to practice or conduct any regulated profession, business, or vocation denied by this or any other

state, any nation, or any possession or district of the United States.

(g) Has become temporarily incapacitated from acting as an appraisal management company with safety to those in a fiduciary relationship with her or him because of drunkenness, use of drugs, or temporary mental derangement; however, suspension of a registration in such cases shall only be for the period of such incapacity.

(h) Is confined in any county jail, postadjudication; is confined in any state or federal prison or mental institution; or, through mental disease or deterioration, can no longer safely be entrusted to deal with the public or in a confidential capacity.

(i) Has failed to inform the department ~~board~~ in writing within 30 days after pleading guilty or nolo contendere to, or being convicted or found guilty of, any felony.

(j) Has been found guilty, for a second time, of any misconduct that warrants disciplinary action, or has been found guilty of a course of conduct or practice that shows that she or he is incompetent, negligent, dishonest, or untruthful to an extent that those with whom she or he may sustain a confidential relationship may not safely do so.

(k) Has made or filed a report or record, either written or oral, that the appraisal management company knows to be false; has willfully failed to file a report or record required

by state or federal law; has willfully impeded or obstructed such filing; or has induced another person to impede or obstruct such filing. However, such reports or records shall include only those that are signed or presented in the capacity of an appraisal management company.

(l) Has obtained or attempted to obtain a registration, license, or certification by means of knowingly making a false statement, submitting false information, refusing to provide complete information in response to an application question, or engaging in fraud, misrepresentation, or concealment.

(m) Has paid money or other valuable consideration, except as required by this section, to any member or employee of the department ~~board~~ to obtain a registration, license, or certification under this section.

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

(o) Has engaged in the development of an appraisal or the preparation of an appraisal report, unless the appraisal management company is owned or controlled by certified appraisers.

(p) Has failed to communicate an appraisal without good cause.

(q) Has accepted an appraisal assignment if the employment itself is contingent upon the appraisal management company reporting a predetermined result, analysis, or opinion or if the fee to be paid for the performance of the appraisal assignment is contingent upon the opinion, conclusion, or valuation reached upon the consequences resulting from the appraisal assignment.

(r) Has failed to timely notify the department of any change in principal business location as an appraisal management company.

(s) Has influenced or attempted to influence the development, reporting, or review of an appraisal through coercion, extortion, collusion, compensation, inducement, intimidation, bribery, or any other means, including, but not limited to:

1. Withholding or threatening to withhold timely payment for an appraisal, unless such nonpayment is based upon specific quality or other service issues that constitute noncompliance with the appraisal engagement agreement.

2. Withholding or threatening to withhold future business from an appraiser.

3. Promising future business, promotions, or increased compensation for an appraiser, whether the promise is express or implied.

4. Conditioning a request for appraisal services or the payment of an appraisal fee, salary, or bonus upon the opinion,

conclusion, or valuation to be reached or upon a preliminary estimate or opinion requested from an appraiser.

5. Requesting that an appraiser provide an estimated, predetermined, or desired valuation in an appraisal report or provide estimated values or comparable sales at any time before the appraiser's completion of appraisal services.

6. Providing to an appraiser an anticipated, estimated, encouraged, or desired value for a subject property or a proposed or target amount to be loaned to the borrower, except that a copy of the sales contract for purchase transactions may be provided.

7. Providing to an appraiser, or any person related to the appraiser, stock or other financial or nonfinancial benefits.

8. Allowing the removal of an appraiser from an appraiser panel without prior written notice to the appraiser.

9. Obtaining, using, or paying for a second or subsequent appraisal or ordering an automated valuation model in connection with a mortgage financing transaction unless there is a reasonable basis to believe that the initial appraisal was flawed or tainted and such basis is clearly and appropriately noted in the loan file, or unless such appraisal or automated valuation model is issued pursuant to a bona fide prefunding or postfunding appraisal review or quality control process.

10. Any other act or practice that impairs or attempts to impair an appraiser's independence, objectivity, or

impartiality.

(t) Has altered, modified, or otherwise changed a completed appraisal report submitted by an appraiser to an appraisal management company.

(u) Has employed, contracted with, or otherwise retained an appraiser whose registration, license, or certification is suspended or revoked to perform appraisal services or appraisal management services.

(v) Has required or attempted to require an appraiser to sign any indemnification agreement that would require the appraiser to hold harmless the appraisal management company or its owners, agents, employees, or independent contractors from any liability, damage, loss, or claim arising from the services performed by the appraisal management company or its owners, agents, employees, or independent contractors and not the services performed by the appraiser.

(w) Has required or attempted to require a client to sign any indemnification agreement that would require the client to hold harmless the appraisal management company or its owners, agents, or employees from any liability, damage, loss, or claim arising from the services performed by an appraiser.

(2) The department ~~board~~ may reprimand an appraisal management company, conditionally or unconditionally suspend or revoke any registration of an appraisal management company issued under this part, or impose administrative fines not to

exceed $5,000 for each count or separate offense against any such appraisal management company if the department ~~board~~ determines that the appraisal management company is attempting to perform, has performed, or has attempted to perform any of the following acts:

(a) Committing any act in violation of this part.

(b) Violating any rule adopted by the department ~~board~~ under this part.

(c) Obtaining a registration of an appraisal management company by fraud, misrepresentation, or deceit.

(3) This section does not prohibit an appraisal management company from requesting an appraiser to:

(a) Provide additional information about the basis of a valuation, including consideration of additional comparable data; or

(b) Correct objective factual errors in an appraisal report.

Section 307. Section 475.625, Florida Statutes, is amended to read:

475.625 Final orders.—The department ~~board~~ may publish and distribute, in such manner and form as it may prescribe, any of its final orders or decisions made under this section, after they become final by lapse of time or upon affirmance on appeal, or opinions of appellate courts for the guidance of appraisers, appraiser users, and the public. The department ~~board~~ may also

publish or withhold from publication the names and addresses of any parties concerned. This section shall not be construed to affect compliance with chapter 119.

Section 308. Paragraphs (c), (d), and (e) of subsection (1) of section 475.626, Florida Statutes, are amended to read:

475.626 Violations and penalties.—

(1) A person may not:

(c) Make any false affidavit or affirmation intended for use as evidence by or before the department ~~board~~ or any member thereof, or by any of its authorized representatives, nor may any person give false testimony under oath or affirmation to or before the department ~~board~~ or any member thereof in any proceeding authorized by this section.

(d) Fail or refuse to appear at the time and place designated in a subpoena issued with respect to a violation of this section, unless such failure to appear is the result of facts or circumstances that are sufficient to excuse appearance in response to a subpoena from the circuit court; nor may a person who is present before the department ~~board or a member thereof~~ or one of its authorized representatives acting under authority of this section refuse to be sworn or to affirm or fail or refuse to answer fully any question propounded by the department ~~board, the member~~, or such representative, or by any person by the authority of such officer or appointee.

(e) Obstruct or hinder in any manner the enforcement of

this section or the performance of any lawful duty by any person acting under the authority of this section, or interfere with, intimidate, or offer any bribe to any employee ~~member~~ of the department ~~board or any of its employees~~ or any person who is, or is expected to be, a witness in any investigation or proceeding relating to a violation of this section.

Section 309. Section 475.627, Florida Statutes, is amended to read:

475.627 Appraisal course instructors.—

(1) Where the course or courses to be taught are prescribed by the department ~~board~~ or approved precedent to registration, licensure, certification, or renewal as a registered trainee appraiser, licensed appraiser, or certified residential appraiser, before commencing to instruct noncredit college courses in a college, university, or community college, or courses in a career center or proprietary real estate school, a person must certify her or his competency by meeting one of the following requirements:

(a) Hold a valid certification as a residential real estate appraiser in this or any other state.

(b) Pass an appraiser instructor's examination which shall test knowledge of residential appraisal topics.

(2) Where the course or courses to be taught are prescribed by the department ~~board~~ or approved precedent to registration, licensure, certification, or renewal as a

registered trainee appraiser, licensed appraiser, or certified appraiser, before commencing to instruct noncredit college courses in a college, university, or community college, or courses in a career center or proprietary real estate school, a person must certify her or his competency by meeting one of the following requirements:

(a) Hold a valid certification as a general real estate appraiser in this or any other state.

(b) Pass an appraiser instructor's examination which shall test knowledge of residential and nonresidential appraisal topics.

(3) Possession of a permit to teach prescribed or approved appraisal courses does not entitle the permitholder to teach any courses outside the scope of the permit.

Section 310. Section 475.628, Florida Statutes, is amended to read:

475.628 Professional standards for appraisers registered, licensed, or certified under this part.—

(1) The department ~~board~~ shall adopt rules establishing standards of professional practice which meet or exceed nationally recognized standards of appraisal practice, including standards adopted by the Appraisal Standards Board of the Appraisal Foundation. Each appraiser registered, licensed, or certified under this part must comply with the rules. Statements on appraisal standards which may be issued for the purpose of

clarification, interpretation, explanation, or elaboration through the Appraisal Foundation are binding on any appraiser registered, licensed, or certified under this part, upon adoption by rule of the department ~~board~~.

(2) The department ~~board~~ may adopt rules establishing standards of professional practice other than standards adopted by the Appraisal Standards Board of the Appraisal Foundation for nonfederally related transactions. The department ~~board~~ shall require that when performing an appraisal or appraisal service for any purpose other than a federally related transaction, an appraiser must comply with the Ethics and Competency Rules of the standards adopted by the Appraisal Standards Board of the Appraisal Foundation, and other requirements as determined by rule of the department ~~board~~. An assignment completed using alternate standards does not satisfy the experience requirements under s. 475.617 unless the assignment complies with the standards adopted by the Appraisal Standards Board of the Appraisal Foundation.

Section 311. Section 475.629, Florida Statutes, is amended to read:

475.629 Retention of records.—An appraiser registered, licensed, or certified under this part shall prepare and retain a work file for each appraisal, appraisal review, or appraisal consulting assignment. An appraisal management company registered under this part shall prepare and retain an order

file for each appraisal, appraisal review, or appraisal consulting assignment. The work file and the order file shall be retained for 5 years or the period specified in the Uniform Standards of Professional Appraisal Practice, whichever is greater. The work file must contain original or true copies of any contracts engaging the appraiser's or appraisal management company's services, appraisal reports, and supporting data assembled and formulated by the appraiser or company in preparing appraisal reports or engaging in appraisal management services and all other data, information, and documentation required by the standards for the development or communication of a real estate appraisal as approved and adopted by the Appraisal Standards Board of The Appraisal Foundation, as established by rule of the department ~~board~~. The order file must contain original or true copies of any contracts engaging the appraiser's services, the appraisal reports, any engagement materials or instructions from the client, and all other documents required by the standards for the development or communication of a real estate appraisal as approved and adopted by the Appraisal Standards Board of The Appraisal Foundation, as established by rule of the department ~~board~~. Notwithstanding the foregoing, while general contracts and materials pertaining to impaneling of an appraiser by an appraisal management company shall be retained under this section, such contracts and materials are not required to be maintained within the order

file. Except as otherwise specified in the Uniform Standards of Professional Appraisal Practice, the period for retention of the records applicable to each engagement of the services of the appraiser or appraisal management company runs from the date of the submission of the appraisal report to the client. Appraisal management companies shall also retain the company accounts, correspondence, memoranda, papers, books, and other records in accordance with administrative rules adopted by the department ~~board~~. These records must be made available by the appraiser or appraisal management company for inspection and copying by the department upon reasonable notice to the appraiser or company. If an appraisal has been the subject of or has served as evidence for litigation, reports and records must be retained for at least 2 years after the trial or the period specified in the Uniform Standards of Professional Appraisal Practice, whichever is greater.

Section 312. Section 475.630, Florida Statutes, is amended to read:

475.630 Temporary practice.—

(1) The department ~~board~~ shall recognize, on a temporary basis, the license or certification of an appraiser issued by another state, if:

(a) The property to be appraised is part of a federally related transaction.

(b) The appraiser's business is of a temporary nature.

(c) The appraiser registers with the department ~~board~~.

(d) The person requesting recognition of a license or certification as an appraiser issued by another state is a nonresident of Florida.

(2) In order to register with the department ~~board~~, the appraiser must:

(a) Pay any required fee as established by rule.

(b) Provide, or cause the state where the applicant may be licensed or certified to furnish, proof of licensure or certification along with the copies of the records of any disciplinary actions taken against the applicant's license or certification in that or other jurisdictions.

(c) Agree in writing to cooperate with any investigation initiated under this part by promptly supplying such documents that any authorized representative of the department may request. If the department sends a notice by certified mail to the last known address of a nonresident appraiser to produce documents or to appear in conjunction with an investigation and the nonresident appraiser fails to comply with that request, the department ~~board~~ may impose on that nonresident appraiser any disciplinary action or penalty authorized under this part.

(d) Sign a notarized statement that the applicant has read this section and all applicable rules and agrees to abide by these provisions in all appraisal activities.

Section 313. Section 475.631, Florida Statutes, is amended

to read:

475.631 Nonresident licenses and certifications.—

(1) Any resident state-certified appraiser who becomes a nonresident shall, within 60 days, notify the department ~~board~~ of the change in residency and comply with nonresident requirements. Failure to notify and comply is a violation of the license law, subject to the penalties in s. 475.624.

(2) All nonresident applicants, certified appraisers, and licensees shall comply with all requirements of department ~~board~~ rules and this part.

Section 314. Section 475.613, Florida Statutes, is amended to read:

475.613 Authority of the department ~~Florida Real Estate Appraisal Board~~.—

~~(1) There is created the Florida Real Estate Appraisal Board, which shall consist of nine members appointed by the Governor, subject to confirmation by the Senate. Four members of the board must be real estate appraisers who have been engaged in the general practice of appraising real property in this state for at least 5 years immediately preceding appointment. In appointing real estate appraisers to the board, while not excluding other appraisers, the Governor shall give preference to real estate appraisers who are not primarily engaged in real estate brokerage or mortgage lending activities. One member of the board must represent the appraisal management industry. One~~

~~member of the board must represent organizations that use appraisals for the purpose of eminent domain proceedings, financial transactions, or mortgage insurance. Three members of the board must represent the general public and may not be connected in any way with the practice of real estate appraisal. The appraiser members shall be as representative of the entire industry as possible, and membership in a nationally recognized or state-recognized appraisal organization may not be a prerequisite to membership on the board. To the extent possible, no more than two members of the board shall be primarily affiliated with any one particular national or state appraisal association. Two of the members must be licensed or certified residential real estate appraisers and two of the members must be certified general real estate appraisers at the time of their appointment.~~

~~(a) Members of the board shall be appointed for 4-year terms. Any vacancy occurring in the membership of the board shall be filled by appointment by the Governor for the unexpired term. Upon expiration of her or his term, a member of the board shall continue to hold office until the appointment and qualification of the member's successor. A member may not be appointed for more than two consecutive terms. The Governor may remove any member for cause.~~

~~(b) The headquarters for the board shall be in Orlando.~~

~~(c) The board shall meet at least once each calendar~~

~~quarter to conduct its business.~~

~~(d) The members of the board shall elect a chairperson at the first meeting each year.~~

~~(e) Each member of the board is entitled to per diem and travel expenses as set by legislative appropriation for each day that the member engages in the business of the board.~~

~~(2)~~ The department ~~board~~ shall have, through its rules, full power to regulate the issuance of licenses, certifications, registrations, and permits; to discipline appraisers in any manner permitted under this section; to establish qualifications for licenses, certifications, registrations, and permits consistent with this section; to regulate approved courses; to establish standards for real estate appraisals; and to establish standards for and regulate supervisory appraisers.

~~(3) Notwithstanding s. 112.313, any member of the board who is a licensed or certified real estate appraiser and who holds an active appraiser instructor permit issued by the department, to the extent authorized pursuant to such permit, may offer, conduct, or teach any course prescribed or approved by the board or the department.~~

Section 315. 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 316. 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 317. 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 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 or a foreign jurisdiction, 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 or jurisdiction of the United States or a foreign jurisdiction.

An architect who is licensed in another state, another jurisdiction of the United States, or a foreign jurisdiction, 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, 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 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 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.

(8) A certificate of registration is not required for a person whose occupation or practice is confined to interior decorator services or for a person whose occupation or practice is confined to interior design as provided in this part.

Section 318. Subsections (1), (2), and (4) 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.

(4) ~~Nothing in~~ This part does not ~~shall~~ prohibit a

registered landscape architect from filing plans of work defined under this part. A state agency or local government may not refuse to accept the seal of a landscape architect for any of the professional services delineated in s. 481.303(4), including, but not limited to, grading and drainage.

Section 319. Paragraph (b) of subsection (6), paragraph (l) of subsection (8), paragraphs (a) and (d) of subsection (9), and subsections (15) and (16) of section 499.012, Florida Statutes, are amended, to read:

499.012 Permit application requirements.—

(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.

The department may revoke the permit of any person that fails to comply with the requirements of this subsection.

(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.

~~(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.~~

(15)~~(16)~~ A permit for a prescription drug manufacturer or a nonresident prescription drug manufacturer is subject to the requirements of s. 499.026.

Section 320. 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 321. 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 322. Section 624.341, Florida Statutes, is created to read:

624.341 Authority of Department of Law Enforcement to accept fingerprints of, and exchange criminal history records with respect to, certain persons applying to the Office of Insurance Regulation.—

(1) The Legislature finds that criminal activity of insurers poses a particular danger to the residents of this state. Floridians rely, in good faith, on the honest conduct of those who issue and manage insurance policies and other insurance instruments in this state. To safeguard this state's residents, the Legislature finds it necessary to ensure that incorporators, subscribers, officers, employees, contractors, stockholders, directors, owners, members, managers, or volunteers involved in the organization, operation, or management of any insurer that is authorized to sell insurance do not have a criminal background.

(2) The Department of Law Enforcement shall accept and process fingerprints of incorporators, subscribers, officers, employees, contractors, stockholders, directors, owners, members, managers, or volunteers involved in the organization, operation, or management of:

(a) Any insurer or proposed insurer transaction or proposing to transact insurance in this state.

(b) Any entity that is eligible to be examined or investigated under s. 624.316.

(3) Each person required to submit fingerprints to the office must provide a full set of fingerprints to the office or to a vendor, entity, or agency authorized under s. 943.053(13). The office, 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 as provided in s. 624.34. Fees for state and federal fingerprint processing must be borne by the person submitting the fingerprints. The state cost for fingerprint processing is as provided ins s. 943.053(3)(e).

(4) The Department of Law Enforcement may, to the extent authorized by federal law, exchange any state or federal criminal history records with the office for the purpose of issuance or continuation of a certificate of authority, certification, or license to operate in this state.

(5) Fingerprints must be submitted in accordance with rules adopted by the commission.

(a) Fingerprints may be submitted through a third-party vendor authorized by the Department of Law Enforcement.

(b) The Department of Law Enforcement shall conduct the

state criminal history background check, and a federal criminal history background check shall be conducted through the Federal Bureau of Investigation.

(c) All fingerprints submitted to the Department of Law Enforcement must be submitted and entered into the statewide automated biometric identification system established in s. 943.05(2)(b) and available for use in accordance with s. 943.05(2)(g) and (h).

(d) The costs of fingerprint processing, including the cost of retaining the fingerprints, must be borne by the person subject to the background checks.

(e) The office shall review the results of the state and federal criminal history background checks and determine whether the applicant meets the requirements for the certificate of authority, certification, or license to operate in this state.

(6) State criminal history records obtained through the Department of Law Enforcement, federal criminal history records obtained through the Federal Bureau of Investigation, and local criminal history records obtained through local law enforcement agencies must be used by the office for the purpose of issuance, denial, suspension, or revocation of certificates of authority, certifications, or licenses issued to operate in this state.

Section 323. Except as otherwise expressly provided in this act, this act shall take effect July 1, 2026.

INDUSTRIES & PROFESSIONAL ACTIVITIES SUBCOMMITTEE

HB 607 by Rep. Yarkosky
Industries and Professional Activities

AMENDMENT SUMMARY
December 11, 2025

468807 by Rep. Yarkosky (lines 11145):

- Exempts prescription drug establishments that store, warehouse, or hold prescription drugs solely for destruction, that are not listed as a controlled substance, from certain storage and handling requirements.
- Requires such prescription drug establishments to maintain certain records including the name of the business entity from which the prescription drugs were collected, the type of prescription drugs collected, an estimate of the quantity of prescription drugs collected, and the manner in which the prescription drugs were destroyed.

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 11145 and 11146, insert:

(16) APPLICABILITY TO PRESCRIPTION DRUGS NOT LISTED AS A CONTROLLED SUBSTANCE.—

(a) An establishment at which prescription drugs not listed as a controlled substance, as defined in s. 893.03, are stored, warehoused, or held, solely for the purpose of arranging for their destruction, is not required to comply with paragraph (1)(c); subsections (3)-(6); paragraphs (8)(a), (b), and (d); and subsection (13).

(b) Notwithstanding paragraph (a), an establishment at which prescription drugs not listed as a controlled substance,

as defined in s. 893.03, are stored, warehoused, or held, solely for the purpose of arranging for their destruction must maintain the following records:

1. The business name, and address from which the prescription drugs were collected.

2. A list of the prescription drugs.

3. The amount, or, if adulterated or altered prior to collection, an estimate of the amount, of the prescription drugs collected.

4. The manner, date, and location of destruction of the prescription drugs.

(c) Records required to be kept pursuant to paragraph (b), which are kept at the establishment or can be immediately retrieved by computer or other electronic means, must be readily available for authorized inspection pursuant to this section. If such records are not available upon request, the records must be made available for authorized inspection within 2 business days after the request. Records kept at a central location outside of this state which are not electronically retrievable must be made available for inspection within 5 business days after a request.

(d) Records required to be kept pursuant to paragraph (b) must be maintained for a period of not less than 5 years from the date of destruction of the prescription drugs.

D I R E C T O R Y A M E N D M E N T

Remove line 11132 and insert:

Statutes, is amended, and subsection (16) is created, to read:

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

Remove line 199 and insert:

person who must be listed by a wholesale distributor; exempting specified establishments that store, warehouse, or hold prescription drugs not listed as a controlled substance from certain requirements; requiring such establishments to maintain certain records; requiring that such records be made readily available or available within a specified time period for inspection in certain circumstances; requiring such records to be maintained for a specified time period;