

Amendment No. 2

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	<u> </u>	(Y/N)
ADOPTED AS AMENDED	<u> </u>	(Y/N)
ADOPTED W/O OBJECTION	<u> </u>	(Y/N)
FAILED TO ADOPT	<u> </u>	(Y/N)
WITHDRAWN	<u> </u>	(Y/N)
OTHER	<u> </u>	

1 Committee/Subcommittee hearing bill: Commerce Committee
 2 Representative Maggard offered the following:

Amendment (with title amendment)

Remove lines 489-1041 and insert:

Section 13. Subsections (2) and (3) of section 476.114, Florida Statutes, are amended to read:

476.114 Examination; prerequisites.—

(2) An applicant is ~~shall be~~ eligible for licensure by examination to practice barbering if the applicant:

(a) Is at least 16 years of age;

(b) Pays the required application fee; and

(c) ~~1. Holds an active valid license to practice barbering in another state, has held the license for at least 1 year, and does not qualify for licensure by endorsement as provided for in s. 476.144(5); or~~

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17 ~~2.~~ Has received a minimum of 900 hours of training in
18 sanitation, safety, and laws and rules, as established by the
19 board, which must ~~shall~~ include, but is ~~shall~~ not be limited to,
20 the equivalent of completion of services directly related to the
21 practice of barbering at one of the following:

22 ~~1.a.~~ A school of barbering licensed pursuant to chapter
23 1005;

24 ~~2.b.~~ A barbering program within the public school system;
25 or

26 ~~3.c.~~ A government-operated barbering program in this
27 state.

28
29 The board shall establish by rule procedures whereby the school
30 or program may certify that a person is qualified to take the
31 required examination after the completion of a minimum of 600
32 actual school hours. If the person passes the examination, she
33 or he has ~~shall have~~ satisfied this requirement; but if the
34 person fails the examination, she or he may ~~shall~~ not be
35 qualified to take the examination again until the completion of
36 the full requirements provided by this section.

37 (3) An applicant who meets the requirements set forth in
38 paragraph (2)(c) ~~subparagraphs (2)(c)1. and 2.~~ who fails to pass
39 the examination may take subsequent examinations as many times
40 as necessary to pass, except that the board may specify by rule
41 reasonable timeframes for rescheduling the examination and

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42 additional training requirements for applicants who, after the
43 third attempt, fail to pass the examination. Prior to
44 reexamination, the applicant must file the appropriate form and
45 pay the reexamination fee as required by rule.

46 Section 14. Subsection (2) of section 477.019, Florida
47 Statutes, is amended to read:

48 477.019 Cosmetologists; qualifications; licensure;
49 supervised practice; license renewal; endorsement; continuing
50 education.—

51 (2) An applicant is ~~shall be~~ eligible for licensure by
52 examination to practice cosmetology if the applicant:

53 (a) Is at least 16 years of age or has received a high
54 school diploma;

55 (b) Pays the required application fee, which is not
56 refundable, and the required examination fee, which is
57 refundable if the applicant is determined to not be eligible for
58 licensure for any reason other than failure to successfully
59 complete the licensure examination; and

60 ~~(c) 1. Is authorized to practice cosmetology in another~~
61 ~~state or country, has been so authorized for at least 1 year,~~
62 ~~and does not qualify for licensure by endorsement as provided~~
63 ~~for in subsection (5); or~~

64 ~~2.~~ Has received a minimum of 1,200 hours of training as
65 established by the board, which must ~~shall~~ include, but is ~~shall~~
66 not ~~be~~ limited to, the equivalent of completion of services

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67 directly related to the practice of cosmetology at one of the
68 following:

69 ~~1.a.~~ A school of cosmetology licensed pursuant to chapter
70 1005.

71 ~~2.b.~~ A cosmetology program within the public school
72 system.

73 ~~3.c.~~ The Cosmetology Division of the Florida School for
74 the Deaf and the Blind, provided the division meets the
75 standards of this chapter.

76 ~~4.d.~~ A government-operated cosmetology program in this
77 state.

78
79 The board shall establish by rule procedures whereby the school
80 or program may certify that a person is qualified to take the
81 required examination after the completion of a minimum of 1,000
82 actual school hours. If the person then passes the examination,
83 he or she has ~~shall have~~ satisfied this requirement; but if the
84 person fails the examination, he or she may ~~shall~~ not be
85 qualified to take the examination again until the completion of
86 the full requirements provided by this section.

87 Section 15. Paragraph (c) of subsection (7) of section
88 489.131, Florida Statutes, is amended to read:

89 489.131 Applicability.—

90 (7)

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91 (c) In addition to any action the local jurisdiction
92 enforcement body may take against the individual's local
93 license, and any fine the local jurisdiction may impose, the
94 local jurisdiction enforcement body shall issue a recommended
95 penalty for board action. This recommended penalty may include a
96 recommendation for no further action, or a recommendation for
97 suspension, restitution, revocation, or restriction of the
98 registration, or a fine to be levied by the board, or a
99 combination thereof. The recommended penalty must specify the
100 violations of this chapter upon which the recommendation is
101 based. The local jurisdiction enforcement body shall inform the
102 disciplined contractor and the complainant of the local license
103 penalty imposed, the board penalty recommended, his or her
104 rights to appeal, and the consequences should he or she decide
105 not to appeal. The local jurisdiction enforcement body shall,
106 upon having reached adjudication or having accepted a plea of
107 nolo contendere, immediately inform the board of its action and
108 the recommended board penalty.

109 Section 16. Subsections (3) and (6) of section 489.143,
110 Florida Statutes, are amended to read:

111 489.143 Payment from the fund.-

112 (3) Beginning January 1, 2005, for each Division I
113 contract entered into after July 1, 2004, payment from the
114 recovery fund is subject to a \$50,000 maximum payment for each
115 Division I claim. Beginning January 1, 2017, for each Division

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116 II contract entered into on or after July 1, 2016, payment from
117 the recovery fund is subject to a \$15,000 maximum payment for
118 each Division II claim. Beginning January 1, 2025, for Division
119 I and Division II contracts entered into on or after July 1,
120 2024, payment from the recovery fund is subject to a \$100,000
121 maximum payment for each Division I claim and a \$30,000 maximum
122 payment for each Division II claim.

123 (6) For contracts entered into before July 1, 2004,
124 payments for claims against any one licensee may not exceed, in
125 the aggregate, \$100,000 annually, up to a total aggregate of
126 \$250,000. For any claim approved by the board which is in excess
127 of the annual cap, the amount in excess of \$100,000 up to the
128 total aggregate cap of \$250,000 is eligible for payment in the
129 next and succeeding fiscal years, but only after all claims for
130 the then-current calendar year have been paid. Payments may not
131 exceed the aggregate annual or per claimant limits under law.
132 Beginning January 1, 2005, for each Division I contract entered
133 into after July 1, 2004, payment from the recovery fund is
134 subject only to a total aggregate cap of \$500,000 for each
135 Division I licensee. Beginning January 1, 2017, for each
136 Division II contract entered into on or after July 1, 2016,
137 payment from the recovery fund is subject only to a total
138 aggregate cap of \$150,000 for each Division II licensee.
139 Beginning January 1, 2025, for Division I and Division II
140 contracts entered into on or after July 1, 2024, payment from

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141 the recovery fund is subject only to a total aggregate cap of \$2
142 million for each Division I licensee and \$600,000 for each
143 Division II licensee.

144 Section 17. Paragraph (b) of subsection (15) of section
145 499.012, Florida Statutes, is amended to read:

146 499.012 Permit application requirements.—

147 (15)

148 (b) To be certified as a designated representative, a
149 natural person must:

150 1. Submit an application on a form furnished by the
151 department and pay the appropriate fees.

152 2. Be at least 18 years of age.

153 3. Have at least 2 years of verifiable full-time:

154 a. Work experience in a pharmacy licensed in this state or
155 another state, where the person's responsibilities included, but
156 were not limited to, recordkeeping for prescription drugs;

157 b. Managerial experience with a prescription drug
158 wholesale distributor licensed in this state or in another
159 state; ~~or~~

160 c. Managerial experience with the United States Armed
161 Forces, where the person's responsibilities included, but were
162 not limited to, recordkeeping, warehousing, distributing, or
163 other logistics services pertaining to prescription drugs;

164 d. Managerial experience with a state or federal
165 organization responsible for regulating or permitting

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166 establishments involved in the distribution of prescription
167 drugs, whether in an administrative or a sworn law enforcement
168 capacity; or

169 e. Work experience as a drug inspector or investigator
170 with a state or federal organization, whether in an
171 administrative or a sworn law enforcement capacity, where the
172 person's responsibilities related primarily to compliance with
173 state or federal requirements pertaining to the distribution of
174 prescription drugs.

175 4. Receive a passing score of at least 75 percent on an
176 examination given by the department regarding federal laws
177 governing distribution of prescription drugs and this part and
178 the rules adopted by the department governing the wholesale
179 distribution of prescription drugs. This requirement shall be
180 effective 1 year after the results of the initial examination
181 are mailed to the persons that took the examination. The
182 department shall offer such examinations at least four times
183 each calendar year.

184 5. Provide the department with a personal information
185 statement and fingerprints pursuant to subsection (9).

186 Section 17. Subsection (2) of section 561.15, Florida
187 Statutes, is amended to read:

188 561.15 Licenses; qualifications required.—

189 (2) No license under the Beverage Law shall be issued to
190 any person who has been convicted within the last past 5 years

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191 of any offense against the beverage laws of this state, the
192 United States, or any other state; who has been convicted within
193 the last past 5 years in this state or any other state or the
194 United States of soliciting for prostitution, pandering, letting
195 premises for prostitution, or keeping a disorderly place or of
196 any criminal violation of chapter 893 or the controlled
197 substance act of any other state or the Federal Government; or
198 who has been convicted in the last past 10 ~~15~~ years of any
199 felony in this state or any other state or the United States; or
200 to a corporation, any of the officers of which shall have been
201 so convicted. The term "conviction" shall include an
202 adjudication of guilt on a plea of guilty or nolo contendere or
203 the forfeiture of a bond when charged with a crime.

204 Section 18. Subsection (5) of section 561.17, Florida
205 Statutes, is amended to read:

206 561.17 License and registration applications; approved
207 person.—

208 (5) Any person or entity licensed or permitted by the
209 division, or applying for a license or permit, must create and
210 maintain an account with the division's online system and
211 provide an e-mail ~~electronic mail~~ address to the division to
212 function as the primary means of contact for all communication
213 by the division to the licensee, ~~or~~ permittee, or applicant.
214 Licensees, ~~and~~ permittees, and applicants are responsible for
215 maintaining accurate contact information on file with the

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216 division. A person or an entity seeking a license or permit from
217 the division must apply using forms prepared by the division and
218 filed through the division's online system before engaging in
219 any business for which a license or permit is required. The
220 division may not process an application for an alcoholic
221 beverage license unless the application is submitted through the
222 division's online system.

223 Section 19. Section 569.00256, Florida Statutes, is
224 created to read:

225 569.00256 Account; online system.—A person or an entity
226 licensed or permitted by the division under this part, or
227 applying for a license or a permit, must create and maintain an
228 account with the division's online system and provide an e-mail
229 address to the division to function as the primary means of
230 contact for all communication by the division to the licensee,
231 permittee, or applicant. Licensees, permittees, and applicants
232 are responsible for maintaining accurate contact information
233 with the division. A person or an entity seeking a license or
234 permit from the division must apply using forms prepared by the
235 division and filed through the division's online system before
236 engaging in any business for which a license or permit is
237 required. The division may not process an application to deal,
238 at retail, in tobacco products unless the application is
239 submitted through the division's online system.

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240 Section 20. Section 569.3156, Florida Statutes, is created
241 to read:

242 569.3156 Account; online system.—A person or an entity
243 licensed or permitted by the division under this part, or
244 applying for a license or a permit, must create and maintain an
245 account with the division's online system and provide an e-mail
246 address to the division to function as the primary means of
247 contact for all communication by the division to the licensee,
248 permittee, or applicant. Licensees, permittees, and applicants
249 are responsible for maintaining accurate contact information
250 with the division. A person or an entity seeking a license or
251 permit from the division must apply using forms prepared by the
252 division and filed through the division's online system before
253 engaging in any business for which a license or permit is
254 required. The division may not process an application to deal,
255 at retail, in nicotine products unless the application is
256 submitted through the division's online system.

257

258

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

260 Remove lines 68-125 and insert:
261 within a specified timeframe; amending s. 476.114, F.S.;
262 revising eligibility requirements for licensure as a barber;
263 making technical changes; amending s. 477.019, F.S.; revising
264 eligibility requirements for licensure by examination to

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265 practice cosmetology; amending s. 489.131, F.S.; revising the
266 types of penalties that may be recommended by a local
267 jurisdiction enforcement body against a contractor; specifying
268 requirements for any such recommended penalties; amending s.
269 489.143, F.S.; revising payment limitations for payments made
270 from the department's Florida Homeowners' Construction Recovery
271 Fund; amending s. 499.012, F.S.; revising requirements for
272 certification as a designated representative of a prescription
273 drug wholesale distributor; amending s. 561.15, F.S.; reducing a
274 lookback period for criminal history for a license under the
275 Beverage Law; amending s. 561.17, F.S.; requiring persons or
276 entities licensed or permitted by the Division of Alcoholic
277 Beverages and Tobacco, or applying for such license or permit,
278 to create and maintain an account with the division's online
279 system; specifying application requirements; prohibiting the
280 division from processing applications not submitted through the
281 online system; creating ss. 569.00256 and 569.3156, F.S.;
282 requiring certain persons or entities licensed or permitted by
283 the division, or applying for such a license or permit, to
284 create and maintain an account with the division's online
285 system; requiring licensees, permittees, and applicants to
286 provide the division with an e-mail address and maintain
287 accurate contact information; specifying application
288 requirements; prohibiting the division from processing
289 applications not submitted through the online system;

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