

By the Committee on Regulated Industries; and Senator Hooper

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1 A bill to be entitled
2 An act relating to the Department of Business and
3 Professional Regulation; amending s. 210.15 and
4 creating s. 210.32, F.S.; requiring persons or
5 entities licensed or permitted by the department's
6 Division of Alcoholic Beverages and Tobacco, or
7 applying for such license or permit, to create and
8 maintain an account with the division's online system
9 and provide an e-mail address to the division;
10 specifying application requirements; prohibiting the
11 division from processing applications not submitted
12 through the online system; amending s. 210.40, F.S.;
13 revising the amount of an initial corporate surety
14 bond required as a condition of licensure as a tobacco
15 product distributor; requiring the division to review
16 corporate surety bond amounts on a specified basis;
17 authorizing the division to increase a bond amount,
18 subject to specified conditions; authorizing the
19 division to adjust bond amounts by rule; authorizing
20 the division to reduce a bond amount upon a showing of
21 good cause; defining terms; requiring the division to
22 notify distributors in writing if their corporate
23 surety bond requirements change; providing
24 applicability; prohibiting the division from reducing
25 a bond amount under specified circumstances;
26 authorizing the division to adopt rules; amending s.
27 310.0015, F.S.; deleting a provision requiring a
28 competency-based mentor program at ports; deleting a
29 requirement that the department submit an annual

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30 report on the mentor program; amending s. 310.081,
31 F.S.; deleting a requirement that the department
32 consider certain characteristics for applicants for
33 certification as a deputy pilot; making technical
34 changes; creating s. 399.18, F.S.; requiring certain
35 persons or entities certified or registered under the
36 Elevator Safety Act, or applying for such
37 certifications or registrations, to create and
38 maintain an online account with the department's
39 Division of Hotels and Restaurants and provide an e-
40 mail address to the division; requiring such persons
41 and entities to maintain the accuracy of their contact
42 information; requiring the division to adopt rules;
43 creating s. 468.519, F.S.; creating the employee
44 leasing companies licensing program under the
45 department; providing legislative intent; repealing s.
46 468.521, F.S., relating to the department's Board of
47 Employee Leasing Companies; amending s. 469.006, F.S.;
48 revising requirements for department rules governing
49 evidence of financial responsibility of applicants
50 seeking licensure as a business organization under ch.
51 469, F.S.; amending s. 473.306, F.S.; requiring
52 applicants for the accountancy licensure examination
53 to create and maintain an online account with the
54 department and provide an e-mail address; requiring
55 applicants to maintain the accuracy of their contact
56 information; requiring that address changes be
57 submitted through the department's online system
58 within a specified timeframe; conforming cross-

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59 references; amending s. 473.308, F.S.; requiring a
60 person seeking licensure as a Florida certified public
61 accountant, or a firm seeking to engage in public
62 accountancy, to create and maintain an online account
63 with the department and provide an e-mail address;
64 requiring certified public accountants and accounting
65 firms to maintain the accuracy of their contact
66 information; requiring that address changes be
67 submitted through the department's online system
68 within a specified timeframe; amending s. 475.181,
69 F.S.; revising conditions regarding issuance of a
70 licensure under part I of ch. 475, F.S.; amending s.
71 476.114, F.S.; revising eligibility requirements for
72 licensure as a barber; making technical changes;
73 amending s. 477.019, F.S.; revising eligibility
74 requirements for licensure by examination to practice
75 cosmetology; amending s. 489.131, F.S.; revising the
76 types of penalties that may be recommended by a local
77 jurisdiction enforcement body against a contractor;
78 specifying requirements for any such recommended
79 penalties; amending s. 489.143, F.S.; revising payment
80 limitations for payments made from the department's
81 Florida Homeowners' Construction Recovery Fund;
82 amending s. 499.012, F.S.; revising requirements for
83 certification as a designated representative of a
84 prescription drug wholesale distributor; amending s.
85 561.17, F.S.; requiring persons or entities licensed
86 or permitted by the Division of Alcoholic Beverages
87 and Tobacco, or applying for such license or permit,

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88 to create and maintain an account with the division's
89 online system; specifying application requirements;
90 prohibiting the division from processing applications
91 not submitted through the online system; creating ss.
92 569.00256 and 569.3156, F.S.; requiring certain
93 persons or entities licensed or permitted by the
94 division, or applying for such a license or permit, to
95 create and maintain an account with the division's
96 online system; requiring licensees, permittees, and
97 applicants to provide the division with an e-mail
98 address and maintain accurate contact information;
99 specifying application requirements; prohibiting the
100 division from processing applications not submitted
101 through the online system; amending ss. 20.165,
102 210.16, 212.08, 440.02, 448.26, 468.520, 468.522,
103 468.524, 468.5245, 468.525, 468.526, 468.527,
104 468.5275, 468.529, 468.530, 468.531, 468.532, 476.144,
105 and 627.192, F.S.; conforming cross-references and
106 provisions to changes made by the act; providing an
107 effective date.

108
109 Be It Enacted by the Legislature of the State of Florida:

110
111 Section 1. Present paragraphs (a) through (h) of subsection
112 (1) of section 210.15, Florida Statutes, are redesignated as
113 paragraphs (b) through (i), respectively, and a new paragraph
114 (a) is added to that subsection, to read:

115 210.15 Permits.—

116 (1)

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117 (a) A person or an entity licensed or permitted by the
118 division, or applying for a license or a permit, must create and
119 maintain an account with the division's online system and
120 provide an e-mail address to the division to function as the
121 primary means of contact for all communication by the division
122 to the licensee, permittee, or applicant. Licensees, permittees,
123 and applicants are responsible for maintaining accurate contact
124 information on file with the division. A person or an entity
125 seeking a license or permit under this part must apply using
126 forms furnished by the division which are filed through the
127 division's online system before commencing operations. The
128 division may not process an application for a license or permit
129 issued by the division under this part unless the application is
130 submitted through the division's online system.

131 Section 2. Section 210.32, Florida Statutes, is created to
132 read:

133 210.32 Account; online system.—A person or an entity
134 licensed or permitted by the division, or applying for a license
135 or a permit, must create and maintain an account with the
136 division's online system and provide an e-mail address to the
137 division to function as the primary means of contact for all
138 communication by the division to the licensee, permittee, or
139 applicant. Licensees, permittees, and applicants are responsible
140 for maintaining accurate contact information on file with the
141 division. A person or an entity seeking a license or a permit
142 under this part must apply using forms furnished by the division
143 which are filed through the division's online system before
144 commencing operations. The division may not process an
145 application for a license or permit issued by the division under

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146 this part unless the application is submitted through the
147 division's online system.

148 Section 3. Section 210.40, Florida Statutes, is amended to
149 read:

150 210.40 License fees; surety bond; application for each
151 place of business.—

152 (1) Each application for a distributor's license must ~~shall~~
153 be accompanied by a fee of \$25. The application must ~~shall~~ also
154 be accompanied by a corporate surety bond issued by a surety
155 company authorized to do business in this state, conditioned for
156 the payment when due of all taxes, penalties, and accrued
157 interest which may be due the state. The initial corporate
158 surety bond shall be in the sum of \$25,000 ~~\$1,000~~ and in a form
159 prescribed by the division.

160 (a) The division shall review the amount of a corporate
161 surety bond on a semiannual basis to ensure that the bond amount
162 is adequate to protect the state.

163 (b) The division may increase the corporate surety bond
164 amount before renewing a distributor's license or after
165 completing its semiannual review of the bond amount.

166 (c) The corporate surety bond amount may be increased to
167 the sum of the distributor's highest month of final audited tax
168 liabilities, penalties, and accrued interest which are due to
169 the state.

170 (2) A corporate surety bond, with the sum determined by the
171 division in accordance with paragraph (1)(c), is required for
172 renewal of a distributor's license.

173 (3) The division may prescribe by rule increases in the
174 corporate surety bond amounts required as a condition of

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175 licensure.

176 (4) (a) The division may reduce the amount of a corporate
177 surety bond upon a distributor's showing of good cause. For
178 purposes of this subsection, the term:

179 1. "Fully resolved" means that criminal or administrative
180 charges or investigations have been definitively closed or
181 dismissed, have resulted in an acquittal, or have otherwise
182 ended in such a manner that no further legal or administrative
183 actions relating to charges or investigations are pending
184 against a licensee under applicable laws, rules, or regulations.

185 2. "Good cause" means a consistent pattern of responsible
186 financial behavior by the distributor over a period of at least
187 the preceding 4 years, and having the sum of the distributor's
188 final audited tax liabilities, penalties, and interest be less
189 than the amount of the distributor's corporate surety bond for
190 every month for a period of at least the preceding 4 years.

191 3. "Responsible financial behavior" includes the timely and
192 complete reporting and payment of all tax liabilities,
193 penalties, and accrued interest due to the state for a period of
194 at least the preceding 4 years.

195 (b) The division may not reduce a corporate surety bond
196 amount when a licensee:

197 1. Is in default of any tax liabilities, penalties, or
198 interest due to the state;

199 2. Is the subject of a pending criminal prosecution in any
200 jurisdiction until such prosecution has been fully resolved;

201 3. Has pending administrative charges brought by an
202 authorized regulatory body or agency which have not been fully
203 resolved in accordance with applicable rules and procedures; or

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204 4. Is under investigation by any administrative body or
205 agency for potential criminal violations until any such
206 investigation is completed and the findings of the investigation
207 have been fully resolved in accordance with applicable law.

208 (5) The division shall notify a distributor in writing of
209 any change in the distributor's corporate surety bond
210 requirements by the date on which the distributor's audited tax
211 assessments become final.

212 (6) The provisions of this section governing corporate
213 surety bonds are not subject to s. 120.60 ~~Whenever it is the~~
214 ~~opinion of the division that the bond given by a licensee is~~
215 ~~inadequate in amount to fully protect the state, the division~~
216 ~~shall require an additional bond in such amount as is deemed~~
217 ~~sufficient.~~

218 (7) A separate application for a license must shall be made
219 for each place of business at which a distributor proposes to
220 engage in business as a distributor under this part, but an
221 applicant may provide one corporate surety bond in an amount
222 determined by the division for all applications made by the
223 distributor consistent with the requirements of this section.

224 (8) The division may adopt rules to administer this
225 section.

226 Section 4. Paragraph (d) of subsection (3) of section
227 310.0015, Florida Statutes, is amended to read:

228 310.0015 Piloting regulation; general provisions.—

229 (3) The rate-setting process, the issuance of licenses only
230 in numbers deemed necessary or prudent by the board, and other
231 aspects of the economic regulation of piloting established in
232 this chapter are intended to protect the public from the adverse

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233 effects of unrestricted competition which would result from an
234 unlimited number of licensed pilots being allowed to market
235 their services on the basis of lower prices rather than safety
236 concerns. This system of regulation benefits and protects the
237 public interest by maximizing safety, avoiding uneconomic
238 duplication of capital expenses and facilities, and enhancing
239 state regulatory oversight. The system seeks to provide pilots
240 with reasonable revenues, taking into consideration the normal
241 uncertainties of vessel traffic and port usage, sufficient to
242 maintain reliable, stable piloting operations. Pilots have
243 certain restrictions and obligations under this system,
244 including, but not limited to, the following:

245 (d)1. The pilot or pilots in a port shall train and
246 compensate all member deputy pilots in that port. Failure to
247 train or compensate such deputy pilots constitutes shall
248 ~~constitute~~ a ground for disciplinary action under s. 310.101.
249 Nothing in this subsection may ~~shall~~ be deemed to create an
250 agency or employment relationship between a pilot or deputy
251 pilot and the pilot or pilots in a port.

252 2. ~~The pilot or pilots in a port shall establish a~~
253 ~~competency-based mentor program by which minority persons as~~
254 ~~defined in s. 288.703 may acquire the skills for the~~
255 ~~professional preparation and education competency requirements~~
256 ~~of a licensed state pilot or certificated deputy pilot. The~~
257 ~~department shall provide the Governor, the President of the~~
258 ~~Senate, and the Speaker of the House of Representatives with a~~
259 ~~report each year on the number of minority persons as defined in~~
260 ~~s. 288.703 who have participated in each mentor program, who are~~
261 ~~licensed state pilots or certificated deputy pilots, and who~~

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262 ~~have applied for state pilot licensure or deputy pilot~~
263 ~~certification.~~

264 Section 5. Subsection (2) of section 310.081, Florida
265 Statutes, is amended to read:

266 310.081 Department to examine and license state pilots and
267 certificate deputy pilots; vacancies.—

268 (2) The department shall similarly examine persons who file
269 applications for certificate as deputy pilot, and, if upon
270 examination to determine proficiency the department finds them
271 qualified, the department must ~~shall~~ certify as qualified all
272 applicants who pass the examination, provided that not more than
273 five persons who passed the examination are certified for each
274 declared opening. If more than five applicants per opening pass
275 the examination, the persons having the highest scores must
276 ~~shall~~ be certified as qualified up to the number of openings
277 times five. ~~The department shall give consideration to the~~
278 ~~minority and female status of applicants when qualifying deputy~~
279 ~~pilots, in the interest of ensuring diversification within the~~
280 ~~state piloting profession.~~ The department shall appoint and
281 certificate such number of deputy pilots from those applicants
282 deemed qualified as in the discretion of the board are required
283 in the respective ports of the state. A deputy pilot shall be
284 authorized by the department to pilot vessels within the limits
285 and specifications established by the licensed state pilots at
286 the port where the deputy is appointed to serve.

287 Section 6. Section 399.18, Florida Statutes, is created to
288 read:

289 399.18 Online services account.—

290 (1) A certified elevator inspector, certified elevator

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291 technician, or registered elevator company; a person or entity
292 seeking to become certified or registered as such; a person who
293 has been issued an elevator certificate of competency; a person
294 who is seeking such certificate; a person or entity who has been
295 issued an elevator certificate of operation; and a person or
296 entity who is seeking such a certificate must create and
297 maintain an online account with the division and provide an e-
298 mail address to the division to function as the primary means of
299 contact for all communication from the division. Each person or
300 entity is responsible for maintaining accurate contact
301 information on file with the division.

302 (2) The division shall adopt rules to implement this
303 section.

304 Section 7. Section 468.519, Florida Statutes, is created,
305 and incorporated into part XI of chapter 468, Florida Statutes,
306 to read:

307 468.519 Employee leasing companies licensing program;
308 purpose.—

309 (1) There is created within the department the employee
310 leasing companies licensing program.

311 (2) The Legislature finds it necessary in the interest of
312 the public safety and welfare to ensure that consumers of
313 employee leasing companies can rely on the competence and
314 integrity of such companies through the licensing requirements
315 of this part.

316 Section 8. Section 468.521, Florida Statutes, is repealed.

317 Section 9. Paragraph (c) of subsection (2) of section
318 469.006, Florida Statutes, is amended to read:

319 469.006 Licensure of business organizations; qualifying

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320 agents.—

321 (2)

322 (c) As a prerequisite to the issuance of a license under
323 this section, the applicant shall submit the following:

324 1. An affidavit on a form provided by the department
325 attesting that the applicant has obtained workers' compensation
326 insurance as required by chapter 440, public liability
327 insurance, and property damage insurance, in amounts determined
328 by department rule. The department shall establish by rule a
329 procedure to verify the accuracy of such affidavits based upon a
330 random sample method.

331 2. Evidence of financial responsibility. The department
332 shall adopt rules to determine financial responsibility which
333 must ~~shall~~ specify grounds on which the department may deny
334 licensure. Such criteria must ~~shall~~ include, but is not ~~be~~
335 limited to, credit history ~~and limits of bondability and credit.~~

336 Section 10. Section 473.306, Florida Statutes, is amended
337 to read:

338 473.306 Examinations.—

339 (1) A person desiring to be licensed as a Florida certified
340 public accountant shall apply to the department to take the
341 licensure examination.

342 (2) A person applying to the department to take the
343 licensure examination must create and maintain an online account
344 with the department and provide an e-mail address to function as
345 the primary means of contact for all communication to the
346 applicant from the department. Each applicant is responsible for
347 maintaining accurate contact information on file with the
348 department and must submit any change in the applicant's e-mail

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349 address or home address within 30 days after the change. All
350 changes must be submitted through the department's online
351 system.

352 (3) An applicant is entitled to take the licensure
353 examination to practice in this state as a certified public
354 accountant if:

355 (a) The applicant has completed 120 semester hours or 180
356 quarter hours from an accredited college or university with a
357 concentration in accounting and business courses as specified by
358 the board by rule; and

359 (b) The applicant shows that she or he has good moral
360 character. For purposes of this paragraph, the term "good moral
361 character" has the same meaning as provided in s. 473.308(7)(a)
362 ~~s. 473.308(6)(a)~~. The board may refuse to allow an applicant to
363 take the licensure examination for failure to satisfy this
364 requirement if:

365 1. The board finds a reasonable relationship between the
366 lack of good moral character of the applicant and the
367 professional responsibilities of a certified public accountant;
368 and

369 2. The finding by the board of lack of good moral character
370 is supported by competent substantial evidence.

371
372 If an applicant is found pursuant to this paragraph to be
373 unqualified to take the licensure examination because of a lack
374 of good moral character, the board shall furnish to the
375 applicant a statement containing the findings of the board, a
376 complete record of the evidence upon which the determination was
377 based, and a notice of the rights of the applicant to a

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378 rehearing and appeal.

379 (4)~~(3)~~ The board shall have the authority to establish the
380 standards for determining and shall determine:

381 (a) What constitutes a passing grade for each subject or
382 part of the licensure examination;

383 (b) Which educational institutions, in addition to the
384 universities in the State University System of Florida, shall be
385 deemed to be accredited colleges or universities;

386 (c) What courses and number of hours constitute a major in
387 accounting; and

388 (d) What courses and number of hours constitute additional
389 accounting courses acceptable under s. 473.308(4) ~~s. 473.308(3)~~.

390 (5)~~(4)~~ The board may adopt an alternative licensure
391 examination for persons who have been licensed to practice
392 public accountancy or its equivalent in a foreign country so
393 long as the International Qualifications Appraisal Board of the
394 National Association of State Boards of Accountancy has ratified
395 an agreement with that country for reciprocal licensure.

396 (6)~~(5)~~ For the purposes of maintaining the proper
397 educational qualifications for licensure under this chapter, the
398 board may appoint an Educational Advisory Committee, which shall
399 be composed of one member of the board, two persons in public
400 practice who are licensed under this chapter, and four
401 academicians on faculties of universities in this state.

402 Section 11. Present subsections (3) through (9) of section
403 473.308, Florida Statutes, are redesignated as subsections (4)
404 through (10), respectively, a new subsection (3) is added to
405 that section, and subsection (2), paragraph (b) of present
406 subsection (4), and present subsection (8) of that section are

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407 amended, to read:

408 473.308 Licensure.—

409 (2) The board shall certify for licensure any applicant who
410 successfully passes the licensure examination and satisfies the
411 requirements of subsections (4), (5), and (6) ~~(3), (4), and (5)~~,
412 and shall certify for licensure any firm that satisfies the
413 requirements of ss. 473.309 and 473.3101. The board may refuse
414 to certify any applicant or firm that has violated any of the
415 provisions of s. 473.322.

416 (3) A person desiring to be licensed as a Florida certified
417 public accountant or a firm desiring to engage in the practice
418 of public accounting must create and maintain an online account
419 with the department and provide an e-mail address to function as
420 the primary means of contact for all communication from the
421 department. Certified public accountants and firms are
422 responsible for maintaining accurate contact information on file
423 with the department and must submit any change in an e-mail
424 address or street address within 30 days after the change. All
425 changes must be submitted through the department's online
426 system.

427 (5)~~(4)~~

428 (b) However, an applicant who completed the requirements of
429 subsection (4) ~~(3)~~ on or before December 31, 2008, and who
430 passes the licensure examination on or before June 30, 2010, is
431 exempt from the requirements of this subsection.

432 (9)~~(8)~~ If the applicant has at least 5 years of experience
433 in the practice of public accountancy in the United States or in
434 the practice of public accountancy or its equivalent in a
435 foreign country that the International Qualifications Appraisal

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436 Board of the National Association of State Boards of Accountancy
437 has determined has licensure standards that are substantially
438 equivalent to those in the United States, or has at least 5
439 years of work experience that meets the requirements of
440 subsection (5) ~~(4)~~, the board must ~~shall~~ waive the requirements
441 of subsection (4) ~~(3)~~ which are in excess of a baccalaureate
442 degree. All experience that is used as a basis for waiving the
443 requirements of subsection (4) ~~(3)~~ must be while licensed as a
444 certified public accountant by another state or territory of the
445 United States or while licensed in the practice of public
446 accountancy or its equivalent in a foreign country that the
447 International Qualifications Appraisal Board of the National
448 Association of State Boards of Accountancy has determined has
449 licensure standards that are substantially equivalent to those
450 in the United States. The board shall have the authority to
451 establish the standards for experience that meet this
452 requirement.

453 Section 12. Subsection (2) of section 475.181, Florida
454 Statutes, is amended to read:

455 475.181 Licensure.—

456 (2) The commission shall certify for licensure any
457 applicant who satisfies the requirements of ss. 475.17, 475.175,
458 and 475.180. The commission may refuse to certify any applicant
459 who has violated any of the provisions of s. 475.42 or who is
460 subject to discipline under s. 475.25. The application shall
461 expire 2 years after the date received if the applicant does not
462 pass the appropriate examination. ~~Additionally, if an applicant~~
463 ~~does not pass the licensing examination within 2 years after the~~
464 ~~successful course completion date, the applicant's successful~~

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465 ~~course completion is invalid for licensure.~~

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

468 476.114 Examination; prerequisites.—

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

471 (a) Is at least 16 years of age;

472 (b) Pays the required application fee; and

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

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

482 ~~1.a.~~ A school of barbering licensed pursuant to chapter
483 1005;

484 ~~2.b.~~ A barbering program within the public school system;

485 or

486 ~~3.e.~~ A government-operated barbering program in this state.

487
488 The board shall establish by rule procedures whereby the school
489 or program may certify that a person is qualified to take the
490 required examination after the completion of a minimum of 600
491 actual school hours. If the person passes the examination, she
492 or he has ~~shall have~~ satisfied this requirement; but if the
493 person fails the examination, she or he may ~~shall~~ not be

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494 qualified to take the examination again until the completion of
495 the full requirements provided by this section.

496 (3) An applicant who meets the requirements set forth in
497 paragraph (2) (c) ~~subparagraphs (2) (c) 1. and 2.~~ who fails to pass
498 the examination may take subsequent examinations as many times
499 as necessary to pass, except that the board may specify by rule
500 reasonable timeframes for rescheduling the examination and
501 additional training requirements for applicants who, after the
502 third attempt, fail to pass the examination. Prior to
503 reexamination, the applicant must file the appropriate form and
504 pay the reexamination fee as required by rule.

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

507 477.019 Cosmetologists; qualifications; licensure;
508 supervised practice; license renewal; endorsement; continuing
509 education.—

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

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

514 (b) Pays the required application fee, which is not
515 refundable, and the required examination fee, which is
516 refundable if the applicant is determined to not be eligible for
517 licensure for any reason other than failure to successfully
518 complete the licensure examination; and

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

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523 ~~2.~~ Has received a minimum of 1,200 hours of training as
524 established by the board, which must ~~shall~~ include, but is ~~shall~~
525 not ~~be~~ limited to, the equivalent of completion of services
526 directly related to the practice of cosmetology at one of the
527 following:

528 ~~1.a.~~ A school of cosmetology licensed pursuant to chapter
529 1005.

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

531 ~~3.e.~~ The Cosmetology Division of the Florida School for the
532 Deaf and the Blind, provided the division meets the standards of
533 this chapter.

534 ~~4.d.~~ A government-operated cosmetology program in this
535 state.

536

537 The board shall establish by rule procedures whereby the school
538 or program may certify that a person is qualified to take the
539 required examination after the completion of a minimum of 1,000
540 actual school hours. If the person then passes the examination,
541 he or she has ~~shall have~~ satisfied this requirement; but if the
542 person fails the examination, he or she may ~~shall~~ not be
543 qualified to take the examination again until the completion of
544 the full requirements provided by this section.

545 Section 15. Paragraph (c) of subsection (7) of section
546 489.131, Florida Statutes, is amended to read:

547 489.131 Applicability.—

548 (7)

549 (c) In addition to any action the local jurisdiction
550 enforcement body may take against the individual's local
551 license, and any fine the local jurisdiction may impose, the

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552 local jurisdiction enforcement body shall issue a recommended
553 penalty for board action. This recommended penalty may include a
554 recommendation for no further action, or a recommendation for
555 suspension, restitution, revocation, or restriction of the
556 registration, or a fine to be levied by the board, or a
557 combination thereof. The recommended penalty must specify the
558 violations of this chapter upon which the recommendation is
559 based. The local jurisdiction enforcement body shall inform the
560 disciplined contractor and the complainant of the local license
561 penalty imposed, the board penalty recommended, his or her
562 rights to appeal, and the consequences should he or she decide
563 not to appeal. The local jurisdiction enforcement body shall,
564 upon having reached adjudication or having accepted a plea of
565 nolo contendere, immediately inform the board of its action and
566 the recommended board penalty.

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

569 489.143 Payment from the fund.—

570 (3) Beginning January 1, 2005, for each Division I contract
571 entered into after July 1, 2004, payment from the recovery fund
572 is subject to a \$50,000 maximum payment for each Division I
573 claim. Beginning January 1, 2017, for each Division II contract
574 entered into on or after July 1, 2016, payment from the recovery
575 fund is subject to a \$15,000 maximum payment for each Division
576 II claim. Beginning January 1, 2025, for Division I and Division
577 II contracts entered into on or after July 1, 2024, payment from
578 the recovery fund is subject to a \$100,000 maximum payment for
579 each Division I claim and a \$30,000 maximum payment for each
580 Division II claim.

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581 (6) For contracts entered into before July 1, 2004,
582 payments for claims against any one licensee may not exceed, in
583 the aggregate, \$100,000 annually, up to a total aggregate of
584 \$250,000. For any claim approved by the board which is in excess
585 of the annual cap, the amount in excess of \$100,000 up to the
586 total aggregate cap of \$250,000 is eligible for payment in the
587 next and succeeding fiscal years, but only after all claims for
588 the then-current calendar year have been paid. Payments may not
589 exceed the aggregate annual or per claimant limits under law.
590 Beginning January 1, 2005, for each Division I contract entered
591 into after July 1, 2004, payment from the recovery fund is
592 subject only to a total aggregate cap of \$500,000 for each
593 Division I licensee. Beginning January 1, 2017, for each
594 Division II contract entered into on or after July 1, 2016,
595 payment from the recovery fund is subject only to a total
596 aggregate cap of \$150,000 for each Division II licensee.
597 Beginning January 1, 2025, for Division I and Division II
598 contracts entered into on or after July 1, 2024, payment from
599 the recovery fund is subject only to a total aggregate cap of \$2
600 million for each Division I licensee and \$600,000 for each
601 Division II licensee.

602 Section 17. Paragraph (b) of subsection (15) of section
603 499.012, Florida Statutes, is amended to read:

604 499.012 Permit application requirements.—

605 (15)

606 (b) To be certified as a designated representative, a
607 natural person must:

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

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- 610 2. Be at least 18 years of age.
- 611 3. Have at least 2 years of verifiable full-time:
- 612 a. Work experience in a pharmacy licensed in this state or
613 another state, where the person's responsibilities included, but
614 were not limited to, recordkeeping for prescription drugs;
- 615 b. Managerial experience with a prescription drug wholesale
616 distributor licensed in this state or in another state; ~~or~~
- 617 c. Managerial experience with the United States Armed
618 Forces, where the person's responsibilities included, but were
619 not limited to, recordkeeping, warehousing, distributing, or
620 other logistics services pertaining to prescription drugs;
- 621 d. Managerial experience with a state or federal
622 organization responsible for regulating or permitting
623 establishments involved in the distribution of prescription
624 drugs, whether in an administrative or a sworn law enforcement
625 capacity; or
- 626 e. Work experience as a drug inspector or investigator with
627 a state or federal organization, whether in an administrative or
628 a sworn law enforcement capacity, where the person's
629 responsibilities related primarily to compliance with state or
630 federal requirements pertaining to the distribution of
631 prescription drugs.
- 632 4. Receive a passing score of at least 75 percent on an
633 examination given by the department regarding federal laws
634 governing distribution of prescription drugs and this part and
635 the rules adopted by the department governing the wholesale
636 distribution of prescription drugs. This requirement shall be
637 effective 1 year after the results of the initial examination
638 are mailed to the persons that took the examination. The

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639 department shall offer such examinations at least four times
640 each calendar year.

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

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

645 561.17 License and registration applications; approved
646 person.—

647 (5) Any person or entity licensed or permitted by the
648 division, or applying for a license or permit, must create and
649 maintain an account with the division's online system and
650 provide an e-mail ~~electronic mail~~ address to the division to
651 function as the primary means of contact for all communication
652 by the division to the licensee, ~~or~~ permittee, or applicant.
653 Licensees, ~~and~~ permittees, and applicants are responsible for
654 maintaining accurate contact information on file with the
655 division. A person or an entity seeking a license or permit from
656 the division must apply using forms prepared by the division and
657 filed through the division's online system before engaging in
658 any business for which a license or permit is required. The
659 division may not process an application for an alcoholic
660 beverage license unless the application is submitted through the
661 division's online system.

662 Section 19. Section 569.00256, Florida Statutes, is created
663 to read:

664 569.00256 Account; online system.—A person or an entity
665 licensed or permitted by the division under this part, or
666 applying for a license or a permit, must create and maintain an
667 account with the division's online system and provide an e-mail

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668 address to the division to function as the primary means of
669 contact for all communication by the division to the licensee,
670 permittee, or applicant. Licensees, permittees, and applicants
671 are responsible for maintaining accurate contact information
672 with the division. A person or an entity seeking a license or
673 permit from the division must apply using forms prepared by the
674 division and filed through the division's online system before
675 engaging in any business for which a license or permit is
676 required. The division may not process an application to deal,
677 at retail, in tobacco products unless the application is
678 submitted through the division's online system.

679 Section 20. Section 569.3156, Florida Statutes, is created
680 to read:

681 569.3156 Account; online system.—A person or an entity
682 licensed or permitted by the division under this part, or
683 applying for a license or a permit, must create and maintain an
684 account with the division's online system and provide an e-mail
685 address to the division to function as the primary means of
686 contact for all communication by the division to the licensee,
687 permittee, or applicant. Licensees, permittees, and applicants
688 are responsible for maintaining accurate contact information
689 with the division. A person or an entity seeking a license or
690 permit from the division must apply using forms prepared by the
691 division and filed through the division's online system before
692 engaging in any business for which a license or permit is
693 required. The division may not process an application to deal,
694 at retail, in nicotine products unless the application is
695 submitted through the division's online system.

696 Section 21. Paragraph (a) of subsection (4) of section

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697 20.165, Florida Statutes, is amended to read:

698 20.165 Department of Business and Professional Regulation.—
699 There is created a Department of Business and Professional
700 Regulation.

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

703 1. Board of Architecture and Interior Design, created under
704 part I of chapter 481.

705 2. Florida Board of Auctioneers, created under part VI of
706 chapter 468.

707 3. Barbers' Board, created under chapter 476.

708 4. Florida Building Code Administrators and Inspectors
709 Board, created under part XII of chapter 468.

710 5. Construction Industry Licensing Board, created under
711 part I of chapter 489.

712 6. Board of Cosmetology, created under chapter 477.

713 7. Electrical Contractors' Licensing Board, created under
714 part II of chapter 489.

715 8. Employee leasing companies licensing program ~~Board of~~
716 ~~Employee Leasing Companies~~, created under part XI of chapter
717 468.

718 9. Board of Landscape Architecture, created under part II
719 of chapter 481.

720 10. Board of Pilot Commissioners, created under chapter
721 310.

722 11. Board of Professional Engineers, created under chapter
723 471.

724 12. Board of Professional Geologists, created under chapter
725 492.

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726 13. Board of Veterinary Medicine, created under chapter
727 474.

728 14. Home inspection services licensing program, created
729 under part XV of chapter 468.

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

732 Section 22. Subsection (2) of section 210.16, Florida
733 Statutes, is amended to read:

734 210.16 Revocation or suspension of permit.—

735 (2) The division shall revoke the permit or permits of any
736 person who would be ineligible to obtain a new license or renew
737 a license by reason of any of the conditions for permitting
738 provided in s. 210.15(1)(d)1.-6. ~~s. 210.15(1)(c)1.-6.~~

739 Section 23. Paragraph (uuu) of subsection (7) of section
740 212.08, Florida Statutes, is amended to read:

741 212.08 Sales, rental, use, consumption, distribution, and
742 storage tax; specified exemptions.—The sale at retail, the
743 rental, the use, the consumption, the distribution, and the
744 storage to be used or consumed in this state of the following
745 are hereby specifically exempt from the tax imposed by this
746 chapter.

747 (7) MISCELLANEOUS EXEMPTIONS.—Exemptions provided to any
748 entity by this chapter do not inure to any transaction that is
749 otherwise taxable under this chapter when payment is made by a
750 representative or employee of the entity by any means,
751 including, but not limited to, cash, check, or credit card, even
752 when that representative or employee is subsequently reimbursed
753 by the entity. In addition, exemptions provided to any entity by
754 this subsection do not inure to any transaction that is

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755 otherwise taxable under this chapter unless the entity has
756 obtained a sales tax exemption certificate from the department
757 or the entity obtains or provides other documentation as
758 required by the department. Eligible purchases or leases made
759 with such a certificate must be in strict compliance with this
760 subsection and departmental rules, and any person who makes an
761 exempt purchase with a certificate that is not in strict
762 compliance with this subsection and the rules is liable for and
763 shall pay the tax. The department may adopt rules to administer
764 this subsection.

765 (uuu) *Small private investigative agencies.*—

766 1. As used in this paragraph, the term:

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

769 b. "Small private investigative agency" means a private
770 investigator licensed under s. 493.6201 which:

771 (I) Employs three or fewer full-time or part-time
772 employees, including those performing services pursuant to an
773 employee leasing arrangement as defined in s. 468.520(3) ~~s.~~
774 ~~468.520(4)~~, in total; and

775 (II) During the previous calendar year, performed private
776 investigation services otherwise taxable under this chapter in
777 which the charges for the services performed were less than
778 \$150,000 for all its businesses related through common
779 ownership.

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

783 3. The exemption provided by this paragraph may not apply

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784 in the first calendar year a small private investigative agency
785 conducts sales of private investigation services taxable under
786 this chapter.

787 Section 24. Paragraph (a) of subsection (19) of section
788 440.02, Florida Statutes, is amended to read:

789 440.02 Definitions.—When used in this chapter, unless the
790 context clearly requires otherwise, the following terms shall
791 have the following meanings:

792 (19) (a) "Employer" means the state and all political
793 subdivisions thereof, all public and quasi-public corporations
794 therein, every person carrying on any employment, and the legal
795 representative of a deceased person or the receiver or trustees
796 of any person. The term also includes employee leasing
797 companies, as defined in s. 468.520(4) ~~s. 468.520(5)~~, and
798 employment agencies that provide their own employees to other
799 persons. If the employer is a corporation, parties in actual
800 control of the corporation, including, but not limited to, the
801 president, officers who exercise broad corporate powers,
802 directors, and all shareholders who directly or indirectly own a
803 controlling interest in the corporation, are considered the
804 employer for the purposes of ss. 440.105, 440.106, and 440.107.

805 Section 25. Section 448.26, Florida Statutes, is amended to
806 read:

807 448.26 Application.—Nothing in this part shall exempt any
808 client of any labor pool or temporary help arrangement entity as
809 defined in s. 468.520(3)(a) ~~s. 468.520(4)(a)~~ or any assigned
810 employee from any other license requirements of state, local, or
811 federal law. Any employee assigned to a client who is licensed,
812 registered, or certified pursuant to law shall be deemed an

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813 employee of the client for such licensure purposes but shall
814 remain an employee of the labor pool or temporary help
815 arrangement entity for purposes of chapters 440 and 443.

816 Section 26. Subsection (2) of section 468.520, Florida
817 Statutes, is amended to read:

818 468.520 Definitions.—As used in this part:

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

820 Section 27. Section 468.522, Florida Statutes, is amended
821 to read:

822 468.522 Rules ~~of the board~~.—The department may ~~board has~~
823 ~~authority to~~ adopt rules pursuant to ss. 120.536(1) and 120.54
824 to implement ~~the provisions of~~ this part. Every licensee shall
825 be governed and controlled by this part and the rules adopted by
826 the department ~~board~~.

827 Section 28. Subsections (2) and (4) of section 468.524,
828 Florida Statutes, are amended to read:

829 468.524 Application for license.—

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

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

839 (a) The applicant or licensee has made an inadvertent error
840 or omission on the application;

841 (b) The experience documented to the department ~~board~~ was

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842 insufficient at the time of the previous application;

843 (c) The department is unable to complete the criminal
844 background investigation because of insufficient information
845 from the Florida Department of Law Enforcement, the Federal
846 Bureau of Investigation, or any other applicable law enforcement
847 agency;

848 (d) The applicant or licensee has failed to submit required
849 fees; or

850 (e) An applicant or licensed employee leasing company has
851 been deemed ineligible for a license because of the lack of good
852 moral character of an individual or individuals when such
853 individual or individuals are no longer employed in a capacity
854 that would require their licensing under this part.

855 Section 29. Section 468.5245, Florida Statutes, is amended
856 to read:

857 468.5245 Change of ownership.—

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

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

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871 acquisition of such company in the manner prescribed by the
872 department board.

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

879 (4) The department board shall establish filing fees for a
880 change-of-ownership application in accordance with s.
881 468.524(1).

882 Section 30. Subsections (2) and (3) of section 468.525,
883 Florida Statutes, are amended to read:

884 468.525 License requirements.—

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

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

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

897 (b) The department board may deny an application for
898 licensure or renewal citing lack of good moral character.
899 Conviction of a crime within the last 7 years does ~~shall~~ not

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900 automatically bar any applicant or licensee from obtaining a
901 license or continuing as a licensee. The department ~~board~~ shall
902 consider the type of crime committed, the crime's relevancy to
903 the employee leasing industry, the length of time since the
904 conviction and any other factors deemed relevant by the
905 department ~~board~~.

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

911 (a) The employment relationship with workers provided by
912 the employee leasing company to a client company shall be
913 established by written agreement between the leasing company and
914 the client, and written notice of that relationship shall be
915 given by the employee leasing company to each worker who is
916 assigned to perform services at the client company's worksite.

917 (b) An applicant for an initial employee leasing company
918 license shall have a tangible accounting net worth of not less
919 than \$50,000.

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

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929 (d) Each employee leasing company shall maintain an
930 accounting net worth and positive working capital, as determined
931 in accordance with generally accepted accounting principles, or
932 shall have guaranties, letters of credit, or other security
933 acceptable to the department ~~board~~ in sufficient amounts to
934 offset any deficiency. A guaranty will not be acceptable to
935 satisfy this requirement unless the licensee submits sufficient
936 evidence, as defined by rule, that the guarantor has adequate
937 resources to satisfy the obligation of the guaranty. In
938 determining the amount of working capital, a licensee shall
939 include adequate reserves for all taxes and insurance, including
940 plans of self-insurance or partial self-insurance for claims
941 incurred but not paid and for claims incurred but not reported.
942 Compliance with the requirements of this paragraph is subject to
943 verification by department ~~or board~~ audit.

944 (e) Each employee leasing company or employee leasing
945 company group shall submit annual financial statements audited
946 by an independent certified public accountant, with the
947 application and within 120 days after the end of each fiscal
948 year, in a manner and time prescribed by the department ~~board~~,
949 provided however, that any employee leasing company or employee
950 leasing company group with gross Florida payroll of less than
951 \$2.5 million during any fiscal year may submit financial
952 statements reviewed by an independent certified public
953 accountant for that year.

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

957 (g) Each employee leasing company or employee leasing

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958 company group shall maintain accounting and employment records
959 relating to all employee leasing activities for a minimum of 3
960 calendar years.

961 Section 31. Subsections (3) and (5) of section 468.526,
962 Florida Statutes, are amended to read:

963 468.526 License required; fees.—

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

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

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

985 (5) Each controlling person licensee shall pay to the
986 department upon the initial issuance of a license and upon each

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987 renewal thereafter a license fee to be established by the
988 department ~~board~~ in an amount not to exceed \$2,000.

989 Section 32. Subsection (1) of section 468.527, Florida
990 Statutes, is amended to read:

991 468.527 Licensure and license renewal.—

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

996 Section 33. Subsection (2) of section 468.5275, Florida
997 Statutes, is amended to read:

998 468.5275 Registration and exemption of de minimis
999 operations.—

1000 (2) A registration is valid for 1 year. Each registrant
1001 shall pay to the department upon initial registration, and upon
1002 each renewal thereafter, a registration fee to be established by
1003 the department ~~board~~ in an amount not to exceed:

1004 (a) Two hundred and fifty dollars for an employee leasing
1005 company.

1006 (b) Five hundred dollars for an employee leasing company
1007 group.

1008 Section 34. Subsections (2), (4), and (5) of section
1009 468.529, Florida Statutes, are amended to read:

1010 468.529 Licensee's insurance; employment tax; benefit
1011 plans.—

1012 (2) An initial or renewal license may not be issued to any
1013 employee leasing company unless the employee leasing company
1014 first files with the department ~~board~~ evidence of workers'
1015 compensation coverage for all leased employees in this state.

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1016 Each employee leasing company shall maintain and make available
1017 to its workers' compensation carrier the following information:

1018 (a) The correct name and federal identification number of
1019 each client company.

1020 (b) A listing of all covered employees provided to each
1021 client company, by classification code.

1022 (c) The total eligible wages by classification code and the
1023 premiums due to the carrier for the employees provided to each
1024 client company.

1025 (4) An initial or renewal license may not be issued to any
1026 employee leasing company unless the employee leasing company
1027 first provides evidence to the department ~~board~~, as required by
1028 department ~~board~~ rule, that the employee leasing company has
1029 paid all of the employee leasing company's obligations for
1030 payroll, payroll-related taxes, workers' compensation insurance,
1031 and employee benefits. All disputed amounts must be disclosed in
1032 the application.

1033 (5) The provisions of this section are subject to
1034 verification by department ~~or board~~ audit.

1035 Section 35. Subsections (3) and (4) of section 468.530,
1036 Florida Statutes, are amended to read:

1037 468.530 License, contents; posting.—

1038 (3) No license shall be valid for any person or entity who
1039 engages in the business under any name other than that specified
1040 in the license. A license issued under this part is ~~shall~~ not be
1041 assignable, and no licensee may conduct a business under a
1042 fictitious name without prior written authorization of the
1043 department ~~board~~ to do so. The department ~~board~~ may not
1044 authorize the use of a name which is so similar to that of a

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1045 public officer or agency, or of that used by another licensee,
1046 that the public may be confused or misled thereby. No licensee
1047 shall be permitted to conduct business under more than one name
1048 unless it has obtained a separate license. A licensee desiring
1049 to change its licensed name at any time except upon license
1050 renewal shall notify the department ~~board~~ and pay a fee not to
1051 exceed \$50 for each authorized change of name.

1052 (4) Each employee leasing company or employee leasing
1053 company group licensed under this part shall be properly
1054 identified in all advertisements, which must include the license
1055 number, licensed business name, and other appropriate
1056 information in accordance with department rules ~~established by~~
1057 ~~the board~~.

1058 Section 36. Subsection (1) of section 468.531, Florida
1059 Statutes, is amended to read:

1060 468.531 Prohibitions; penalties.—

1061 (1) No person or entity shall:

1062 (a) Practice or offer to practice as an employee leasing
1063 company, an employee leasing company group, or a controlling
1064 person unless such person or entity is licensed pursuant to this
1065 part;

1066 (b) Practice or offer to practice as an employee leasing
1067 company or employee leasing company group unless all controlling
1068 persons thereof are licensed pursuant to this part;

1069 (c) Use the name or title "licensed employee leasing
1070 company," "employee leasing company," "employee leasing company
1071 group," "professional employer," "professional employer
1072 organization," "controlling person," or words that would tend to
1073 lead one to believe that such person or entity is registered

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1074 pursuant to this part, when such person or entity has not
1075 registered pursuant to this part;

1076 (d) Present as his or her own or his or her entity's own
1077 the license of another;

1078 (e) Knowingly give false or forged evidence to the
1079 department board ~~or a member thereof~~; or

1080 (f) Use or attempt to use a license that has been suspended
1081 or revoked.

1082 Section 37. Subsections (1), (2), and (4) of section
1083 468.532, Florida Statutes, are amended to read:

1084 468.532 Discipline.—

1085 (1) The following constitute grounds for which disciplinary
1086 action against a licensee may be taken by the department board:

1087 (a) Being convicted or found guilty of, or entering a plea
1088 of nolo contendere to, regardless of adjudication, bribery,
1089 fraud, or willful misrepresentation in obtaining, attempting to
1090 obtain, or renewing a license.

1091 (b) Being convicted or found guilty of, or entering a plea
1092 of nolo contendere to, regardless of adjudication, a crime in
1093 any jurisdiction which relates to the operation of an employee
1094 leasing business or the ability to engage in business as an
1095 employee leasing company.

1096 (c) Being convicted or found guilty of, or entering a plea
1097 of nolo contendere to, regardless of adjudication, fraud,
1098 deceit, or misconduct in the classification of employees
1099 pursuant to chapter 440.

1100 (d) Being convicted or found guilty of, or entering a plea
1101 of nolo contendere to, regardless of adjudication, fraud,
1102 deceit, or misconduct in the establishment or maintenance of

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1103 self-insurance, be it health insurance or workers' compensation
1104 insurance.

1105 (e) Being convicted or found guilty of, or entering a plea
1106 of nolo contendere to, regardless of adjudication, fraud,
1107 deceit, or misconduct in the operation of an employee leasing
1108 company.

1109 (f) Conducting business without an active license.

1110 (g) Failing to maintain workers' compensation insurance as
1111 required in s. 468.529.

1112 (h) Transferring or attempting to transfer a license issued
1113 pursuant to this part.

1114 (i) Violating any provision of this part or any lawful
1115 order or rule issued under the provisions of this part or
1116 chapter 455.

1117 (j) Failing to notify the department ~~board~~, in writing, of
1118 any change of the primary business address or the addresses of
1119 any of the licensee's offices in the state.

1120 (k) Having been confined in any county jail,
1121 postadjudication, or being confined in any state or federal
1122 prison or mental institution, or when through mental disease or
1123 deterioration, the licensee can no longer safely be entrusted to
1124 deal with the public or in a confidential capacity.

1125 (l) Having been found guilty for a second time of any
1126 misconduct that warrants suspension or being found guilty of a
1127 course of conduct or practices which shows that the licensee is
1128 so incompetent, negligent, dishonest, or untruthful that the
1129 money, property, transactions, and rights of investors, or those
1130 with whom the licensee may sustain a confidential relationship,
1131 may not safely be entrusted to the licensee.

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1132 (m) Failing to inform the department board in writing
1133 within 30 days after being convicted or found guilty of, or
1134 entering a plea of nolo contendere to, any felony, regardless of
1135 adjudication.

1136 (n) Failing to conform to any lawful order of the
1137 department board.

1138 (o) Being determined liable for civil fraud by a court in
1139 any jurisdiction.

1140 (p) Having adverse material final action taken by any state
1141 or federal regulatory agency for violations within the scope of
1142 control of the licensee.

1143 (q) Failing to inform the department board in writing
1144 within 30 days after any adverse material final action by a
1145 state or federal regulatory agency.

1146 (r) Failing to meet or maintain the requirements for
1147 licensure as an employee leasing company or controlling person.

1148 (s) Engaging as a controlling person any person who is not
1149 licensed as a controlling person by the department board.

1150 (t) Attempting to obtain, obtaining, or renewing a license
1151 to practice employee leasing by bribery, misrepresentation, or
1152 fraud.

1153 (2) When the department board finds any violation of
1154 subsection (1), it may do one or more of the following:

1155 (a) Deny an application for licensure.

1156 (b) Permanently revoke, suspend, restrict, or not renew a
1157 license.

1158 (c) Impose an administrative fine not to exceed \$5,000 for
1159 every count or separate offense.

1160 (d) Issue a reprimand.

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1161 (e) Place the licensee on probation for a period of time
1162 and subject to such conditions as the department ~~board~~ may
1163 specify.

1164 (f) Assess costs associated with investigation and
1165 prosecution.

1166 (4) The department ~~board~~ shall specify the penalties for
1167 any violation of this part.

1168 Section 38. Paragraph (a) of subsection (6) of section
1169 476.144, Florida Statutes, is amended to read:

1170 476.144 Licensure.—

1171 (6) A person may apply for a restricted license to practice
1172 barbering. The board shall adopt rules specifying procedures for
1173 an applicant to obtain a restricted license if the applicant:

1174 (a)1. Has successfully completed a restricted barber
1175 course, as established by rule of the board, at a school of
1176 barbering licensed pursuant to chapter 1005, a barbering program
1177 within the public school system, or a government-operated
1178 barbering program in this state; or

1179 2.a. Holds or has within the previous 5 years held an
1180 active valid license to practice barbering in another state or
1181 country or has held a Florida barbering license which has been
1182 declared null and void for failure to renew the license, and the
1183 applicant fulfilled the requirements of s. 476.114(2)(c) ~~s.~~
1184 ~~476.114(2)(c)~~2. for initial licensure; and

1185 b. Has not been disciplined relating to the practice of
1186 barbering in the previous 5 years; and

1187

1188 The restricted license shall limit the licensee's practice to
1189 those specific areas in which the applicant has demonstrated

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1190 competence pursuant to rules adopted by the board.

1191 Section 39. Paragraph (a) of subsection (2) of section
1192 627.192, Florida Statutes, is amended to read:

1193 627.192 Workers' compensation insurance; employee leasing
1194 arrangements.—

1195 (2) For purposes of the Florida Insurance Code:

1196 (a) "Employee leasing" shall have the same meaning as set
1197 forth in s. 468.520(3) ~~s. 468.520(4)~~.

1198 Section 40. This act shall take effect July 1, 2024.