

By Senator Truenow

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1 A bill to be entitled
2 An act relating to the Department of Business and
3 Professional Regulation; repealing ss. 468.399,
4 468.521, 468.523, 476.054, 477.015, 481.2131,
5 481.2251, 481.305, 492.103, 499.01211, and 713.79,
6 F.S., relating to expenditure of excess funds; the
7 Board of Employee Leasing Companies, membership,
8 appointments, and terms; rules of the board; the
9 Barbers' Board; the Board of Cosmetology; interior
10 design, practice requirements, disclosure of
11 compensation for professional services; disciplinary
12 proceedings against registered interior designers; the
13 Board of Landscape Architecture; the Board of
14 Professional Geologists; the Drug Wholesale
15 Distributor Advisory Council; and liens for interior
16 design services, respectively; amending s. 20.165,
17 F.S.; renaming, deleting, and redesignating specified
18 boards, commissions, and councils established under
19 the Division of Professions within the department;
20 conforming provisions to changes made by the act;
21 amending s. 339.035, F.S.; revising the requirements
22 for accessibility of elevators for the physically
23 handicapped; amending s. 448.095, F.S.; providing that
24 the department may request copies of certain
25 documentation relied upon by employers to verify an
26 employee's employment eligibility; requiring the
27 department to notify the Department of Commerce and
28 the Department of Law Enforcement of any violations
29 within a specified timeframe; reenacting and amending

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30 s. 455.02, F.S.; specifying that certain license
31 application requirements apply only to certain
32 professions; amending s. 455.2124, F.S.; revising
33 applicability regarding continuing education; amending
34 s. 455.213, F.S.; deleting a requirement that the
35 board regulating a cosmetologist or cosmetology
36 specialist review an applicant's criminal record;
37 requiring specified persons or entities to create and
38 maintain an account with the Department of Business
39 and Professional Regulation's online system; requiring
40 such persons or entities to provide specified
41 information on the department's online system;
42 requiring such persons to use forms furnished by the
43 department's online system; prohibiting the department
44 from processing an application not submitted through
45 its online system; amending ss. 468.382 and 476.034,
46 F.S.; deleting the definition of the term "board";
47 reordering and amending ss. 468.520, 477.013, and
48 492.102, F.S.; deleting definitions; amending s.
49 471.015, F.S.; revising who the board must certify as
50 qualified for a license by endorsement for the
51 practice of engineering; amending s. 473.3065, F.S.;
52 renaming the Certified Public Accountant Education
53 Minority Assistance Advisory Council as the Certified
54 Public Accountant Education Opportunity Assistance
55 Advisory Council; revising the purpose of the Clay
56 Ford Scholarship Program; revising eligibility
57 criteria for receipt of the scholarship; revising the
58 criteria for sitting on and filling a vacancy on the

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59 council; amending s. 476.064, F.S.; conforming
60 provisions to changes made by the act; amending s.
61 476.184, F.S.; requiring the department to adopt
62 rules; requiring a mobile barbershop to comply with
63 all licensure and operating requirements that apply to
64 a barbershop at a fixed location; providing an
65 exception; requiring a mobile barbershop to have a
66 permanent business address in a specified location;
67 requiring that certain records be kept at the
68 permanent business address; requiring a mobile
69 barbershop licenseholder to file with the department a
70 written monthly itinerary that provides certain
71 information; requiring that a licenseholder comply
72 with certain laws and ordinances; amending s. 476.188,
73 F.S.; providing that a barbershop must be licensed
74 with the department, rather than registered;
75 authorizing the practice of barbering to be performed
76 in a location other than a licensed barbershop under
77 certain circumstances; conforming provisions to
78 changes made by the act; amending ss. 477.019 and
79 477.0201, F.S.; requiring an initial applicant for
80 certain cosmetology licenses to submit a complete set
81 of fingerprints to the Department of Law Enforcement
82 for state processing of a background check; requiring
83 the department to forward such fingerprints to the
84 Federal Bureau of Investigation for national
85 processing of a background screening; requiring the
86 Department of Business and Professional Regulation to
87 review the results of such background screenings

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88 before issuing a license; providing that the costs for
89 such background screenings be borne by the applicant;
90 requiring the authorized agencies or vendors to pay
91 the processing costs to the Department of Law
92 Enforcement; conforming cross-references; conforming
93 provisions to changes made by the act; renaming ch.
94 481, F.S., as "Architecture and Landscape
95 Architecture"; renaming part I of ch. 481, F.S., as
96 "Architecture"; amending s. 481.203, F.S.; revising
97 and deleting terms; amending s. 481.205, F.S.;
98 renaming the Board of Architecture and Interior Design
99 as the Board of Architecture and Landscape
100 Architecture; revising the number of members on the
101 board; revising the criteria to sit on the board;
102 conforming provisions to changes made by the act;
103 making technical changes; amending s. 481.207, F.S.;
104 deleting the fees regarding registered interior
105 designers; amending s. 481.209, F.S.; deleting
106 examination requirements for persons seeking to obtain
107 a certificate and seal of registration as a registered
108 interior designer; amending s. 481.213, F.S.; deleting
109 a provision that licensure as an architect is deemed
110 to include all the rights and privileges of
111 registration as an interior designer; deleting a
112 requirement that the board certify registration by
113 endorsement of an interior designer who meets certain
114 criteria; revising who the board shall certify as
115 qualified for a license by endorsement in the practice
116 of architecture; conforming a cross-reference;

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117 deleting a provision that a certificate of
118 registration is not required for a person providing
119 interior decorator or interior design services;
120 amending s. 481.215, F.S.; conforming provisions to
121 changes made by the act; amending s. 481.217, F.S.;
122 deleting certain continuing education requirements for
123 inactive interior designers; amending s. 481.219,
124 F.S.; deleting a provision that an interior designer
125 who signs and seals the interior design drawings,
126 plans, or specifications for a project is liable for
127 the professional services performed; revising
128 construction; amending s. 481.221, F.S.; deleting a
129 requirement that the board adopt rules; deleting a
130 requirement that a registered interior designer obtain
131 a seal as prescribed by the board for filing public
132 records; deleting a requirement that such filings bear
133 the interior designer's seal and signature; deleting
134 the provision that such seal and signature bear
135 evidence of the authenticity of that to which they are
136 affixed; deleting a provision that certain documents
137 may be transmitted and signed and sealed
138 electronically; deleting a prohibition against a
139 registered interior designer affixing his or her seal
140 or signature to work that he or she is not competent
141 or registered to perform; deleting a prohibition
142 against a registered interior designer affixing his or
143 her signature or seal to certain documents that were
144 not prepared by him or her; deleting a requirement
145 that certain documents prepared by a registered

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146 interior designer be of a sufficiently high standard;
147 conforming provisions to changes made by the act;
148 amending s. 481.222, F.S.; conforming provisions to
149 changes made by the act; amending s. 481.223, F.S.;
150 deleting prohibitions against any person using the
151 title "registered interior designer" or attempting to
152 use an interior design certificate of registration
153 when he or she is not a holder of such certificate of
154 registration or when such certificate has been
155 suspended, revoked, or placed on inactive or
156 delinquent status; amending s. 481.229, F.S.; deleting
157 exceptions and exemptions from licensure; reenacting
158 and amending s. 481.231, F.S.; deleting a provision
159 that part I of ch. 481, F.S., does not repeal, amend,
160 limit, or otherwise affect specific provisions with
161 respect to registered interior designers; amending s.
162 481.303, F.S.; revising the definition of the term
163 "board"; amending s. 489.107, F.S.; revising the
164 quorum requirements of the Construction Industry
165 Licensing Board; making a technical change; amending
166 s. 489.111, F.S.; deleting a requirement that the
167 department ensure a sensitivity review committee is
168 established; reenacting and amending s. 499.012, F.S.;
169 deleting permit application requirements for a
170 prescription drug wholesale distributor to include a
171 designated representative; amending s. 499.0121, F.S.;
172 deleting a designated representative as a responsible
173 person who must be listed by a wholesale distributor;
174 amending s. 499.041, F.S.; deleting a requirement that

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175 the department assess each person applying for
176 certification as a designated representative a fee,
177 plus the cost of processing a criminal history record
178 check; amending s. 509.098, F.S.; prohibiting an
179 operator of a public lodging establishment from
180 offering, charging, or discounting or rebating a room
181 at an hourly rate; amending s. 509.261, F.S.;
182 prohibiting a lodging establishment or a public food
183 service establishment from selling hemp in violation
184 of the state hemp program; amending s. 553.73, F.S.;
185 making technical changes; reordering and amending s.
186 569.002, F.S.; making technical changes; amending s.
187 569.006, F.S.; revising the violations for which
188 retail tobacco products dealers are penalized;
189 amending s. 581.217, F.S.; defining the term
190 "division"; authorizing the Division of Alcoholic
191 Beverages and Tobacco to assist any agent of the
192 Department of Agriculture and Consumer Services in
193 enforcing the state hemp program; authorizing the
194 division to enter any public or private premises
195 during a specified timeframe in the performance of its
196 duties; amending s. 713.03, F.S.; deleting interior
197 designers as professionals who may place a lien on
198 real property for money owed them for services
199 rendered; amending ss. 326.002, 326.006, 468.384,
200 468.385, 468.3852, 468.3855, 468.386, 468.387,
201 468.388, 468.389, 468.392, 468.393, 468.395, 468.396,
202 468.397, 468.398, 468.522, 468.524, 468.5245, 468.525,
203 468.526, 468.527, 468.5275, 468.529, 468.530, 468.531,

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204 468.532, 476.074, 476.114, 476.134, 476.144, 476.154,
 205 476.155, 476.192, 476.204, 476.214, 476.234, 477.016,
 206 477.018, 477.0212, 477.022, 477.025, 477.026,
 207 477.0263, 477.028, 477.029, 492.104, 492.105, 492.106,
 208 492.107, 492.108, 492.1101, 492.111, 492.113, and
 209 558.002, F.S.; conforming provisions to changes made
 210 by the act; making technical changes; deleting
 211 obsolete language; amending ss. 125.01, 125.56,
 212 212.08, 440.02, 477.0135, 448.26, 489.103, 553.775,
 213 553.79, 553.844, 569.34, 569.35, 604.50, and 627.192,
 214 F.S.; conforming cross-references; making technical
 215 changes; reenacting ss. 120.54(3)(c), 120.74(2)(b) and
 216 (3)(a), 468.4315(3), and 468.523, F.S., relating to
 217 rulemaking; agency annual rulemaking and regulatory
 218 plans, reports; the Regulatory Council of Community
 219 Association Managers; and applicability of s. 20.165
 220 and ch. 455, F.S., respectively, to incorporate the
 221 amendment made to s. 20.165, F.S., in references
 222 thereto; reenacting s. 448.09(2), F.S., relating to
 223 prohibited employment of unauthorized aliens, to
 224 incorporate the amendment made to s. 448.095, F.S., in
 225 a reference thereto; reenacting s. 287.055(2)(h),
 226 F.S., relating to definitions, to incorporate the
 227 amendment made to s. 481.219, F.S., in a reference
 228 thereto; reenacting s. 481.225(1)(a), F.S., relating
 229 to disciplinary proceedings against registered
 230 architects, to incorporate the amendment made to ss.
 231 481.221 and 481.223, F.S., in references thereto;
 232 reenacting s. 1013.45(4), F.S., relating to

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233 educational facilities contracting and construction
234 techniques for school districts and Florida College
235 System institutions, to incorporate the amendment made
236 to s. 481.229, F.S., in a reference thereto;
237 reenacting s. 499.067(1)(b), F.S., relating to denial,
238 suspension, or revocation of a permit, certification,
239 or registration, to incorporate the amendment made to
240 s. 499.012, F.S., in references thereto; reenacting
241 ss. 458.3265(3)(f), 459.0137(3)(f), and 499.01(2)(a),
242 (c), (h), (j)-(m), and (q), F.S., relating to pain-
243 management clinics, pain-management clinics, and
244 permits, respectively, to incorporate the amendment
245 made to s. 499.0121, F.S., in references thereto;
246 reenacting s. 499.015(1)(a), F.S., relating to
247 registration of drugs and devices and issuance of
248 certificates of free sale, to incorporate the
249 amendment made to s. 499.041, F.S., in a reference
250 thereto; reenacting ss. 713.01(19) and 713.02(1),
251 F.S., relating to definitions and types of lienors and
252 exemptions, respectively, to incorporate the amendment
253 made to s. 713.03, F.S., in references thereto;
254 providing an effective date.

255
256 Be It Enacted by the Legislature of the State of Florida:

- 257
258 Section 1. Section 468.399, Florida Statutes, is repealed.
259 Section 2. Section 468.521, Florida Statutes, is repealed.
260 Section 3. Section 468.523, Florida Statutes, is repealed.
261 Section 4. Section 476.054, Florida Statutes, is repealed.

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- 262 Section 5. Section 477.015, Florida Statutes, is repealed.
- 263 Section 6. Section 481.2131, Florida Statutes, is repealed.
- 264 Section 7. Section 481.2251, Florida Statutes, is repealed.
- 265 Section 8. Section 481.305, Florida Statutes, is repealed.
- 266 Section 9. Section 492.103, Florida Statutes, is repealed.
- 267 Section 10. Section 499.01211, Florida Statutes, is
 268 repealed.
- 269 Section 11. Section 713.79, Florida Statutes, is repealed.
- 270 Section 12. Paragraph (a) of subsection (4), subsections
 271 (5), (6), and (7), and paragraph (b) of subsection (9) of
 272 section 20.165, Florida Statutes, are amended to read:
- 273 20.165 Department of Business and Professional Regulation.—
 274 There is created a Department of Business and Professional
 275 Regulation.
- 276 (4) (a) The following boards, ~~and~~ programs, commissions, and
 277 councils are established within the Division of Professions:
- 278 1. The Board of Architecture and Landscape Architecture
 279 ~~Interior Design~~, created under parts ~~part~~ I and II of chapter
 280 481.
- 281 2. The auctioneers licensing program ~~Florida Board of~~
 282 ~~Auctioneers~~, created under part VI of chapter 468.
- 283 3. The barbers licensing program ~~Barbers' Board~~, created
 284 under chapter 476.
- 285 4. The Florida Building Code Administrators and Inspectors
 286 ~~Board~~, created under part XII of chapter 468.
- 287 5. The Construction Industry Licensing Board, created under
 288 part I of chapter 489.
- 289 6. The cosmetology licensing program ~~Board of Cosmetology~~,
 290 created under chapter 477.

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- 291 7. The Electrical Contractors' Licensing Board, created
292 under part II of chapter 489.
- 293 8. The employee leasing companies licensing program ~~Board~~
294 ~~of Employee Leasing Companies~~, created under part XI of chapter
295 468.
- 296 9. ~~Board of Landscape Architecture, created under part II~~
297 ~~of chapter 481.~~
- 298 ~~10.~~ The Board of Pilot Commissioners, created under chapter
299 310.
- 300 ~~10.11.~~ The Board of Professional Engineers, created under
301 chapter 471.
- 302 ~~11.12.~~ The ~~Board of~~ professional geologists licensing
303 program, created under chapter 492.
- 304 ~~12.13.~~ The Board of Veterinary Medicine, created under
305 chapter 474.
- 306 ~~13.14.~~ The home inspection services licensing program,
307 created under part XV of chapter 468.
- 308 ~~14.15.~~ The mold-related services licensing program, created
309 under part XVI of chapter 468.
- 310 15. The talent agency licensing program, created under part
311 VII of chapter 468.
- 312 16. The Florida Building Commission, created under chapter
313 553.
- 314 17. The Regulatory Council of Community Association
315 Managers, created under part VIII of chapter 468.
- 316 18. The yacht and ship brokers licensing program, created
317 under chapter 326.
- 318 (5) The members of each board or commission established
319 pursuant to subsection (4) shall be appointed by the Governor,

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320 subject to confirmation by the Senate. Consumer members on the
321 board or commission shall be appointed pursuant to subsection
322 (6). Members shall be appointed for 4-year terms, and such terms
323 shall expire on October 31. However, a term of less than 4 years
324 may be utilized to ensure that:

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

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

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

334

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

343 (6) Each board or commission with five or more members
344 shall have at least two consumer members who are not, and have
345 never been, members or practitioners of the profession regulated
346 by such board or commission or of any closely related
347 profession. Each board or commission with fewer than five
348 members shall have at least one consumer member who is not, and

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349 has never been, a member or practitioner of the profession
350 regulated by such board or commission or of any closely related
351 profession.

352 (7) No board or commission, with the exception of joint
353 coordinators, shall be transferred from its present location
354 unless authorized by the Legislature in the General
355 Appropriations Act.

356 (9)

357 (b) Each employee serving as a law enforcement officer for
358 the division must meet the qualifications for employment or
359 appointment as a law enforcement officer set forth under s.
360 943.13 and must be certified as a law enforcement officer by the
361 Department of Law Enforcement under chapter 943. Upon
362 certification, each law enforcement officer is subject to and
363 has the same authority as provided for law enforcement officers
364 generally in chapter 901 and has statewide jurisdiction. Each
365 officer also has arrest authority as provided for state law
366 enforcement officers in s. 901.15. Each officer possesses the
367 full law enforcement powers granted to other peace officers of
368 this state, including the authority to make arrests, carry
369 firearms, serve court process, and seize contraband and the
370 proceeds of illegal activities.

371 1. The primary responsibility of each officer appointed
372 under this section is to investigate, enforce, and prosecute,
373 throughout this ~~the~~ state, violations and violators of parts I
374 and II of chapter 210, chapter 310, chapter 326, parts I and III
375 of chapter 450, chapter 455, parts VI-IX, XI, XII, XV, and XVI
376 of chapter 468, chapter 469, chapter 471, chapters 473-477,
377 chapter 481, parts I and II of chapter 489, chapter 499, chapter

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378 509, chapter 548, chapter 553, part VII of chapter 559, and
379 chapters 561-569, chapters 718-719, chapter 721, and chapter 723
380 and the rules adopted thereunder, as well as other state laws
381 that the division, all state law enforcement officers, or
382 beverage enforcement agents are specifically authorized to
383 enforce.

384 2. The secondary responsibility of each officer appointed
385 under this section is to enforce all other state laws, provided
386 that the enforcement is incidental to exercising the officer's
387 primary responsibility as provided in subparagraph 1., and the
388 officer exercises the powers of a deputy sheriff, only after
389 consultation or coordination with the appropriate local
390 sheriff's office or municipal police department or when the
391 division participates in the Florida Mutual Aid Plan during a
392 declared state emergency.

393 Section 13. Subsection (2) of section 399.035, Florida
394 Statutes, is amended to read:

395 399.035 Elevator accessibility requirements for the
396 physically handicapped.—

397 (2) Any building that is more than three stories high or in
398 which the vertical distance between the bottom terminal landing
399 and the top terminal landing exceeds 25 feet must be constructed
400 to contain at least one passenger elevator that is operational
401 and will accommodate an ambulance stretcher size specified in
402 the edition of the Florida Building Code that was in effect at
403 the time of receipt of an application for construction permit
404 for the elevator ~~76 inches long and 24 inches wide in the~~
405 ~~horizontal position.~~

406 Section 14. Paragraph (a) of subsection (3) of section

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407 448.095, Florida Statutes, is amended, and paragraph (c) is
408 added to that subsection, to read:

409 448.095 Employment eligibility.—

410 (3) ENFORCEMENT.—

411 (a) For the purpose of enforcement of this section, any of
412 the following persons or entities may request, and an employer
413 must provide, copies of any documentation relied upon by the
414 employer for the verification of a new employee's employment
415 eligibility:

416 1. The Department of Law Enforcement;

417 2. The Attorney General;

418 3. The state attorney in the circuit in which the new
419 employee works;

420 4. The statewide prosecutor; ~~or~~

421 5. The Department of Commerce; or

422 6. The Department of Business and Professional Regulation.

423 (c) If the Department of Business and Professional
424 Regulation determines an employer violated subsection (2) or s.
425 448.09, it must notify the Department of Commerce and the
426 Department of Law Enforcement within 30 days after making such
427 determination.

428 Section 15. Paragraph (a) of subsection (3) of section
429 455.02, Florida Statutes, is amended, and subsections (1) and
430 (2) of that section are reenacted, to read:

431 455.02 Licensure of members of the Armed Forces in good
432 standing and their spouses or surviving spouses with
433 administrative boards or programs.—

434 (1) Any member of the United States Armed Forces now or
435 hereafter on active duty who, at the time of becoming such a

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436 member, was in good standing with any of the boards or programs
437 listed in s. 20.165 and was entitled to practice or engage in
438 his or her profession or occupation in the state shall be kept
439 in good standing by the applicable board or program, without
440 registering, paying dues or fees, or performing any other act on
441 his or her part to be performed, as long as he or she is a
442 member of the United States Armed Forces on active duty and for
443 a period of 2 years after discharge from active duty. A member,
444 during active duty and for a period of 2 years after discharge
445 from active duty, engaged in his or her licensed profession or
446 occupation in the private sector for profit in this state must
447 complete all license renewal provisions except remitting the
448 license renewal fee, which shall be waived by the department.

449 (2) A spouse of a member of the United States Armed Forces
450 who is married to a member during a period of active duty, or a
451 surviving spouse of a member who at the time of death was
452 serving on active duty, who is in good standing with any of the
453 boards or programs listed in s. 20.165 shall be kept in good
454 standing by the applicable board or program as described in
455 subsection (1) and shall be exempt from licensure renewal
456 provisions, but only in cases of his or her absence from the
457 state because of his or her spouse's duties with the United
458 States Armed Forces. The department or the appropriate board or
459 program shall waive any license renewal fee for such spouse when
460 he or she is present in this state because of such member's
461 active duty and for a surviving spouse of a member who at the
462 time of death was serving on active duty and died within the 2
463 years preceding the date of renewal.

464 (3) (a) The department shall issue a professional license to

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465 an applicant who is or was an active duty member of the Armed
466 Forces of the United States, or who is a spouse or surviving
467 spouse of such member, upon application to the department in a
468 format prescribed by the department. An application must include
469 proof that:

470 1. The applicant is or was an active duty member of the
471 Armed Forces of the United States or is married to a member of
472 the Armed Forces of the United States and was married to the
473 member during any period of active duty or was married to such a
474 member who at the time of the member's death was serving on
475 active duty. An applicant who was an active duty member of the
476 Armed Forces of the United States must have received an
477 honorable discharge upon separation or discharge from the Armed
478 Forces of the United States.

479 2. The applicant holds a valid license for the profession
480 issued by another state, the District of Columbia, any
481 possession or territory of the United States, or any foreign
482 jurisdiction.

483 3. The applicant, where required by the specific practice
484 act, has complied with insurance or bonding requirements.

485 4.a. A complete set of the applicant's fingerprints is
486 submitted to the Department of Law Enforcement for a statewide
487 criminal history check for those professions that require
488 fingerprints for initial licensure.

489 b. The Department of Law Enforcement shall forward the
490 fingerprints submitted pursuant to sub-subparagraph a. to the
491 Federal Bureau of Investigation for a national criminal history
492 check. The department shall, and the board may, review the
493 results of the criminal history checks according to the level 2

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494 screening standards in s. 435.04 and determine whether the
495 applicant meets the licensure requirements. The costs of
496 fingerprint processing shall be borne by the applicant. If the
497 applicant's fingerprints are submitted through an authorized
498 agency or vendor, the agency or vendor must ~~shall~~ collect the
499 required processing fees and remit the fees to the Department of
500 Law Enforcement.

501 Section 16. Paragraph (b) of subsection (2) of section
502 455.2124, Florida Statutes, is amended to read:

503 455.2124 Proration of or not requiring continuing
504 education.—

505 (2)

506 (b) This subsection does not apply to engineers regulated
507 pursuant to chapter 471; to certified public accountants
508 regulated pursuant to chapter 473; to brokers, broker
509 associates, and sales associates regulated pursuant to part I of
510 chapter 475; to appraisers regulated pursuant to part II of
511 chapter 475; to architects, ~~interior designers,~~ or landscape
512 architects regulated pursuant to chapter 481; or to contractors
513 regulated pursuant to chapter 489.

514 Section 17. Paragraph (a) of subsection (3) and subsection
515 (12) of section 455.213, Florida Statutes, are amended to read:

516 455.213 General licensing provisions.—

517 (3) (a) Notwithstanding any other law, the applicable board
518 shall use the process in this subsection for review of an
519 applicant's criminal record to determine his or her eligibility
520 for licensure as:

521 1. A barber under chapter 476;

522 2. ~~A cosmetologist or cosmetology specialist under chapter~~

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523 ~~477,~~524 ~~3.~~ Any of the following construction professions under
525 chapter 489:

526 a. Air-conditioning contractor;

527 b. Electrical contractor;

528 c. Mechanical contractor;

529 d. Plumbing contractor;

530 e. Pollutant storage systems contractor;

531 f. Roofing contractor;

532 g. Sheet metal contractor;

533 h. Solar contractor;

534 i. Swimming pool and spa contractor;

535 j. Underground utility and excavation contractor; or

536 k. Other specialty contractors; or

537 ~~3.4.~~ Any other profession for which the department issues a
538 license, provided the profession is offered to inmates in any
539 correctional institution or correctional facility as vocational
540 training or through an industry certification program.541 (12) (a) A person or an entity licensed or permitted by
542 either the Division of Professions or the Division of Real
543 Estate, or applying for a license or a permit, must create and
544 maintain an account with the department's online system and
545 provide an e-mail address to the department to function as the
546 primary means of contact for all communication by the department
547 to the licensee, permitholder, or applicant. Licensees,
548 permitholders, and applicants are responsible for maintaining
549 accurate contact information on file with the department. A
550 person or an entity seeking a license or a permit under this
551 chapter or under the applicable practice act must apply using

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552 forms furnished by the department which are filed through the
553 department's online system before the person or entity commences
554 operations. The department may not process an application for a
555 license or a permit issued by the department under this chapter
556 or under the applicable practice act unless the application is
557 submitted through the department's online system ~~Any submission~~
558 ~~required to be in writing may otherwise be required by the~~
559 ~~department to be made by electronic means.~~

560 (b) The department is authorized to contract with private
561 vendors, or enter into interagency agreements, to collect
562 electronic fingerprints where fingerprints are required for
563 registration, certification, or the licensure process or where
564 criminal history record checks are required.

565 Section 18. Subsection (4) of section 468.382, Florida
566 Statutes, is amended to read:

567 468.382 Definitions.—As used in this act, the term:

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

569 Section 19. Subsection (4) of section 476.034, Florida
570 Statutes, is amended to read:

571 476.034 Definitions.—As used in this act:

572 ~~(4) "Board" means the Barbers' Board.~~

573 Section 20. Section 468.520, Florida Statutes, is reordered
574 and amended to read:

575 468.520 Definitions.—As used in this part:

576 (1) "Applicant" means a business or individual seeking to
577 be licensed under this part.

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

579 (4)~~(3)~~ "Department" means the Department of Business and
580 Professional Regulation.

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581 (5)~~(4)~~ "Employee leasing" means an arrangement whereby a
582 leasing company assigns its employees to a client and allocates
583 the direction of and control over the leased employees between
584 the leasing company and the client. The term does not include
585 the following:

586 (a) A temporary help arrangement, whereby an organization
587 hires its own employees and assigns them to a client to support
588 or supplement the client's workforce in special work situations
589 such as employee absences, temporary skill shortages, seasonal
590 workloads, and special assignments and projects.

591 (b) An arrangement in which an organization employs only
592 one category of employees and assigns them to a client to
593 perform a function inherent to that category and which function
594 is separate and divisible from the primary business of the
595 client.

596 (c) A facilities staffing arrangement, whereby an
597 organization assigns its employees to staff, in whole or in
598 part, a specific client function or functions, on an ongoing,
599 indefinite basis, provided that the total number of individuals
600 assigned by that organization under such arrangements comprises
601 no more than 50 percent of the workforce at a client's worksite
602 and provided further that no more than 20 percent of the
603 individuals assigned to staff a particular client function were
604 employed by the client immediately preceding the commencement of
605 the arrangement.

606 (d) An arrangement in which an organization assigns its
607 employees only to a commonly controlled company or group of
608 companies as defined in s. 414 of the Internal Revenue Code and
609 in which the organization does not hold itself out to the public

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610 as an employee leasing company.

611 (e) A home health agency licensed under chapter 400, unless
612 otherwise engaged in business as an employee leasing company.

613 (f) A health care services pool licensed under s. 400.980,
614 unless otherwise engaged in business as an employee leasing
615 company.

616 (6)~~(5)~~ "Employee leasing company" means a sole
617 proprietorship, partnership, corporation, or other form of
618 business entity engaged in employee leasing.

619 (2)~~(6)~~ "Client company" means a person or entity which
620 contracts with an employee leasing company and is provided
621 employees pursuant to that contract.

622 (3)~~(7)~~ "Controlling person" means:

623 (a) Any natural person who possesses, directly or
624 indirectly, the power to direct or cause the direction of the
625 management or policies of any employee leasing company,
626 including, but not limited to:

627 1. Direct or indirect control of 50 percent or more of the
628 voting securities of the employee leasing company; or

629 2. The general power to endorse any negotiable instrument
630 payable to or on behalf of the employee leasing company or to
631 cause the direction of the management or policies of any
632 employee leasing company; or

633 (b) Any natural person employed, appointed, or authorized
634 by an employee leasing company to enter into a contractual
635 relationship with a client company on behalf of the employee
636 leasing company.

637
638 Section 21. Section 477.013, Florida Statutes, is reordered

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639 and amended, to read:

640 477.013 Definitions.—As used in this chapter:

641 ~~(1) "Board" means the Board of Cosmetology.~~

642 (4)~~(2)~~ "Department" means the Department of Business and
643 Professional Regulation.

644 (2)~~(3)~~ "Cosmetologist" means a person who is licensed to
645 engage in the practice of cosmetology in this state under the
646 authority of this chapter.

647 (3)~~(4)~~ "Cosmetology" means the mechanical or chemical
648 treatment of the head, face, and scalp for aesthetic rather than
649 medical purposes, including, but not limited to, hair
650 shampooing, hair cutting, hair arranging, hair coloring,
651 permanent waving, and hair relaxing for compensation. This term
652 also includes performing hair removal, including wax treatments,
653 manicures, pedicures, and skin care services.

654 (10)~~(5)~~ "Specialist" means any person holding a specialty
655 registration in one or more of the specialties registered under
656 this chapter.

657 (11)~~(6)~~ "Specialty" means the practice of one or more of
658 the following:

659 (a) Manicuring, or the cutting, polishing, tinting,
660 coloring, cleansing, adding, or extending of the nails, and
661 massaging of the hands. This term includes any procedure or
662 process for the affixing of artificial nails, except those nails
663 which may be applied solely by use of a simple adhesive.

664 (b) Pedicuring, or the shaping, polishing, tinting, or
665 cleansing of the nails of the feet, and massaging or beautifying
666 of the feet.

667 (c) Facials, or the massaging or treating of the face or

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668 scalp with oils, creams, lotions, or other preparations, and
669 skin care services.

670 (8)~~(7)~~ "Shampooing" means the washing of the hair with soap
671 and water or with a special preparation, or applying hair
672 tonics.

673 (12)~~(8)~~ "Specialty salon" means any place of business
674 wherein the practice of any ~~one or all~~ of the specialties as
675 defined in subsection (11) ~~(6)~~ are engaged in or carried on.

676 (5)~~(9)~~ "Hair braiding" means the weaving or interweaving of
677 natural human hair or commercial hair, including the use of hair
678 extensions or wefts, for compensation without cutting, coloring,
679 permanent waving, relaxing, removing, or chemical treatment.

680 (6)~~(10)~~ "Hair wrapping" means the wrapping of manufactured
681 materials around a strand or strands of human hair, for
682 compensation, without cutting, coloring, permanent waving,
683 relaxing, removing, weaving, chemically treating, braiding,
684 using hair extensions, or performing any other service defined
685 as cosmetology.

686 (7)~~(11)~~ "Photography studio salon" means an establishment
687 where the hair-arranging services and the application of
688 cosmetic products are performed solely for the purpose of
689 preparing the model or client for the photographic session
690 without shampooing, cutting, coloring, permanent waving,
691 relaxing, or removing of hair or performing any other service
692 defined as cosmetology.

693 (1)~~(12)~~ "Body wrapping" means a treatment program that uses
694 herbal wraps for the purposes of cleansing and beautifying the
695 skin of the body, but does not include:

696 (a) The application of oils, lotions, or other fluids to

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697 the body, except fluids contained in presoaked materials used in
698 the wraps; or

699 (b) Manipulation of the body's superficial tissue, other
700 than that arising from compression emanating from the wrap
701 materials.

702 (9)~~(13)~~ "Skin care services" means the treatment of the
703 skin of the body, other than the head, face, and scalp, by the
704 use of a sponge, brush, cloth, or similar device to apply or
705 remove a chemical preparation or other substance, except that
706 chemical peels may be removed by peeling an applied preparation
707 from the skin by hand. Skin care services must be performed by a
708 licensed cosmetologist or facial specialist within a licensed
709 cosmetology or specialty salon, and such services may not
710 involve massage therapy, as defined in s. 480.033, through
711 manipulation of the superficial tissue.

712 Section 22. Section 492.102, Florida Statutes, is reordered
713 and amended to read:

714 492.102 Definitions.—For the purposes of this chapter,
715 unless the context clearly requires otherwise:

716 (1) ~~"Board" means the Board of Professional Geologists.~~

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

719 (3) "Geology" means the science which includes the
720 treatment of the earth and its origin and history, in general;
721 the investigation of the earth's crust and interior and the
722 solids and fluids, including all surface and underground waters,
723 and gases which compose the earth; the study of the natural
724 agents, forces, and processes which cause changes in the earth;
725 and the utilization of this knowledge of the earth and its

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726 solids, fluids, and gases, and their collective properties and
727 processes, for the benefit of humankind.

728 (2)~~(4)~~ "Geologist" means an individual who, by reason of
729 her or his knowledge of geology, soils, mathematics, and the
730 physical and life sciences, acquired by education and practical
731 experience, is capable of practicing the science of geology.

732 (6)~~(5)~~ "Qualified geologist" means an individual who
733 possesses all the qualifications for licensure under ~~the~~
734 ~~provisions of~~ this chapter, except that such person is not
735 licensed.

736 (5)~~(6)~~ "Professional geologist" means an individual who is
737 licensed as a geologist under ~~the provisions of~~ this chapter.

738 (4)~~(7)~~ "Practice of professional geology" means the
739 performance of, or offer to perform, geological services,
740 including, but not limited to, consultation, investigation,
741 evaluation, planning, and geologic mapping, but not including
742 mapping as prescribed in chapter 472, relating to geological
743 work, except as specifically exempted by this chapter. Any
744 person who practices any specialty branch of the profession of
745 geology, or who by verbal claim, sign, advertisement,
746 letterhead, card, or any other means represents herself or
747 himself to be a professional geologist, or who through the use
748 of some title implies that she or he is a professional geologist
749 or that she or he is licensed under this chapter, or who holds
750 herself or himself out as able to perform or does perform any
751 geological services or work recognized as professional geology,
752 is ~~shall be~~ construed to be engaged in the practice of
753 professional geology.

754 Section 23. Subsection (3) of section 471.015, Florida

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755 Statutes, is amended to read:

756 471.015 Licensure.—

757 (3) The board shall certify as qualified for a license by
758 endorsement an applicant who:

759 (a) Qualifies to take the fundamentals examination and the
760 principles and practice examination as set forth in s. 471.013,
761 has passed a United States national, regional, state, or
762 territorial licensing examination that is substantially
763 equivalent to the fundamentals examination and principles and
764 practice examination required by s. 471.013, and has satisfied
765 the experience requirements set forth in paragraph (2)(a) and s.
766 471.013; ~~or~~

767 (b) Holds a valid license to practice engineering issued by
768 another state or territory of the United States, or a foreign
769 jurisdiction if the criteria for issuance of the license were
770 substantially the same as the licensure criteria that existed in
771 this state at the time the license was issued; or

772 (c) Holds a valid license to practice engineering issued by
773 a foreign jurisdiction approved by the board and holds an active
774 Council Record with the National Council of Examiners for
775 Engineering and Surveying.

776 Section 24. Section 473.3065, Florida Statutes, is amended
777 to read:

778 473.3065 Clay Ford Scholarship Program; Certified Public
779 Accountant Education Opportunity ~~Minority~~ Assistance Advisory
780 Council.—

781 (1) The Clay Ford Scholarship Program for Florida residents
782 is hereby established in the division for the purpose of
783 providing scholarships to ~~minority persons as defined in s.~~

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784 ~~288.703~~ who are students enrolled in their fifth year of an
785 accounting education program at an institution in this state
786 approved by the board by rule. A Certified Public Accountant
787 Education Opportunity ~~Minority~~ Assistance Advisory Council shall
788 assist the board in administering the program.

789 (2) All moneys used to provide scholarships under the Clay
790 Ford Scholarship Program shall be funded by a portion of
791 existing license fees, as set by the board, not to exceed \$10
792 per license. Such moneys shall be deposited into the
793 Professional Regulation Trust Fund in a separate account
794 maintained for that purpose. The department may spend up to
795 \$200,000 per year for the program from this program account but
796 may not allocate overhead charges to it. Moneys for scholarships
797 shall be disbursed twice per year upon recommendation of the
798 advisory council and approval by the board, based on the adopted
799 eligibility criteria and comparative evaluation of all
800 applicants. Funds in the program account may be invested by the
801 Chief Financial Officer under the same limitations as apply to
802 investment of other state funds, and all interest earned thereon
803 shall be credited to the program account.

804 (3) The board shall adopt rules as necessary for
805 administration of the Clay Ford Scholarship Program, including
806 rules relating to the following:

807 (a) Eligibility criteria for receipt of a scholarship,
808 which must, at a minimum, ~~shall~~ include the following factors:

- 809 1. Financial need.
- 810 2. ~~Ethnic, gender, or racial minority status pursuant to s.~~
811 ~~288.703(4).~~
- 812 3. Scholastic ability and performance.

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813 (b) Scholarship application procedures.

814 (c) Amounts in which scholarships may be provided, the
815 total amount that may be provided, the timeframe for payments or
816 partial payments, and criteria for how scholarship funds may be
817 expended.

818 (d) The total amount of scholarships that can be made each
819 year.

820 (e) The minimum balance that must be maintained in the
821 program account.

822 (4) Determinations made by the board regarding recipients
823 of scholarship moneys may ~~shall~~ not be considered agency action
824 for purposes of chapter 120.

825 (5) It is unlawful for any person or agent of such person
826 to knowingly file with the board any notice, statement, or other
827 document that is false or that contains any material
828 misstatement of fact. A person who violates this subsection
829 commits a misdemeanor of the second degree, punishable as
830 provided in s. 775.082 or s. 775.083.

831 (6) There is hereby created the Certified Public Accountant
832 Education Opportunity ~~Minority~~ Assistance Advisory Council to
833 assist the board in administering the Clay Ford Scholarship
834 Program. ~~The council shall be diverse and representative of the~~
835 ~~gender, ethnic, and racial categories set forth in s.~~
836 ~~288.703(4).~~

837 (a) The council shall consist of five licensed Florida-
838 certified public accountants selected by the board, of whom one
839 shall be a board member who serves as chair of the council, ~~one~~
840 ~~shall be a representative of the National Association of Black~~
841 ~~Accountants, one shall be a representative of the Cuban American~~

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842 ~~CPA Association, and two shall be selected at large. At least~~
843 ~~one member of the council must be a woman.~~

844 (b) The board shall determine the terms for initial
845 appointments and appointments thereafter.

846 (c) ~~Any vacancy on the council shall be filled in the~~
847 ~~manner provided for the selection of the initial member.~~ Any
848 member appointed to fill a vacancy of an unexpired term shall be
849 appointed for the remainder of that term.

850 (d) Three consecutive absences or absences constituting 50
851 percent or more of the council's meetings within any 12-month
852 period shall cause the council membership of the member in
853 question to become void, and the position shall be considered
854 vacant.

855 (e) The members of the council shall serve without
856 compensation, and any necessary and actual expenses incurred by
857 a member while engaged in the business of the council shall be
858 borne by such member or by the organization or agency such
859 member represents. However, the council member who is a member
860 of the board shall be compensated in accordance with ss.
861 455.207(4) and 112.061.

862 Section 25. Section 476.064, Florida Statutes, is amended
863 to read:

864 476.064 Rulemaking authority ~~Organization; headquarters;~~
865 ~~personnel; meetings.~~

866 (1) ~~The board shall annually elect a chair and a vice chair~~
867 ~~from its number. The board shall maintain its headquarters in~~
868 ~~Tallahassee.~~

869 ~~(2)~~ The department shall appoint or employ such personnel
870 as may be necessary to assist the department ~~board~~ in exercising

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871 the powers and performing the duties and obligations set forth
872 in this act. Such personnel need not be licensed barbers ~~and~~
873 ~~shall not be members of the board.~~ Such personnel are ~~shall be~~
874 authorized to do and perform such duties and work as may be
875 assigned by the department ~~board~~.

876 ~~(3) The board shall hold an annual meeting and such other~~
877 ~~meetings during the year as it may determine to be necessary.~~
878 ~~The chair of the board may call other meetings at her or his~~
879 ~~discretion. A quorum of the board shall consist of not less than~~
880 ~~four members.~~

881 ~~(2)-(4)~~ The department ~~board~~ has authority to adopt rules
882 pursuant to ss. 120.536(1) and 120.54 to implement ~~the~~
883 ~~provisions of this chapter.~~

884 Section 26. Subsections (2), (8), and (9) of section
885 476.184, Florida Statutes, are amended, and subsection (11) is
886 added to that section, to read:

887 476.184 Barbershop licensure; requirements; fee;
888 inspection; license display.—

889 (2) The department ~~board~~ shall adopt rules governing the
890 licensure and operation of a barbershop and its facilities,
891 personnel, safety and sanitary requirements, and the license
892 application and granting process.

893 (8) Renewal of license registration for barbershops shall
894 be accomplished pursuant to rules adopted by the department
895 ~~board~~. The department ~~board~~ is further authorized to adopt rules
896 governing delinquent renewal of licenses and may impose penalty
897 fees for delinquent renewal.

898 (9) The department ~~board~~ is authorized to adopt rules
899 governing the operation and periodic inspection of barbershops

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900 licensed under this chapter.

901 (11) (a) The department shall adopt rules governing the
902 licensure, operation, and inspection of mobile barbershops,
903 including their facilities, personnel, and safety and sanitary
904 requirements.

905 (b) Each mobile barbershop must comply with all licensure
906 and operating requirements specified in this chapter, chapter
907 455, or rules of the department that apply to barbershops at
908 fixed locations, except to the extent that such requirements
909 conflict with this subsection or rules adopted pursuant to this
910 subsection.

911 (c) A mobile barbershop must maintain a permanent business
912 address, located in the inspection area of the local department
913 office, at which records of appointments, itineraries, license
914 numbers of employees, and vehicle identification numbers of the
915 licenseholder's mobile barbershop shall be kept and made
916 available for verification purposes by department personnel, and
917 at which correspondence from the department can be received.

918 (d) To facilitate periodic inspections of a mobile
919 barbershop, before the beginning of each month each mobile
920 barbershop licenseholder must file with the department a written
921 monthly itinerary listing the locations where and the dates and
922 hours when the mobile barbershop will be operating.

923 (e) The licenseholder must comply with all local laws and
924 ordinances regulating business establishments, with all
925 applicable requirements of the Americans with Disabilities Act
926 relating to accommodations for persons with disabilities, and
927 with all applicable requirements of the Occupational Safety and
928 Health Administration.

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929 Section 27. Section 476.188, Florida Statutes, is amended
930 to read:

931 476.188 Barber services to be performed in a licensed
932 ~~registered~~ barbershop; exception.—

933 (1) Barber services shall be performed only by licensed
934 barbers in licensed ~~registered~~ barbershops, except as otherwise
935 provided in this section.

936 (2) Pursuant to rules established by the department ~~board~~,
937 barber services may be performed by a licensed barber in a
938 location other than a licensed ~~registered~~ barbershop, including,
939 but not limited to, a nursing home, hospital, or residence, when
940 a client for reasons of ill health is unable to go to a licensed
941 ~~registered~~ barbershop. Arrangements for the performance of
942 barber services in a location other than a licensed ~~registered~~
943 barbershop may ~~shall~~ be made only through a licensed ~~registered~~
944 barbershop. However, a barber may shampoo, cut, or arrange hair
945 in a location other than a licensed ~~registered~~ barbershop
946 without such arrangements.

947 (3) Any person who holds a valid barber's license in any
948 state or who is authorized to practice barbering in any country,
949 territory, or jurisdiction of the United States may perform
950 barber services in a location other than a licensed ~~registered~~
951 barbershop when such services are performed in connection with
952 the motion picture, fashion photography, theatrical, or
953 television industry; a manufacturer trade show demonstration; or
954 an educational seminar.

955 (4) Pursuant to rules adopted by the department, the
956 practice of barbering may be performed in a location other than
957 a licensed barbershop when performed in connection with a

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958 special event and by a person who holds the proper license.

959 Section 28. Subsections (2), (3), (5), (6), and (7) of
960 section 477.019, Florida Statutes, are amended, and subsection
961 (8) is added to that section, to read:

962 477.019 Cosmetologists; qualifications; licensure;
963 supervised practice; license renewal; endorsement; continuing
964 education.—

965 (2) An applicant is eligible for licensure by examination
966 to practice cosmetology if the applicant:

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

969 (b) Pays the required application fee, which is not
970 refundable, and the required examination fee, which is
971 refundable if the applicant is determined to not be eligible for
972 licensure for any reason other than failure to successfully
973 complete the licensure examination; and

974 (c) Has received a minimum of 1,200 hours of training as
975 established by the department board, which must include, but is
976 not limited to, the equivalent of completion of services
977 directly related to the practice of cosmetology at one of the
978 following:

979 1. A school of cosmetology licensed pursuant to chapter
980 1005.

981 2. A cosmetology program within the public school system.

982 3. The Cosmetology Division of the Florida School for the
983 Deaf and the Blind, provided the division meets the standards of
984 this chapter.

985 4. A government-operated cosmetology program in this state.

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987 The department ~~board~~ shall establish by rule procedures whereby
988 the school or program may certify that a person is qualified to
989 take the required examination after the completion of a minimum
990 of 1,000 actual school hours. If the person then passes the
991 examination, he or she has satisfied this requirement; but if
992 the person fails the examination, he or she may not be qualified
993 to take the examination again until the completion of the full
994 requirements provided by this section.

995 (3) Upon an applicant receiving a passing grade, as
996 established by department ~~board~~ rule, on the examination and
997 paying the initial licensing fee, the department shall issue a
998 license to practice cosmetology.

999 (5) Renewal of license registration shall be accomplished
1000 pursuant to rules adopted by the department ~~board~~.

1001 (6) The department ~~board~~ shall certify as qualified for
1002 licensure by endorsement as a cosmetologist in this state an
1003 applicant who holds a current active license to practice
1004 cosmetology in another state.

1005 (7) (a) The department ~~board~~ shall prescribe by rule
1006 continuing education requirements intended to ensure protection
1007 of the public through updated training of licensees and
1008 registered specialists, not to exceed 10 hours biennially, as a
1009 condition for renewal of a license or registration as a
1010 specialist under this chapter. Continuing education courses
1011 shall include, but not be limited to, the following subjects as
1012 they relate to the practice of cosmetology: human
1013 immunodeficiency virus and acquired immune deficiency syndrome;
1014 Occupational Safety and Health Administration regulations;
1015 workers' compensation issues; state and federal laws and rules

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1016 as they pertain to cosmetologists, cosmetology, salons,
1017 specialists, specialty salons, and booth renters; chemical
1018 makeup as it pertains to hair, skin, and nails; and
1019 environmental issues. Courses given at cosmetology conferences
1020 may be counted toward the number of continuing education hours
1021 required if approved by the department ~~board~~.

1022 (b) The department ~~board~~ may, by rule, require any licensee
1023 in violation of a continuing education requirement to take a
1024 refresher course or refresher course and examination in addition
1025 to any other penalty. The number of hours for the refresher
1026 course may not exceed 48 hours.

1027 (8) An initial applicant must submit, along with the
1028 application, a complete set of fingerprints to the department.
1029 The fingerprints must be submitted to the Department of Law
1030 Enforcement for state processing, and the Department of Law
1031 Enforcement shall forward them to the Federal Bureau of
1032 Investigation for national processing for the purpose of
1033 determining whether the applicant has a criminal history record.
1034 The department must review the background results to determine
1035 whether an applicant meets licensure requirements. The cost for
1036 the fingerprint processing must be borne by the applicant. These
1037 fees are to be collected by the authorized agencies or vendors.
1038 The authorized agencies or vendors are responsible for paying
1039 the processing costs to the Department of Law Enforcement.

1040 Section 29. Paragraphs (b) and (c) of subsection (1) and
1041 subsections (4) and (5) of section 477.0201, Florida Statutes,
1042 are amended, and subsection (7) is added to that section, to
1043 read:

1044 477.0201 Specialty registration; qualifications;

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1045 registration renewal; endorsement.—

1046 (1) Any person is qualified for registration as a
1047 specialist in any specialty practice within the practice of
1048 cosmetology under this chapter who:

1049 (b) Has received a certificate of completion for:

1050 1. One hundred and eighty hours of training, as established
1051 by the department board, which shall focus primarily on
1052 sanitation and safety, to practice specialties as defined in s.
1053 477.013(11) (a) and (b) ~~s. 477.013(6) (a) and (b)~~;

1054 2. Two hundred and twenty hours of training, as established
1055 by the department board, which shall focus primarily on
1056 sanitation and safety, to practice the specialty as defined in
1057 s. 477.013(11) (c) ~~s. 477.013(6) (c)~~; or

1058 3. Four hundred hours of training or the number of hours of
1059 training required to maintain minimum Pell Grant requirements,
1060 as established by the department board, which shall focus
1061 primarily on sanitation and safety, to practice the specialties
1062 as defined in s. 477.013(11) (a)-(c) ~~s. 477.013(6) (a)-(c)~~.

1063 (c) The certificate of completion specified in paragraph
1064 (b) must be from one of the following:

1065 1. A school licensed pursuant to s. 477.023.

1066 2. A school licensed pursuant to chapter 1005 or the
1067 equivalent licensing authority of another state.

1068 3. A specialty program within the public school system.

1069 4. A specialty division within the Cosmetology Division of
1070 the Florida School for the Deaf and the Blind, provided the
1071 training programs comply with minimum curriculum requirements
1072 established by the department board.

1073 (4) Renewal of registration shall be accomplished pursuant

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1074 to rules adopted by the department ~~board~~.

1075 (5) The department ~~board~~ shall adopt rules specifying
1076 procedures for the registration of specialty practitioners
1077 desiring to be registered in this state who have been registered
1078 or licensed and are practicing in states which have registering
1079 or licensing standards substantially similar to, equivalent to,
1080 or more stringent than the standards of this state.

1081 (7) An initial applicant must submit, along with the
1082 application, a complete set of fingerprints to the department.
1083 The fingerprints must be submitted to the Department of Law
1084 Enforcement for state processing, and the Department of Law
1085 Enforcement shall forward the fingerprints to the Federal Bureau
1086 of Investigation for national processing for the purpose of
1087 determining whether the applicant has a criminal history record.
1088 The department shall review the background results to determine
1089 whether an applicant meets licensure requirements. The cost for
1090 the fingerprint processing must be borne by the applicant. These
1091 fees are to be collected by the authorized agencies or vendors.
1092 The authorized agencies or vendors are responsible for paying
1093 the processing costs to the Department of Law Enforcement.

1094 Section 30. Chapter 481, Florida Statutes, consisting of
1095 ss. 481.201-481.329, Florida Statutes, and entitled
1096 "Architecture, Interior Design, and Landscape Architecture," is
1097 renamed "Architecture and Landscape Architecture."

1098 Section 31. Part I of chapter 481, Florida Statutes,
1099 consisting of ss. 481.201-481.231, Florida Statutes, and
1100 entitled "Architecture and Interior Design," is renamed
1101 "Architecture."

1102 Section 32. Subsections (3), (5), and (8) through (13) of

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1103 section 481.203, Florida Statutes, are amended to read:

1104 481.203 Definitions.—As used in this part, the term:

1105 (3) "Board" means the Board of Architecture and Landscape
1106 Architecture Interior Design.

1107 (5) "Certificate of registration" means a license or
1108 registration issued by the department to a natural person to
1109 engage in the practice of architecture ~~or interior design~~.

1110 ~~(8) "Diversified interior design experience" means~~
1111 ~~experience which substantially encompasses the various elements~~
1112 ~~of interior design services set forth under the definition of~~
1113 ~~"interior design" in subsection (10).~~

1114 ~~(9) "Interior decorator services" includes the selection or~~
1115 ~~assistance in selection of surface materials, window treatments,~~
1116 ~~walcoverings, paint, floor coverings, surface-mounted lighting,~~
1117 ~~surface-mounted fixtures, and loose furnishings not subject to~~
1118 ~~regulation under applicable building codes.~~

1119 ~~(10) "Interior design" means designs, consultations,~~
1120 ~~studies, drawings, specifications, and administration of design~~
1121 ~~construction contracts relating to nonstructural interior~~
1122 ~~elements of a building or structure. "Interior design" includes,~~
1123 ~~but is not limited to, reflected ceiling plans, space planning,~~
1124 ~~furnishings, and the fabrication of nonstructural elements~~
1125 ~~within and surrounding interior spaces of buildings. "Interior~~
1126 ~~design" specifically excludes the design of or the~~
1127 ~~responsibility for architectural and engineering work, except~~
1128 ~~for specification of fixtures and their location within interior~~
1129 ~~spaces. As used in this subsection, "architectural and~~
1130 ~~engineering interior construction relating to the building~~
1131 ~~systems" includes, but is not limited to, construction of~~

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1132 ~~structural, mechanical, plumbing, heating, air conditioning,~~
1133 ~~ventilating, electrical, or vertical transportation systems, or~~
1134 ~~construction which materially affects lifesafety systems~~
1135 ~~pertaining to firesafety protection such as fire-rated~~
1136 ~~separations between interior spaces, fire-rated vertical shafts~~
1137 ~~in multistory structures, fire-rated protection of structural~~
1138 ~~elements, smoke evacuation and compartmentalization, emergency~~
1139 ~~ingress or egress systems, and emergency alarm systems.~~

1140 ~~(11) "Nonstructural element" means an element which does~~
1141 ~~not require structural bracing and which is something other than~~
1142 ~~a load-bearing wall, load-bearing column, or other load-bearing~~
1143 ~~element of a building or structure which is essential to the~~
1144 ~~structural integrity of the building.~~

1145 ~~(12) "Reflected ceiling plan" means a ceiling design plan~~
1146 ~~which is laid out as if it were projected downward and which may~~
1147 ~~include lighting and other elements.~~

1148 ~~(13) "Registered interior designer" means a natural person~~
1149 ~~who holds a valid certificate of registration to practice~~
1150 ~~interior design.~~

1151 Section 33. Section 481.205, Florida Statutes, is amended
1152 to read:

1153 481.205 Board of Architecture and Landscape Architecture
1154 ~~Interior Design.~~

1155 (1) The Board of Architecture and Landscape Architecture
1156 ~~Interior Design~~ is created within the Department of Business and
1157 Professional Regulation. The board shall consist of 10 ~~11~~
1158 members. Five members must be registered architects who have
1159 been engaged in the practice of architecture for at least 5
1160 years; three members must be registered landscape architects

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1161 ~~interior designers who have been offering interior design~~
1162 ~~services for at least 5 years and who are not also registered~~
1163 ~~architects; and two ~~three~~ members must be laypersons who are~~
1164 ~~not, and have never been, architects, landscape architects~~
1165 ~~interior designers, or members of any closely related profession~~
1166 ~~or occupation. At least one member of the board must be 60 years~~
1167 ~~of age or older.~~

1168 (2) Members shall be appointed for 4-year staggered terms.

1169 (3) (a) Notwithstanding ~~the provisions of~~ ss. 455.225,
1170 455.228, and 455.32, the duties and authority of the department
1171 to receive complaints and investigate and discipline persons
1172 licensed or registered under this chapter ~~part~~, including the
1173 ability to determine legal sufficiency and probable cause; to
1174 initiate proceedings and issue final orders for summary
1175 suspension or restriction of a license or certificate of
1176 registration pursuant to s. 120.60(6); to issue notices of
1177 noncompliance, notices to cease and desist, subpoenas, and
1178 citations; to retain legal counsel, investigators, or
1179 prosecutorial staff in connection with the licensed practice of
1180 architecture or landscape architecture ~~registered interior~~
1181 ~~design~~; and to investigate and deter the unlicensed practice of
1182 architecture as provided in s. 455.228 are delegated to the
1183 board. All complaints and any information obtained pursuant to
1184 an investigation authorized by the board are confidential and
1185 exempt from s. 119.07(1) as provided in s. 455.225(2) and (10).

1186 (b) The board shall contract with a corporation or other
1187 business entity pursuant to s. 287.057 to provide investigative,
1188 legal, prosecutorial, and other services necessary to perform
1189 its duties.

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1190 (c) The corporation or business entity shall comply with
1191 all the recordkeeping and reporting requirements of s. 455.32
1192 applicable to the scope of the contract and shall report
1193 directly to the board in lieu of the department. Records of the
1194 corporation or other business entity contracting with the board
1195 shall be considered public records as specified in s.
1196 455.32(15).

1197 (d) Notwithstanding ~~the provisions of~~ s. 455.228, the board
1198 may use funds in the unlicensed activity account established
1199 under s. 455.2281 to perform its duties relating to unlicensed
1200 activity under this subsection.

1201 (e) The board shall submit an annual budget request to the
1202 department by October 1 of each year for the purpose of funding
1203 its activities under this subsection. The department, on behalf
1204 of the board, shall submit the budget request unchanged to the
1205 Executive Office of the Governor and the Legislature pursuant to
1206 s. 216.023.

1207 (f) The board shall issue an annual report on the
1208 activities under this subsection by October 1 of each year. The
1209 annual report shall be submitted to the Executive Office of the
1210 Governor, the President of the Senate, the Speaker of the House
1211 of Representatives, and the chairs of the legislative
1212 appropriations committees. The report must ~~shall~~ describe all of
1213 the activities performed under this subsection for the previous
1214 fiscal year and shall include, but need not be limited to, the
1215 following:

- 1216 1. The number of complaints received.
- 1217 2. The number of complaints determined to be legally
1218 sufficient.

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- 1219 3. The number of complaints determined to be legally
 1220 insufficient.
- 1221 4. The number of complaints dismissed.
- 1222 5. The number of complaints filed in circuit court.
- 1223 6. The number of complaints determined to have probable
 1224 cause.
- 1225 7. The number of administrative complaints issued and the
 1226 status of the complaints.
- 1227 8. The number and nature of disciplinary actions taken by
 1228 the board.
- 1229 9. The number and the amount of fines and penalties
 1230 imposed.
- 1231 10. The number and the amount of fines and penalties
 1232 collected.
- 1233 11. Total revenues received and all expenses incurred by
 1234 the contractor during the previous fiscal year.
- 1235 12. Total completed investigations.
- 1236 13. Total pending investigations.
- 1237 14. A summary of any audits performed, including financial
 1238 reports and performance audits of the contractor.
- 1239 (4) The board may establish minimum procedures,
 1240 documentation, and other requirements for indicating evidence of
 1241 the exercise of responsible supervising control by a person
 1242 licensed under this part in connection with work performed both
 1243 inside and outside the licensee's office.
- 1244 Section 34. Section 481.207, Florida Statutes, is amended
 1245 to read:
- 1246 481.207 Fees.—The board, by rule, may establish fees for
 1247 architects ~~and registered interior designers~~, to be paid for

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1248 applications, examination, reexamination, licensing and renewal,
 1249 delinquency, reinstatement, and recordmaking and recordkeeping.
 1250 The examination fee must ~~shall~~ be in an amount that covers the
 1251 cost of obtaining and administering the examination and must
 1252 ~~shall~~ be refunded if the applicant is found ineligible to sit
 1253 for the examination. The application fee is nonrefundable. The
 1254 fee for initial application and examination for architects may
 1255 not exceed \$775 plus the actual per applicant cost to the
 1256 department for purchase of the examination from the National
 1257 Council of Architectural Registration Boards or similar national
 1258 organizations. ~~The initial nonrefundable fee for registered~~
 1259 ~~interior designers may not exceed \$75.~~ The biennial renewal fee
 1260 for architects may not exceed \$200. ~~The biennial renewal fee for~~
 1261 ~~registered interior designers may not exceed \$75.~~ The
 1262 delinquency fee may not exceed the biennial renewal fee
 1263 established by the board for an active license. The board shall
 1264 establish fees that are adequate to ensure the continued
 1265 operation of the board and to fund the proportionate expenses
 1266 incurred by the department which are allocated to the regulation
 1267 of architects ~~and registered interior designers~~. Fees shall be
 1268 based on department estimates of the revenue required to
 1269 implement this part and the provisions of law with respect to
 1270 the regulation of architects ~~and interior designers~~.

1271 Section 35. Section 481.209, Florida Statutes, is amended
 1272 to read:

1273 481.209 Examinations.—

1274 ~~(1)~~ A person desiring to be licensed as a registered
 1275 architect by initial examination shall apply to the department,
 1276 complete the application form, and remit a nonrefundable

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1277 application fee. The department shall license any applicant who
1278 the board certifies has passed the licensure examination
1279 prescribed by board rule and is a graduate of a school or
1280 college of architecture with a program accredited by the
1281 National Architectural Accreditation Board.

1282 ~~(2) A person seeking to obtain a certificate of~~
1283 ~~registration as a registered interior designer and a seal~~
1284 ~~pursuant to s. 481.221 must provide the department with his or~~
1285 ~~her name and address and written proof that he or she has~~
1286 ~~successfully passed the qualification examination prescribed by~~
1287 ~~the Council for Interior Design Qualification or its successor~~
1288 ~~entity or has successfully passed an equivalent exam as~~
1289 ~~determined by the department. Any person who is licensed as an~~
1290 ~~interior designer by the department and who was in good standing~~
1291 ~~as of July 1, 2020, is eligible to obtain a certificate of~~
1292 ~~registration as a registered interior designer.~~

1293 Section 36. Subsections (1) through (4) and (8) of section
1294 481.213, Florida Statutes, are amended, and subsection (7) of
1295 that section is reenacted, to read:

1296 481.213 Licensure and registration.—

1297 (1) The department shall license or register any applicant
1298 who the board certifies is qualified for licensure or
1299 registration and who has paid the initial licensure or
1300 registration fee. ~~Licensure as an architect under this section~~
1301 ~~shall be deemed to include all the rights and privileges of~~
1302 ~~registration as an interior designer under this section.~~

1303 (2) The board shall certify for licensure ~~or registration~~
1304 by examination any applicant who passes the prescribed licensure
1305 ~~or registration~~ examination and satisfies the requirements of

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1306 ss. 481.209 and 481.211, for architects, ~~or the requirements of~~
 1307 ~~s. 481.209, for interior designers.~~

1308 (3) The board shall certify as qualified for a license by
 1309 endorsement as an architect ~~or registration as a registered~~
 1310 ~~interior designer~~ an applicant who:

1311 (a) Qualifies to take the prescribed licensure ~~or~~
 1312 ~~registration~~ examination, and has passed the prescribed
 1313 licensure ~~or registration~~ examination or a substantially
 1314 equivalent examination in another jurisdiction, as set forth in
 1315 s. 481.209 ~~for architects or registered interior designers, as~~
 1316 ~~applicable~~, and has satisfied the internship requirements set
 1317 forth in s. 481.211 ~~for architects;~~

1318 (b) Holds a valid license to practice architecture or a
 1319 license, ~~registration, or certification to practice interior~~
 1320 ~~design~~ issued by another jurisdiction of the United States, if
 1321 the criteria for issuance of such license were substantially
 1322 equivalent to the licensure criteria that existed in this state
 1323 at the time the license was issued; or

1324 (c) ~~Has passed the prescribed licensure examination and~~
 1325 Holds a valid certificate issued by the National Council of
 1326 Architectural Registration Boards, and holds a valid license to
 1327 practice architecture issued by another state, another or
 1328 jurisdiction of the United States, or a foreign jurisdiction
 1329 approved by the board.

1330
 1331 An architect who is licensed in another state, another
 1332 jurisdiction of the United States, or a foreign jurisdiction
 1333 approved by the board who seeks qualification for licensure
 1334 ~~license~~ by endorsement under this subsection must complete a 2-

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1335 hour class approved by the board on wind mitigation techniques.

1336 (4) The board may refuse to certify any applicant who has
1337 violated any of the provisions of s. 481.223 or s. 481.225 ~~s.~~
1338 ~~481.223, s. 481.225, or s. 481.2251~~, as applicable.

1339 (7) For persons whose licensure requires satisfaction of
1340 the requirements of ss. 481.209 and 481.211, the board shall, by
1341 rule, establish qualifications for certification of such persons
1342 as special inspectors of threshold buildings, as defined in ss.
1343 553.71 and 553.79, and shall compile a list of persons who are
1344 certified. A special inspector is not required to meet standards
1345 for certification other than those established by the board, and
1346 the fee owner of a threshold building may not be prohibited from
1347 selecting any person certified by the board to be a special
1348 inspector. The board shall develop minimum qualifications for
1349 the qualified representative of the special inspector who is
1350 authorized under s. 553.79 to perform inspections of threshold
1351 buildings on behalf of the special inspector.

1352 ~~(8) A certificate of registration is not required for a~~
1353 ~~person whose occupation or practice is confined to interior~~
1354 ~~decorator services or for a person whose occupation or practice~~
1355 ~~is confined to interior design as provided in this part.~~

1356 Section 37. Subsection (3) of section 481.215, Florida
1357 Statutes, is amended to read:

1358 481.215 Renewal of license or certificate of registration.-

1359 (3) A license or certificate of registration renewal may
1360 not be issued to an architect ~~or a registered interior designer~~
1361 by the department until the licensee or registrant submits proof
1362 satisfactory to the department that, during the 2 years before
1363 application for renewal, the licensee or registrant participated

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1364 per biennium in not less than 20 hours of at least 50 minutes
1365 each per biennium of continuing education approved by the board.
1366 The board shall approve only continuing education that builds
1367 upon the basic knowledge of architecture ~~or interior design~~. The
1368 board may make exception from the requirements of continuing
1369 education in emergency or hardship cases.

1370 Section 38. Subsection (1) of section 481.217, Florida
1371 Statutes, is amended to read:

1372 481.217 Inactive status.—

1373 (1) The board may prescribe by rule continuing education
1374 requirements as a condition of reactivating a license. The rules
1375 may not require more than one renewal cycle of continuing
1376 education to reactivate a license or registration for a
1377 registered architect ~~or registered interior designer~~.

1378 Section 39. Subsections (7) and (8) of section 481.219,
1379 Florida Statutes, are amended to read:

1380 481.219 Qualification of business organizations.—

1381 (7) A business organization is not relieved of
1382 responsibility for the conduct or acts of its agents, employees,
1383 or officers by reason of its compliance with this section.
1384 However, except as provided in s. 558.0035, the architect who
1385 signs and seals the construction documents and instruments of
1386 service is liable for the professional services performed, ~~and~~
1387 ~~the interior designer who signs and seals the interior design~~
1388 ~~drawings, plans, or specifications shall be liable for the~~
1389 ~~professional services performed.~~

1390 (8) This section may not be construed to mean that a
1391 certificate of registration to practice architecture must be
1392 held by a business organization. This section does not prohibit

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1393 a business organization from offering architectural,
1394 engineering, ~~interior design~~, surveying and mapping, and
1395 landscape architectural services, or any combination of such
1396 services, to the public if the business organization otherwise
1397 meets the requirements of law.

1398 Section 40. Subsections (3), (5), (7), (9), (11), and (12)
1399 of section 481.221, Florida Statutes, are amended to read:

1400 481.221 Seals; display of certificate number.—

1401 ~~(3) The board shall adopt a rule prescribing the distinctly~~
1402 ~~different seals to be used by registered interior designers~~
1403 ~~holding valid certificates of registration. Each registered~~
1404 ~~interior designer shall obtain a seal as prescribed by the~~
1405 ~~board, and all drawings, plans, specifications, or reports~~
1406 ~~prepared or issued by the registered interior designer and being~~
1407 ~~filed for public record shall bear the signature and seal of the~~
1408 ~~registered interior designer who prepared or approved the~~
1409 ~~document and the date on which they were sealed. The signature,~~
1410 ~~date, and seal shall be evidence of the authenticity of that to~~
1411 ~~which they are affixed. Final plans, specifications, or reports~~
1412 ~~prepared or issued by a registered interior designer may be~~
1413 ~~transmitted electronically and may be signed by the registered~~
1414 ~~interior designer, dated, and sealed electronically with the~~
1415 ~~seal in accordance with ss. 668.001-668.006.~~

1416 ~~(5) No registered interior designer shall affix, or permit~~
1417 ~~to be affixed, her or his seal or signature to any plan,~~
1418 ~~specification, drawing, or other document which depicts work~~
1419 ~~which she or he is not competent or registered to perform.~~

1420 ~~(7) No registered interior designer shall affix her or his~~
1421 ~~signature or seal to any plans, specifications, or other~~

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1422 ~~documents which were not prepared by her or him or under her or~~
1423 ~~his responsible supervising control or by another registered~~
1424 ~~interior designer and reviewed, approved, or modified and~~
1425 ~~adopted by her or him as her or his own work according to rules~~
1426 ~~adopted by the board.~~

1427 ~~(9) Studies, drawings, specifications, and other related~~
1428 ~~documents prepared by a registered interior designer in~~
1429 ~~providing interior design services shall be of a sufficiently~~
1430 ~~high standard to clearly and accurately indicate all essential~~
1431 ~~parts of the work to which they refer.~~

1432 ~~(7)~~(11) When the certificate of registration of a
1433 registered architect or interior designer has been revoked or
1434 suspended by the board, the registered architect ~~or interior~~
1435 ~~designer~~ shall surrender her or his seal to the secretary of the
1436 board within a period of 30 days after the revocation or
1437 suspension has become effective. If the certificate of the
1438 registered architect ~~or interior designer~~ has been suspended for
1439 a period of time, her or his seal shall be returned to her or
1440 him upon expiration of the suspension period.

1441 ~~(8)~~(12) A person may not sign and seal by any means any
1442 final plan, specification, or report after her or his
1443 certificate of registration has expired or is suspended or
1444 revoked. A registered architect ~~or interior designer~~ whose
1445 certificate of registration is suspended or revoked shall,
1446 within 30 days after the effective date of the suspension or
1447 revocation, surrender her or his seal to the executive director
1448 of the board and confirm in writing to the executive director
1449 the cancellation of the registered architect's ~~or interior~~
1450 ~~designer's~~ electronic signature in accordance with ss. 668.001-

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1451 668.006. When a registered architect's ~~or interior designer's~~
1452 certificate of registration is suspended for a period of time,
1453 her or his seal shall be returned upon expiration of the period
1454 of suspension.

1455 Section 41. Section 481.222, Florida Statutes, is amended
1456 to read:

1457 481.222 Architects performing building code inspection
1458 services.—Notwithstanding any other provision of law, a person
1459 who is currently licensed to practice as an architect under this
1460 part may provide building code inspection services described in
1461 s. 468.603(5) and (8) to a local government or state agency upon
1462 its request, without being certified by the Florida Building
1463 Code Administrators and Inspectors Board under part XII of
1464 chapter 468. With respect to the performance of such building
1465 code inspection services, the architect is subject to the
1466 disciplinary guidelines of this part and s. 468.621(1)(c)-(h).
1467 Any complaint processing, investigation, and discipline that
1468 arise out of an architect's performance of building code
1469 inspection services shall be conducted by the Board of
1470 Architecture and Landscape Architecture ~~Interior Design~~ rather
1471 than the Florida Building Code Administrators and Inspectors
1472 Board. An architect may not perform plans review as an employee
1473 of a local government upon any job that the architect or the
1474 architect's company designed.

1475 Section 42. Paragraphs (b) and (e) of subsection (1) of
1476 section 481.223, Florida Statutes, are amended to read:

1477 481.223 Prohibitions; penalties; injunctive relief.—

1478 (1) A person may not knowingly:

1479 (b) Use the name or title "architect," or "registered

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1480 architect," or "registered interior designer" when the person is
1481 not then the holder of a valid license or certificate of
1482 registration issued pursuant to this part. ~~This paragraph does~~
1483 ~~not restrict the use of the name or title "interior designer" or~~
1484 ~~"interior design firm."~~

1485 (e) Use or attempt to use an architect license ~~or interior~~
1486 ~~design certificate of registration~~ that has been suspended,
1487 revoked, or placed on inactive or delinquent status.

1488 Section 43. Subsections (5), (6), and (7) of section
1489 481.229, Florida Statutes, are amended to read:

1490 481.229 Exceptions; exemptions from licensure.—

1491 ~~(5)(a) Nothing contained in this part shall prevent a~~
1492 ~~registered architect or a partnership, limited liability~~
1493 ~~company, or corporation holding a valid certificate of~~
1494 ~~authorization to provide architectural services from performing~~
1495 ~~any interior design service or from using the title "interior~~
1496 ~~designer" or "registered interior designer."~~

1497 ~~(b) Notwithstanding any other provision of this part, all~~
1498 ~~persons licensed as architects under this part shall be~~
1499 ~~qualified for interior design registration upon submission of a~~
1500 ~~completed application for such license and a fee not to exceed~~
1501 ~~\$30. Such persons shall be exempt from the requirements of s.~~
1502 ~~481.209(2). For architects licensed as interior designers,~~
1503 ~~satisfaction of the requirements for renewal of licensure as an~~
1504 ~~architect under s. 481.215 shall be deemed to satisfy the~~
1505 ~~requirements for renewal of registration as an interior designer~~
1506 ~~under that section. Complaint processing, investigation, or~~
1507 ~~other discipline-related legal costs related to persons licensed~~
1508 ~~as interior designers under this paragraph shall be assessed~~

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1509 ~~against the architects' account of the Regulatory Trust Fund.~~

1510 ~~(c) Notwithstanding any other provision of this part, any~~
1511 ~~corporation, partnership, or person operating under a fictitious~~
1512 ~~name which holds a certificate of authorization to provide~~
1513 ~~architectural services shall be qualified, without fee, for a~~
1514 ~~certificate of authorization to provide interior design services~~
1515 ~~upon submission of a completed application therefor. For~~
1516 ~~corporations, partnerships, and persons operating under a~~
1517 ~~fictitious name which hold a certificate of authorization to~~
1518 ~~provide interior design services, satisfaction of the~~
1519 ~~requirements for renewal of the certificate of authorization to~~
1520 ~~provide architectural services under s. 481.219 shall be deemed~~
1521 ~~to satisfy the requirements for renewal of the certificate of~~
1522 ~~authorization to provide interior design services under that~~
1523 ~~section.~~

1524 ~~(6) This part shall not apply to:~~

1525 ~~(a) A person who performs interior design services or~~
1526 ~~interior decorator services for any residential application. For~~
1527 ~~purposes of this paragraph, "residential applications" includes~~
1528 ~~all types of residences, including, but not limited to,~~
1529 ~~residence buildings, single-family homes, multifamily homes,~~
1530 ~~townhouses, apartments, condominiums, and domestic outbuildings~~
1531 ~~appurtenant to one family or two family residences.~~

1532 ~~(b) An employee of a retail establishment providing~~
1533 ~~"interior decorator services" on the premises of the retail~~
1534 ~~establishment or in the furtherance of a retail sale or~~
1535 ~~prospective retail sale, provided that such employee does not~~
1536 ~~advertise as, or represent himself or herself as, a registered~~
1537 ~~interior designer.~~

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1538 ~~(7) Nothing in this part shall be construed as authorizing~~
1539 ~~or permitting an interior designer to engage in the business of,~~
1540 ~~or to act as, a contractor within the meaning of chapter 489,~~
1541 ~~unless registered or certified as a contractor pursuant to~~
1542 ~~chapter 489.~~

1543 Section 44. Subsection (1) of section 481.231, Florida
1544 Statutes, is amended, and subsection (2) of that section is
1545 reenacted, to read:

1546 481.231 Effect of part locally.—

1547 (1) This part does not repeal, amend, limit, or otherwise
1548 affect any specific provision of any local building code or
1549 zoning law or ordinance that has been duly adopted, now or
1550 hereafter enacted, which is more restrictive, with respect to
1551 the services of registered architects ~~or registered interior~~
1552 ~~designers, than this part; provided, however, that a licensed~~
1553 ~~architect shall be deemed registered as an interior designer for~~
1554 ~~purposes of offering or rendering interior design services to a~~
1555 ~~county, municipality, or other local government or political~~
1556 ~~subdivision.~~

1557 (2) Counties or municipalities which issue building permits
1558 shall not issue permits if it is apparent from the application
1559 for the building permit that the provisions of this part have
1560 been violated; provided, however, that this subsection shall not
1561 authorize the withholding of building permits in cases involving
1562 the exceptions and exemptions set out in s. 481.229.

1563 Section 45. Subsection (1) of section 481.303, Florida
1564 Statutes, is amended to read:

1565 481.303 Definitions.—As used in this chapter, the term:

1566 (1) "Board" means the Board of Architecture and Landscape

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1567 Architecture, as described in s. 481.203(3).

1568 Section 46. Subsection (5) of section 489.107, Florida
1569 Statutes, is amended to read:

1570 489.107 Construction Industry Licensing Board.—

1571 (5) Fifty-one percent or more of the appointed ~~Five~~ members
1572 of Division I constitute a quorum, and 51 percent or more of the
1573 appointed ~~five~~ members of Division II constitute a quorum. The
1574 combined divisions shall meet together at such times as the
1575 board deems necessary, but neither division, nor any committee
1576 thereof, may ~~shall~~ take action on any matter under the
1577 jurisdiction of the other division. However, if either division
1578 is unable to obtain a quorum ~~for the purpose of conducting~~
1579 ~~disciplinary proceedings~~, it may request members of the other
1580 division, who are otherwise qualified to serve on the division
1581 unable to obtain a quorum, to join in its deliberations. Such
1582 additional members shall vote and count toward a quorum ~~only~~
1583 ~~during those disciplinary proceedings.~~

1584 Section 47. Subsection (4) of section 489.111, Florida
1585 Statutes, is amended to read:

1586 489.111 Licensure by examination.—

1587 ~~(4) The department shall ensure that a sensitivity review~~
1588 ~~committee has been established including representatives of~~
1589 ~~various ethnic/minority groups. No question found by this~~
1590 ~~committee to be discriminatory against any ethnic/minority group~~
1591 ~~shall be included in the examination.~~

1592 Section 48. Paragraph (1) of subsection (8), paragraphs (a)
1593 and (d) of subsection (9), and subsection (15) of section
1594 499.012, Florida Statutes, are amended, and paragraph (a) of
1595 subsection (5) and paragraph (a) of subsection (12) of that

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1596 section are reenacted, to read:

1597 499.012 Permit application requirements.—

1598 (5) (a) The department shall adopt rules for the biennial
1599 renewal of permits; however, the department may issue up to a 4-
1600 year permit to selected permittees notwithstanding any other
1601 provision of law. Fees for such renewal may not exceed the fee
1602 caps set forth in s. 499.041 on an annualized basis as
1603 authorized by law.

1604 (8) An application for a permit or to renew a permit for a
1605 prescription drug wholesale distributor or an out-of-state
1606 prescription drug wholesale distributor submitted to the
1607 department must include:

1608 (1) ~~The name of each of the applicant's designated~~
1609 ~~representatives as required by subsection (15), together with~~
1610 The personal information statement and fingerprints required
1611 pursuant to subsection (9) for each such person.

1612 (9) (a) Each person required by subsection (8) ~~or subsection~~
1613 ~~(15)~~ to provide a personal information statement and
1614 fingerprints shall provide the following information to the
1615 department on forms prescribed by the department:

1616 1. The person's places of residence for the past 7 years.

1617 2. The person's date and place of birth.

1618 3. The person's occupations, positions of employment, and
1619 offices held during the past 7 years.

1620 4. The principal business and address of any business,
1621 corporation, or other organization in which each such office of
1622 the person was held or in which each such occupation or position
1623 of employment was carried on.

1624 5. Whether the person has been, during the past 7 years,

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1625 the subject of any proceeding for the revocation of any license
1626 and, if so, the nature of the proceeding and the disposition of
1627 the proceeding.

1628 6. Whether, during the past 7 years, the person has been
1629 enjoined, temporarily or permanently, by a court of competent
1630 jurisdiction from violating any federal or state law regulating
1631 the possession, control, or distribution of prescription drugs,
1632 together with details concerning any such event.

1633 7. A description of any involvement by the person with any
1634 business, including any investments, other than the ownership of
1635 stock in a publicly traded company or mutual fund, during the
1636 past 4 years, which manufactured, administered, prescribed,
1637 distributed, or stored pharmaceutical products and any lawsuits
1638 in which such businesses were named as a party.

1639 8. A description of any felony criminal offense of which
1640 the person, as an adult, was found guilty, regardless of whether
1641 adjudication of guilt was withheld or whether the person pled
1642 guilty or nolo contendere. A criminal offense committed in
1643 another jurisdiction which would have been a felony in this
1644 state must be reported. If the person indicates that a criminal
1645 conviction is under appeal and submits a copy of the notice of
1646 appeal of that criminal offense, the applicant must, within 15
1647 days after the disposition of the appeal, submit to the
1648 department a copy of the final written order of disposition.

1649 9. A photograph of the person taken in the previous 180
1650 days.

1651 10. A set of fingerprints for the person on a form and
1652 under procedures specified by the department, together with
1653 payment of an amount equal to the costs incurred by the

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1654 department for the criminal record check of the person.

1655 11. The name, address, occupation, and date and place of
1656 birth for each member of the person's immediate family who is 18
1657 years of age or older. As used in this subparagraph, the term
1658 "member of the person's immediate family" includes the person's
1659 spouse, children, parents, siblings, the spouses of the person's
1660 children, and the spouses of the person's siblings.

1661 12. Any other relevant information that the department
1662 requires.

1663 (d) For purposes of applying for renewal of a permit under
1664 subsection (8) ~~or certification under subsection (15)~~, a person
1665 may submit the following in lieu of satisfying the requirements
1666 of paragraphs (a), (b), and (c):

1667 1. A photograph of the individual taken within 180 days;
1668 and

1669 2. A copy of the personal information statement form most
1670 recently submitted to the department and a certification under
1671 oath, on a form specified by the department, that the individual
1672 has reviewed the previously submitted personal information
1673 statement form and that the information contained therein
1674 remains unchanged.

1675 (12) A person that engages in wholesale distribution of
1676 prescription drugs in this state must have a wholesale
1677 distributor's permit issued by the department, except as noted
1678 in this section. Each establishment must be separately permitted
1679 except as noted in this subsection.

1680 (a) A separate establishment permit is not required when a
1681 permitted prescription drug wholesale distributor consigns a
1682 prescription drug to a pharmacy that is permitted under chapter

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1683 465 and located in this state, provided that:

1684 1. The consignor wholesale distributor notifies the
1685 department in writing of the contract to consign prescription
1686 drugs to a pharmacy along with the identity and location of each
1687 consignee pharmacy;

1688 2. The pharmacy maintains its permit under chapter 465;

1689 3. The consignor wholesale distributor, which has no legal
1690 authority to dispense prescription drugs, complies with all
1691 wholesale distribution requirements of s. 499.0121 with respect
1692 to the consigned drugs and maintains records documenting the
1693 transfer of title or other completion of the wholesale
1694 distribution of the consigned prescription drugs;

1695 4. The distribution of the prescription drug is otherwise
1696 lawful under this chapter and other applicable law;

1697 5. Open packages containing prescription drugs within a
1698 pharmacy are the responsibility of the pharmacy, regardless of
1699 how the drugs are titled; and

1700 6. The pharmacy dispenses the consigned prescription drug
1701 in accordance with the limitations of its permit under chapter
1702 465 or returns the consigned prescription drug to the consignor
1703 wholesale distributor. In addition, a person who holds title to
1704 prescription drugs may transfer the drugs to a person permitted
1705 or licensed to handle the reverse distribution or destruction of
1706 drugs. Any other distribution by and means of the consigned
1707 prescription drug by any person, not limited to the consignor
1708 wholesale distributor or consignee pharmacy, to any other person
1709 is prohibited.

1710 ~~(15) (a) Each establishment that is issued an initial or~~
1711 ~~renewal permit as a prescription drug wholesale distributor or~~

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1712 ~~an out of state prescription drug wholesale distributor must~~
1713 ~~designate in writing to the department at least one natural~~
1714 ~~person to serve as the designated representative of the~~
1715 ~~wholesale distributor. Such person must have an active~~
1716 ~~certification as a designated representative from the~~
1717 ~~department.~~

1718 ~~(b) To be certified as a designated representative, a~~
1719 ~~natural person must:~~

1720 ~~1. Submit an application on a form furnished by the~~
1721 ~~department and pay the appropriate fees.~~

1722 ~~2. Be at least 18 years of age.~~

1723 ~~3. Have at least 2 years of verifiable full-time:~~

1724 ~~a. Work experience in a pharmacy licensed in this state or~~
1725 ~~another state, where the person's responsibilities included, but~~
1726 ~~were not limited to, recordkeeping for prescription drugs;~~

1727 ~~b. Managerial experience with a prescription drug wholesale~~
1728 ~~distributor licensed in this state or in another state;~~

1729 ~~c. Managerial experience with the United States Armed~~
1730 ~~Forces, where the person's responsibilities included, but were~~
1731 ~~not limited to, recordkeeping, warehousing, distributing, or~~
1732 ~~other logistics services pertaining to prescription drugs;~~

1733 ~~d. Managerial experience with a state or federal~~
1734 ~~organization responsible for regulating or permitting~~
1735 ~~establishments involved in the distribution of prescription~~
1736 ~~drugs, whether in an administrative or a sworn law enforcement~~
1737 ~~capacity; or~~

1738 ~~e. Work experience as a drug inspector or investigator with~~
1739 ~~a state or federal organization, whether in an administrative or~~
1740 ~~a sworn law enforcement capacity, where the person's~~

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1741 ~~responsibilities related primarily to compliance with state or~~
1742 ~~federal requirements pertaining to the distribution of~~
1743 ~~prescription drugs.~~

1744 ~~4. Receive a passing score of at least 75 percent on an~~
1745 ~~examination given by the department regarding federal laws~~
1746 ~~governing distribution of prescription drugs and this part and~~
1747 ~~the rules adopted by the department governing the wholesale~~
1748 ~~distribution of prescription drugs. This requirement shall be~~
1749 ~~effective 1 year after the results of the initial examination~~
1750 ~~are mailed to the persons that took the examination. The~~
1751 ~~department shall offer such examinations at least four times~~
1752 ~~each calendar year.~~

1753 ~~5. Provide the department with a personal information~~
1754 ~~statement and fingerprints pursuant to subsection (9).~~

1755 ~~(c) The department may deny an application for~~
1756 ~~certification as a designated representative or may suspend or~~
1757 ~~revoke a certification of a designated representative pursuant~~
1758 ~~to s. 499.067.~~

1759 ~~(d) A designated representative:~~

1760 ~~1. Must be actively involved in and aware of the actual~~
1761 ~~daily operation of the wholesale distributor.~~

1762 ~~2. Must be employed full time in a managerial position by~~
1763 ~~the wholesale distributor.~~

1764 ~~3. Must be physically present at the establishment during~~
1765 ~~normal business hours, except for time periods when absent due~~
1766 ~~to illness, family illness or death, scheduled vacation, or~~
1767 ~~other authorized absence.~~

1768 ~~4. May serve as a designated representative for only one~~
1769 ~~wholesale distributor at any one time.~~

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1770 ~~(c) A wholesale distributor must notify the department when~~
1771 ~~a designated representative leaves the employ of the wholesale~~
1772 ~~distributor. Such notice must be provided to the department~~
1773 ~~within 10 business days after the last day of designated~~
1774 ~~representative's employment with the wholesale distributor.~~

1775 ~~(f) A wholesale distributor may not operate under a~~
1776 ~~prescription drug wholesale distributor permit or an out-of-~~
1777 ~~state prescription drug wholesale distributor permit for more~~
1778 ~~than 10 business days after the designated representative leaves~~
1779 ~~the employ of the wholesale distributor, unless the wholesale~~
1780 ~~distributor employs another designated representative and~~
1781 ~~notifies the department within 10 business days of the identity~~
1782 ~~of the new designated representative.~~

1783 Section 49. Subsection (9) of section 499.0121, Florida
1784 Statutes, is amended to read:

1785 499.0121 Storage and handling of prescription drugs;
1786 recordkeeping.—The department shall adopt rules to implement
1787 this section as necessary to protect the public health, safety,
1788 and welfare. Such rules shall include, but not be limited to,
1789 requirements for the storage and handling of prescription drugs
1790 and for the establishment and maintenance of prescription drug
1791 distribution records.

1792 (9) RESPONSIBLE PERSONS.—Wholesale distributors must
1793 establish and maintain lists of officers, directors, managers,
1794 ~~designated representatives~~, and other persons in charge of
1795 wholesale drug distribution, storage, and handling, including a
1796 description of their duties and a summary of their
1797 qualifications.

1798 Section 50. Subsection (9) of section 499.041, Florida

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1799 Statutes, is amended to read:

1800 499.041 Schedule of fees for drug, device, and cosmetic
1801 applications and permits, product registrations, and free-sale
1802 certificates.-

1803 ~~(9) The department shall assess each person applying for~~
1804 ~~certification as a designated representative a fee of \$150, plus~~
1805 ~~the cost of processing the criminal history record check.~~

1806 Section 51. Section 509.098, Florida Statutes, is amended
1807 to read:

1808 509.098 Rental for less than a one-night stay ~~Prohibition~~
1809 ~~of hourly rates.-~~

1810 (1) An operator of a public lodging establishment may not:
1811 ~~offer an hourly rate for an accommodation.-~~

1812 (a) Offer or charge an hourly rate for a room intended for
1813 temporary lodging or sleeping purposes.

1814 (b) Offer or rent a room intended for temporary lodging or
1815 sleeping purposes on an hourly basis or for less than a one-
1816 night stay.

1817 (c) Offer or provide a discount, rebate, or refund for
1818 early checkout for a room intended for temporary lodging or
1819 sleeping purposes.

1820 (2) Paragraph (1)(a) ~~This section~~ does not apply to an
1821 hourly rate charged by an operator of a public lodging
1822 establishment as a late checkout fee.

1823 Section 52. Subsection (1) of section 509.261, Florida
1824 Statutes, is amended to read:

1825 509.261 Revocation or suspension of licenses; fines;
1826 procedure.-

1827 (1) Any public lodging establishment or public food service

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1828 establishment that has operated or is operating in violation of
1829 this chapter or the rules of the division, operating in
1830 violation of s. 581.217(7), relating to the retail sale of
1831 products containing hemp extract intended for human ingestion or
1832 inhalation, operating without a license, or operating with a
1833 suspended or revoked license may be subject by the division to:

1834 (a) Fines not to exceed \$1,000 per offense;

1835 (b) Mandatory completion, at personal expense, of a
1836 remedial educational program administered by a food safety
1837 training program provider approved by the division, as provided
1838 in s. 509.049; and

1839 (c) The suspension, revocation, or refusal of a license
1840 issued pursuant to this chapter.

1841 Section 53. Section 553.73, Florida Statutes, is amended to
1842 read:

1843 553.73 Florida Building Code.—

1844 (1) (a) The commission shall adopt, by rule pursuant to ss.
1845 120.536(1) and 120.54, the Florida Building Code which shall
1846 contain or incorporate by reference all laws and rules which
1847 pertain to and govern the design, construction, erection,
1848 alteration, modification, repair, and demolition of public and
1849 private buildings, structures, and facilities and enforcement of
1850 such laws and rules, except as otherwise provided in this
1851 section.

1852 (b) The technical portions of the Florida Accessibility
1853 Code for Building Construction shall be contained in their
1854 entirety in the Florida Building Code. The civil rights portions
1855 and the technical portions of the accessibility laws of this
1856 state shall remain as currently provided by law. Any revision or

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1857 amendments to the Florida Accessibility Code for Building
1858 Construction pursuant to part II shall be considered adopted by
1859 the commission as part of the Florida Building Code. Neither the
1860 commission nor any local government shall revise or amend any
1861 standard of the Florida Accessibility Code for Building
1862 Construction except as provided for in part II.

1863 (c) The Florida Fire Prevention Code and the Life Safety
1864 Code shall be referenced in the Florida Building Code, but shall
1865 be adopted, modified, revised, or amended, interpreted, and
1866 maintained by the Department of Financial Services by rule
1867 adopted pursuant to ss. 120.536(1) and 120.54. The Florida
1868 Building Commission may not adopt a fire prevention or
1869 lifesafety code, and nothing in the Florida Building Code shall
1870 affect the statutory powers, duties, and responsibilities of any
1871 fire official or the Department of Financial Services.

1872 (d) Conflicting requirements between the Florida Building
1873 Code and the Florida Fire Prevention Code and Life Safety Code
1874 of the state established pursuant to ss. 633.206 and 633.208
1875 shall be resolved by agreement between the commission and the
1876 State Fire Marshal in favor of the requirement that offers the
1877 greatest degree of lifesafety or alternatives that would provide
1878 an equivalent degree of lifesafety and an equivalent method of
1879 construction. If the commission and State Fire Marshal are
1880 unable to agree on a resolution, the question shall be referred
1881 to a mediator, mutually agreeable to both parties, to resolve
1882 the conflict in favor of the provision that offers the greatest
1883 lifesafety, or alternatives that would provide an equivalent
1884 degree of lifesafety and an equivalent method of construction.

1885 (e) Subject to ~~the provisions of~~ this act, responsibility

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1886 for enforcement, interpretation, and regulation of the Florida
1887 Building Code are ~~shall be~~ vested in a specified local board or
1888 agency, and the words "local government" and "local governing
1889 body" as used in this part shall be construed to refer
1890 exclusively to such local board or agency.

1891 (2) The Florida Building Code shall contain provisions or
1892 requirements for public and private buildings, structures, and
1893 facilities relative to structural, mechanical, electrical,
1894 plumbing, energy, and gas systems, existing buildings,
1895 historical buildings, manufactured buildings, elevators, coastal
1896 construction, lodging facilities, food sales and food service
1897 facilities, health care facilities, including assisted living
1898 facilities, adult day care facilities, hospice residential and
1899 inpatient facilities and units, and facilities for the control
1900 of radiation hazards, public or private educational facilities,
1901 swimming pools, and correctional facilities and enforcement of
1902 and compliance with such provisions or requirements. Further,
1903 the Florida Building Code must provide for uniform
1904 implementation of ss. 515.25, 515.27, and 515.29 by including
1905 standards and criteria for residential swimming pool barriers,
1906 pool covers, latching devices, door and window exit alarms, and
1907 other equipment required therein, which are consistent with the
1908 intent of s. 515.23. Technical provisions to be contained within
1909 the Florida Building Code are restricted to requirements related
1910 to the types of materials used and construction methods and
1911 standards employed in order to meet criteria specified in the
1912 Florida Building Code. Provisions relating to the personnel,
1913 supervision or training of personnel, or any other professional
1914 qualification requirements relating to contractors or their

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1915 workforce may not be included within the Florida Building Code,
1916 and subsections (4)-(10) ~~(4), (6), (7), (8), and (9)~~ are not to
1917 be construed to allow the inclusion of such provisions within
1918 the Florida Building Code by amendment. This restriction applies
1919 to both initial development and amendment of the Florida
1920 Building Code.

1921 (3) The commission shall use the International Codes
1922 published by the International Code Council, the National
1923 Electric Code (NFPA 70), or other nationally adopted model codes
1924 and standards for updates to the Florida Building Code. The
1925 commission may approve technical amendments to the code ~~as~~
1926 ~~provided~~ in subsections (9) and (10) ~~(8) and (9)~~, subject to all
1927 of the following conditions:

1928 (a) The proposed amendment must have been published on the
1929 commission's website for a minimum of 45 days and all the
1930 associated documentation must have been made available to any
1931 interested party before consideration by a technical advisory
1932 committee.

1933 (b) In order for a technical advisory committee to make a
1934 favorable recommendation to the commission, the proposal must
1935 receive a two-thirds vote of the members present at the meeting.
1936 At least half of the regular members must be present in order to
1937 conduct a meeting.

1938 (c) After the technical advisory committee has considered
1939 and recommended approval of any proposed amendment, the proposal
1940 must be published on the commission's website for at least 45
1941 days before consideration by the commission.

1942 (d) A proposal may be modified by the commission based on
1943 public testimony and evidence from a public hearing held in

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1944 accordance with chapter 120.

1945
1946 The commission shall incorporate within the Florida Building
1947 Code provisions that address regional and local concerns and
1948 variations. The commission shall make every effort to minimize
1949 conflicts between the Florida Building Code, the Florida Fire
1950 Prevention Code, and the Life Safety Code.

1951 (4) ~~(a)~~ All entities authorized to enforce the Florida
1952 Building Code under s. 553.80 shall comply with applicable
1953 standards for issuance of mandatory certificates of occupancy,
1954 minimum types of inspections, and procedures for plans review
1955 and inspections as established by the commission by rule. Local
1956 governments may adopt amendments to the administrative
1957 provisions of the Florida Building Code, subject to the
1958 limitations in ~~this~~ subsection (5). Local amendments must be
1959 more stringent than the minimum standards described in this
1960 section and must be transmitted to the commission within 30 days
1961 after enactment. The local government shall make such amendments
1962 available to the general public in a usable format. The State
1963 Fire Marshal is responsible for establishing the standards and
1964 procedures required in this subsection for governmental entities
1965 with respect to applying the Florida Fire Prevention Code and
1966 the Life Safety Code.

1967 (5) (a) ~~(b)~~ Local governments may, subject to the limitations
1968 in this section and not more than once every 6 months, adopt
1969 amendments to the technical provisions of the Florida Building
1970 Code that apply solely within the jurisdiction of such
1971 government and that provide for more stringent requirements than
1972 those specified in the Florida Building Code.

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1973 (b) A local government may adopt technical amendments that
1974 address local needs if:

1975 1. The local governing body determines, following a public
1976 hearing which has been advertised in a newspaper of general
1977 circulation at least 10 days before the hearing, that there is a
1978 need to strengthen the requirements of the Florida Building
1979 Code. The determination must be based upon a review of local
1980 conditions by the local governing body, which review
1981 demonstrates by evidence or data that the geographical
1982 jurisdiction governed by the local governing body exhibits a
1983 local need to strengthen the Florida Building Code beyond the
1984 needs or regional variation addressed by the Florida Building
1985 Code, that the local need is addressed by the proposed local
1986 amendment, and that the amendment is no more stringent than
1987 necessary to address the local need.

1988 2. Such additional requirements are not discriminatory
1989 against materials, products, or construction techniques of
1990 demonstrated capabilities.

1991 3. Such additional requirements may not introduce a new
1992 subject not addressed in the Florida Building Code.

1993 (c) The enforcing agency shall make readily available, in a
1994 usable format, all amendments adopted under this section.

1995 (d) Any amendment to the Florida Building Code shall be
1996 transmitted within 30 days after adoption by the local
1997 government to the commission. The commission shall maintain
1998 copies of all such amendments in a format that is usable and
1999 obtainable by the public. Local technical amendments are not
2000 effective until 30 days after the amendment has been received
2001 and published by the commission.

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2002 (e) An amendment to the Florida Building Code adopted by a
2003 local government under this subsection is effective only until
2004 the adoption of the new edition of the Florida Building Code by
2005 the commission every third year. At such time, the commission
2006 shall review such amendment for consistency with the criteria in
2007 paragraph (10) (a) ~~(9) (a)~~ and adopt such amendment as part of the
2008 Florida Building Code or rescind the amendment. The commission
2009 shall immediately notify the respective local government of the
2010 rescission of any amendment. After receiving such notice, the
2011 respective local government may readopt the rescinded amendment
2012 under ~~the provisions of~~ this subsection.

2013 (f) Each county and municipality desiring to make local
2014 technical amendments to the Florida Building Code shall
2015 establish by interlocal agreement a countywide compliance review
2016 board to review any amendment to the Florida Building Code that
2017 is adopted by a local government within the county under this
2018 subsection and that is challenged by a substantially affected
2019 party for purposes of determining the amendment's compliance
2020 with this subsection. If challenged, the local technical
2021 amendments are not effective until the time for filing an appeal
2022 under paragraph (g) has expired or, if there is an appeal, until
2023 the commission issues its final order determining if the adopted
2024 amendment is in compliance with this subsection.

2025 (g) If the compliance review board determines such
2026 amendment is not in compliance with this subsection, the
2027 compliance review board shall notify such local government of
2028 the noncompliance and that the amendment is invalid and
2029 unenforceable until the local government corrects the amendment
2030 to bring it into compliance. The local government may appeal the

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2031 decision of the compliance review board to the commission. If
2032 the compliance review board determines that such amendment is in
2033 compliance with this subsection, any substantially affected
2034 party may appeal such determination to the commission. Any such
2035 appeal must be filed with the commission within 14 days after
2036 the board's written determination. The commission shall promptly
2037 refer the appeal to the Division of Administrative Hearings by
2038 electronic means through the division's website for the
2039 assignment of an administrative law judge. The administrative
2040 law judge shall conduct the required hearing within 30 days
2041 after being assigned to the appeal, and shall enter a
2042 recommended order within 30 days after the conclusion of such
2043 hearing. The commission shall enter a final order within 30 days
2044 after an order is rendered. Chapter 120 and the uniform rules of
2045 procedure shall apply to such proceedings. The local government
2046 adopting the amendment that is subject to challenge has the
2047 burden of proving that the amendment complies with this
2048 subsection in proceedings before the compliance review board and
2049 the commission, as applicable. Actions of the commission are
2050 subject to judicial review under s. 120.68. The compliance
2051 review board shall determine whether its decisions apply to a
2052 respective local jurisdiction or apply countywide.

2053 (h) An amendment adopted under this subsection must include
2054 a fiscal impact statement that documents the costs and benefits
2055 of the proposed amendment. Criteria for the fiscal impact
2056 statement shall include the impact to local government relative
2057 to enforcement and the impact to property and building owners
2058 and industry relative to the cost of compliance. The fiscal
2059 impact statement may not be used as a basis for challenging the

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2060 amendment for compliance.

2061 (i) In addition to paragraphs (f) and (g), the commission
2062 may review any amendments adopted under this subsection and make
2063 nonbinding recommendations related to compliance of such
2064 amendments with this subsection.

2065 (j) Any amendment adopted by a local enforcing agency under
2066 this subsection may not apply to state or school district owned
2067 buildings, manufactured buildings or factory-built school
2068 buildings approved by the commission, or prototype buildings
2069 approved under s. 553.77(3). The respective responsible entities
2070 shall consider the physical performance parameters
2071 substantiating such amendments when designing, specifying, and
2072 constructing such exempt buildings.

2073 (k) A technical amendment to the Florida Building Code
2074 related to water conservation practices or design criteria
2075 adopted by a local government under this subsection is not void
2076 when the code is updated if the technical amendment is necessary
2077 to protect or provide for more efficient use of water resources
2078 as provided in s. 373.621. However, any such technical amendment
2079 carried forward into the next edition of the code under this
2080 paragraph is subject to review or modification as provided in
2081 this part.

2082 (l) If a local government adopts a regulation, law,
2083 ordinance, policy, amendment, or land use or zoning provision
2084 without using the process established in this subsection, and a
2085 substantially affected person considers such regulation, law,
2086 ordinance, policy, amendment, or land use or zoning provision to
2087 be a technical amendment to the Florida Building Code, then the
2088 substantially affected person may submit a petition to the

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2089 commission for a nonbinding advisory opinion. If a substantially
2090 affected person submits a request in accordance with this
2091 paragraph, the commission shall issue a nonbinding advisory
2092 opinion stating whether or not the commission interprets the
2093 regulation, law, ordinance, policy, amendment, or land use or
2094 zoning provision as a technical amendment to the Florida
2095 Building Code. As used in this paragraph, the term "local
2096 government" means a county, municipality, special district, or
2097 political subdivision of the state.

2098 1. Requests to review a local government regulation, law,
2099 ordinance, policy, amendment, or land use or zoning provision
2100 may be initiated by any substantially affected person. A
2101 substantially affected person includes an owner or builder
2102 subject to the regulation, law, ordinance, policy, amendment, or
2103 land use or zoning provision, or an association of owners or
2104 builders having members who are subject to the regulation, law,
2105 ordinance, policy, amendment, or land use or zoning provision.

2106 2. In order to initiate a review, a substantially affected
2107 person must file a petition with the commission. The commission
2108 shall adopt a form for the petition and directions for filing,
2109 which shall be published on the Building Code Information
2110 System. The form must ~~shall~~, at a minimum, require the
2111 following:

2112 a. The name of the local government that enacted the
2113 regulation, law, ordinance, policy, amendment, or land use or
2114 zoning provision.

2115 b. The name and address of the local government's general
2116 counsel or administrator.

2117 c. The name, address, and telephone number of the

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2118 petitioner; the name, address, and telephone number of the
2119 petitioner's representative, if any; and an explanation of how
2120 the petitioner's substantial interests are being affected by the
2121 regulation, law, ordinance, policy, amendment, or land use or
2122 zoning provision.

2123 d. A statement explaining why the regulation, law,
2124 ordinance, policy, amendment, or land use or zoning provision is
2125 a technical amendment to the Florida Building Code, and which
2126 provisions of the Florida Building Code, if any, are being
2127 amended by the regulation, law, ordinance, policy, amendment, or
2128 land use or zoning provision.

2129 3. The petitioner shall serve the petition on the local
2130 government's general counsel or administrator by certified mail,
2131 return receipt requested, and send a copy of the petition to the
2132 commission, in accordance with the commission's published
2133 directions. The local government shall respond to the petition
2134 in accordance with the form by certified mail, return receipt
2135 requested, and send a copy of its response to the commission,
2136 within 14 days after receipt of the petition, including
2137 Saturdays, Sundays, and legal holidays.

2138 4. Upon receipt of a petition that meets the requirements
2139 of this paragraph, the commission shall publish the petition,
2140 including any response submitted by the local government, on the
2141 Building Code Information System in a manner that allows
2142 interested persons to address the issues by posting comments.

2143 5. Before issuing an advisory opinion, the commission shall
2144 consider the petition, the response, and any comments posted on
2145 the Building Code Information System. The commission may also
2146 provide the petition, the response, and any comments posted on

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2147 the Building Code Information System to a technical advisory
2148 committee, and may consider any recommendation provided by the
2149 technical advisory committee. The commission shall issue an
2150 advisory opinion stating whether the regulation, law, ordinance,
2151 policy, amendment, or land use or zoning provision is a
2152 technical amendment to the Florida Building Code within 30 days
2153 after the filing of the petition, including Saturdays, Sundays,
2154 and legal holidays. The commission shall publish its advisory
2155 opinion on the Building Code Information System and in the
2156 Florida Administrative Register. The commission's advisory
2157 opinion is nonbinding and is not a declaratory statement under
2158 s. 120.565.

2159 (6)~~(5)~~ Notwithstanding subsection (5) ~~(4)~~, counties and
2160 municipalities may adopt by ordinance an administrative or
2161 technical amendment to the Florida Building Code relating to
2162 flood resistance in order to implement the National Flood
2163 Insurance Program or incentives. Specifically, an administrative
2164 amendment may assign the duty to enforce all or portions of
2165 flood-related code provisions to the appropriate agencies of the
2166 local government and adopt procedures for variances and
2167 exceptions from flood-related code provisions other than
2168 provisions for structures seaward of the coastal construction
2169 control line consistent with the requirements in 44 C.F.R. s.
2170 60.6. A technical amendment is authorized to the extent it is
2171 more stringent than the code. A technical amendment is not
2172 subject to the requirements of subsection (5) ~~(4)~~ and may not be
2173 rendered void when the code is updated if the amendment is
2174 adopted for the purpose of participating in the Community Rating
2175 System promulgated pursuant to 42 U.S.C. s. 4022, the amendment

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2176 had already been adopted by local ordinance prior to July 1,
2177 2010, or the amendment requires a design flood elevation above
2178 the base flood elevation. Any amendment adopted under this
2179 subsection shall be transmitted to the commission within 30 days
2180 after being adopted. A municipality, county, or special district
2181 may not use preliminary maps issued by the Federal Emergency
2182 Management Agency for any law, ordinance, rule, or other measure
2183 that has the effect of imposing land use changes or permits.

2184 (7)~~(6)~~ The initial adoption of, and any subsequent update
2185 or amendment to, the Florida Building Code by the commission is
2186 deemed adopted for use statewide without adoptions by local
2187 government. For a building permit for which an application is
2188 submitted prior to the effective date of the Florida Building
2189 Code, the state minimum building code in effect in the
2190 permitting jurisdiction on the date of the application governs
2191 the permitted work for the life of the permit and any extension
2192 granted to the permit.

2193 (8) (a)~~(7) (a)~~ The commission shall adopt an updated Florida
2194 Building Code every 3 years through review of the most current
2195 updates of the International Building Code, the International
2196 Fuel Gas Code, the International Existing Building Code, the
2197 International Mechanical Code, the International Plumbing Code,
2198 and the International Residential Code, all of which are
2199 copyrighted and published by the International Code Council, and
2200 the National Electrical Code, which is copyrighted and published
2201 by the National Fire Protection Association. At a minimum, the
2202 commission shall adopt any updates to such codes or any other
2203 code necessary to maintain eligibility for federal funding and
2204 discounts from the National Flood Insurance Program, the Federal

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2205 Emergency Management Agency, and the United States Department of
2206 Housing and Urban Development. The commission shall also review
2207 and adopt updates based on the International Energy Conservation
2208 Code (IECC); however, the commission shall maintain the
2209 efficiencies of the Florida Energy Efficiency Code for Building
2210 Construction adopted and amended pursuant to s. 553.901. Every 3
2211 years, the commission may approve updates to the Florida
2212 Building Code without a finding that the updates are needed in
2213 order to accommodate the specific needs of this state. The
2214 commission shall adopt updated codes by rule.

2215 (b) Codes regarding noise contour lines shall be reviewed
2216 annually, and the most current federal guidelines shall be
2217 adopted.

2218 (c) The commission may also adopt as a technical amendment
2219 to the Florida Building Code any portion of the codes identified
2220 in paragraph (a), but only as needed to accommodate the specific
2221 needs of this state. Standards or criteria adopted from these
2222 codes shall be incorporated by reference to the specific
2223 provisions adopted. If a referenced standard or criterion
2224 requires amplification or modification to be appropriate for use
2225 in this state, only the amplification or modification shall be
2226 set forth in the Florida Building Code. The commission may
2227 approve technical amendments to the updated Florida Building
2228 Code after the amendments have been subject to the conditions
2229 set forth in paragraphs (3) (a)-(d). Amendments that are adopted
2230 in accordance with this subsection shall be clearly marked in
2231 printed versions of the Florida Building Code so that the fact
2232 that the provisions are amendments is readily apparent.

2233 (d) The commission shall further consider the commission's

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2234 own interpretations, declaratory statements, appellate
2235 decisions, and approved statewide and local technical amendments
2236 and shall incorporate such interpretations, statements,
2237 decisions, and amendments into the updated Florida Building Code
2238 only to the extent that they are needed to accommodate the
2239 specific needs of the state. A change made by an institute or
2240 standards organization to any standard or criterion that is
2241 adopted by reference in the Florida Building Code does not
2242 become effective statewide until it has been adopted by the
2243 commission. Furthermore, the edition of the Florida Building
2244 Code which is in effect on the date of application for any
2245 permit authorized by the code governs the permitted work for the
2246 life of the permit and any extension granted to the permit.

2247 (e) A rule updating the Florida Building Code in accordance
2248 with this subsection shall take effect no sooner than 6 months
2249 after publication of the updated code. Any amendment to the
2250 Florida Building Code which is adopted upon a finding by the
2251 commission that the amendment is necessary to protect the public
2252 from immediate threat of harm takes effect immediately. If
2253 energy code compliance software is not approved by the
2254 commission at least 3 months before the effective date of the
2255 updated Florida Building Code, the commission may delay the
2256 effective date of the energy provisions of the Florida Building
2257 Code for up to 3 additional months.

2258 (f) Provisions of the Florida Building Code, including
2259 those contained in referenced standards and criteria, relating
2260 to wind resistance or the prevention of water intrusion may not
2261 be modified to diminish those construction requirements;
2262 however, the commission may, subject to conditions in this

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2263 subsection, modify the provisions to enhance those construction
2264 requirements.

2265 (g) The commission shall modify the Florida Building Code
2266 to state that sealed drawings by a design professional are not
2267 required for the replacement of windows, doors, or garage doors
2268 in an existing one-family or two-family dwelling or townhouse if
2269 all of the following conditions are met:

2270 1. The replacement windows, doors, or garage doors are
2271 installed in accordance with the manufacturer's instructions for
2272 the appropriate wind zone.

2273 2. The replacement windows, doors, or garage doors meet the
2274 design pressure requirements in the most recent version of the
2275 Florida Building Code, Residential.

2276 3. A copy of the manufacturer's instructions is submitted
2277 with the permit application in a printed or digital format.

2278 4. The replacement windows, doors, or garage doors are the
2279 same size and are installed in the same opening as the existing
2280 windows, doors, or garage doors.

2281 (9)~~(8)~~ Notwithstanding subsection (3) or subsection (8)
2282 ~~(7)~~, the commission may address issues identified in this
2283 subsection by amending the code under the rule adoption
2284 procedures in chapter 120. Updates to the Florida Building Code,
2285 including provisions contained in referenced standards and
2286 criteria which relate to wind resistance or the prevention of
2287 water intrusion, may not be amended under this subsection to
2288 diminish those standards; however, the commission may amend the
2289 Florida Building Code to enhance such standards. Following the
2290 approval of any amendments to the Florida Building Code by the
2291 commission and publication of the amendments on the commission's

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2292 website, authorities having jurisdiction to enforce the Florida
2293 Building Code may enforce the amendments.

2294 (a) The commission may approve amendments that are needed
2295 to address:

2296 1. Conflicts within the updated code;

2297 2. Conflicts between the updated code and the Florida Fire
2298 Prevention Code adopted under chapter 633;

2299 3. Unintended results from the integration of previously
2300 adopted amendments with the model code;

2301 4. Equivalency of standards;

2302 5. Changes to or inconsistencies with federal or state law;

2303 or

2304 6. Adoption of an updated edition of the National
2305 Electrical Code if the commission finds that delay of
2306 implementing the updated edition causes undue hardship to
2307 stakeholders or otherwise threatens the public health, safety,
2308 and welfare.

2309 (b) The commission may issue errata to the code pursuant to
2310 the rule adoption procedures in chapter 120 to list demonstrated
2311 errors in provisions contained within the Florida Building Code.
2312 The determination of such errors and the issuance of errata to
2313 the code must be approved by a 75-percent supermajority vote of
2314 the commission. For purposes of this paragraph, "errata to the
2315 code" means a list of errors on current and previous editions of
2316 the Florida Building Code.

2317 (10) (a) ~~(9) (a)~~ The commission may approve technical
2318 amendments to the Florida Building Code once each year for
2319 statewide or regional application upon a finding that the
2320 amendment:

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2321 1. Is needed in order to accommodate the specific needs of
2322 this state.

2323 2. Has a reasonable and substantial connection with the
2324 health, safety, and welfare of the general public.

2325 3. Strengthens or improves the Florida Building Code, or in
2326 the case of innovation or new technology, will provide
2327 equivalent or better products or methods or systems of
2328 construction.

2329 4. Does not discriminate against materials, products,
2330 methods, or systems of construction of demonstrated
2331 capabilities.

2332 5. Does not degrade the effectiveness of the Florida
2333 Building Code.

2334

2335 The Florida Building Commission may approve technical amendments
2336 to the code once each year to incorporate into the Florida
2337 Building Code its own interpretations of the code which are
2338 embodied in its opinions, final orders, declaratory statements,
2339 and interpretations of hearing officer panels under s.

2340 553.775(3)(c), but only to the extent that the incorporation of
2341 interpretations is needed to modify the code to accommodate the
2342 specific needs of this state. Amendments approved under this
2343 paragraph shall be adopted by rule after the amendments have
2344 been subjected to subsection (3).

2345 (b) A proposed amendment must include a fiscal impact
2346 statement that documents the costs and benefits of the proposed
2347 amendment. Criteria for the fiscal impact statement shall be
2348 established by rule by the commission and shall include the
2349 impact to local government relative to enforcement, the impact

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2350 to property and building owners, and the impact to industry,
2351 relative to the cost of compliance. The amendment must
2352 demonstrate by evidence or data that the state's geographical
2353 jurisdiction exhibits a need to strengthen the code beyond the
2354 needs or regional variations addressed by the code and why the
2355 proposed amendment applies to this state.

2356 (c) The commission may not approve any proposed amendment
2357 that does not accurately and completely address all requirements
2358 for amendment which are set forth in this section. The
2359 commission shall require all proposed amendments and information
2360 submitted with proposed amendments to be reviewed by commission
2361 staff prior to consideration by any technical advisory
2362 committee. These reviews shall be for sufficiency only and are
2363 not intended to be qualitative in nature. Staff members shall
2364 reject any proposed amendment that fails to include a fiscal
2365 impact statement. Proposed amendments rejected by members of the
2366 staff may not be considered by the commission or any technical
2367 advisory committee.

2368 (d) Provisions of the Florida Building Code, including
2369 those contained in referenced standards and criteria, relating
2370 to wind resistance or the prevention of water intrusion may not
2371 be amended pursuant to this subsection to diminish those
2372 construction requirements; however, the commission may, subject
2373 to conditions in this subsection, amend the provisions to
2374 enhance those construction requirements.

2375 (11)~~(10)~~ The following buildings, structures, and
2376 facilities are exempt from the Florida Building Code as provided
2377 by law, and any further exemptions shall be as determined by the
2378 Legislature and provided by law:

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- 2379 (a) Buildings and structures specifically regulated and
2380 preempted by the Federal Government.
- 2381 (b) Railroads and ancillary facilities associated with the
2382 railroad.
- 2383 (c) Nonresidential farm buildings on farms.
- 2384 (d) Temporary buildings or sheds used exclusively for
2385 construction purposes.
- 2386 (e) Mobile or modular structures used as temporary offices,
2387 except that the provisions of part II relating to accessibility
2388 by persons with disabilities apply to such mobile or modular
2389 structures.
- 2390 (f) Those structures or facilities of electric utilities,
2391 as defined in s. 366.02, which are directly involved in the
2392 generation, transmission, or distribution of electricity.
- 2393 (g) Temporary sets, assemblies, or structures used in
2394 commercial motion picture or television production, or any
2395 sound-recording equipment used in such production, on or off the
2396 premises.
- 2397 (h) Storage sheds that are not designed for human
2398 habitation and that have a floor area of 720 square feet or less
2399 are not required to comply with the mandatory wind-borne-debris-
2400 impact standards of the Florida Building Code. In addition, such
2401 buildings that are 400 square feet or less and that are intended
2402 for use in conjunction with one- and two-family residences are
2403 not subject to the door height and width requirements of the
2404 Florida Building Code.
- 2405 (i) Chickees constructed by the Miccosukee Tribe of Indians
2406 of Florida or the Seminole Tribe of Florida. As used in this
2407 paragraph, the term "chickee" means an open-sided wooden hut

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2408 that has a thatched roof of palm or palmetto or other
2409 traditional materials, and that does not incorporate any
2410 electrical, plumbing, or other nonwood features.

2411 (j) Family mausoleums not exceeding 250 square feet in area
2412 which are prefabricated and assembled on site or preassembled
2413 and delivered on site and have walls, roofs, and a floor
2414 constructed of granite, marble, or reinforced concrete.

2415 (k) A building or structure having less than 1,000 square
2416 feet which is constructed and owned by a natural person for
2417 hunting and which is repaired or reconstructed to the same
2418 dimension and condition as existed on January 1, 2011, if the
2419 building or structure:

2420 1. Is not rented or leased or used as a principal
2421 residence;

2422 2. Is not located within the 100-year floodplain according
2423 to the Federal Emergency Management Agency's current Flood
2424 Insurance Rate Map; and

2425 3. Is not connected to an offsite electric power or water
2426 supply.

2427 (l) A drone port as defined in s. 330.41(2).
2428

2429 With the exception of paragraphs (a), (b), (c), and (f), in
2430 order to preserve the health, safety, and welfare of the public,
2431 the Florida Building Commission may, by rule adopted pursuant to
2432 chapter 120, provide for exceptions to the broad categories of
2433 buildings exempted in this section, including exceptions for
2434 application of specific sections of the code or standards
2435 adopted therein. The Department of Agriculture and Consumer
2436 Services shall have exclusive authority to adopt by rule,

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2437 pursuant to chapter 120, exceptions to nonresidential farm
2438 buildings exempted in paragraph (c) when reasonably necessary to
2439 preserve public health, safety, and welfare. The exceptions must
2440 be based upon specific criteria, such as under-roof floor area,
2441 aggregate electrical service capacity, HVAC system capacity, or
2442 other building requirements. Further, the commission may
2443 recommend to the Legislature additional categories of buildings,
2444 structures, or facilities which should be exempted from the
2445 Florida Building Code, to be provided by law. The Florida
2446 Building Code does not apply to temporary housing provided by
2447 the Department of Corrections to any prisoner in the state
2448 correctional system.

2449 (12) (a) ~~(11) (a)~~ In the event of a conflict between the
2450 Florida Building Code and the Florida Fire Prevention Code and
2451 the Life Safety Code as applied to a specific project, the
2452 conflict shall be resolved by agreement between the local
2453 building code enforcement official and the local fire code
2454 enforcement official in favor of the requirement of the code
2455 which offers the greatest degree of lifesafety or alternatives
2456 which would provide an equivalent degree of lifesafety and an
2457 equivalent method of construction. Local boards created to
2458 address issues arising under the Florida Building Code or the
2459 Florida Fire Prevention Code may combine the appeals boards to
2460 create a single, local board having jurisdiction over matters
2461 arising under either code or both codes. The combined local
2462 appeals board may grant alternatives or modifications through
2463 procedures outlined in NFPA 1, Section 1.4, but may not waive
2464 the requirements of the Florida Fire Prevention Code. To meet
2465 the quorum requirement for convening the combined local appeals

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2466 board, at least one member of the board who is a fire protection
2467 contractor, a fire protection design professional, a fire
2468 department operations professional, or a fire code enforcement
2469 professional must be present.

2470 (b) Any decision made by the local fire official regarding
2471 application, interpretation, or enforcement of the Florida Fire
2472 Prevention Code or by the local building official regarding
2473 application, interpretation, or enforcement of the Florida
2474 Building Code, or the appropriate application of either code or
2475 both codes in the case of a conflict between the codes, may be
2476 appealed to a local administrative board designated by the
2477 municipality, county, or special district having firesafety
2478 responsibilities. If the decision of the local fire official and
2479 the local building official is to apply the provisions of either
2480 the Florida Building Code or the Florida Fire Prevention Code
2481 and the Life Safety Code, the board may not alter the decision
2482 unless the board determines that the application of such code is
2483 not reasonable. If the decision of the local fire official and
2484 the local building official is to adopt an alternative to the
2485 codes, the local administrative board shall give due regard to
2486 the decision rendered by the local officials and may modify that
2487 decision if the administrative board adopts a better
2488 alternative, taking into consideration all relevant
2489 circumstances. In any case in which the local administrative
2490 board adopts alternatives to the decision rendered by the local
2491 fire official and the local building official, such alternatives
2492 shall provide an equivalent degree of lifesafety and an
2493 equivalent method of construction as the decision rendered by
2494 the local officials.

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2495 (c) If the local building official and the local fire
2496 official are unable to agree on a resolution of the conflict
2497 between the Florida Building Code and the Florida Fire
2498 Prevention Code and the Life Safety Code, the local
2499 administrative board shall resolve the conflict in favor of the
2500 code which offers the greatest degree of lifesafety or
2501 alternatives which would provide an equivalent degree of
2502 lifesafety and an equivalent method of construction.

2503 (d) All decisions of the local administrative board or, if
2504 none exists, the local building official and the local fire
2505 official in regard to the application, enforcement, or
2506 interpretation of the Florida Fire Prevention Code, or conflicts
2507 between the Florida Fire Prevention Code and the Florida
2508 Building Code, are subject to review by a joint committee
2509 composed of members of the Florida Building Commission and the
2510 Fire Code Advisory Council. If the joint committee is unable to
2511 resolve conflicts between the codes as applied to a specific
2512 project, the matter shall be resolved pursuant to paragraph
2513 (1)(d). Decisions of the local administrative board related
2514 solely to the Florida Building Code are subject to review as set
2515 forth in s. 553.775.

2516 (e) The local administrative board shall, to the greatest
2517 extent possible, be composed of members with expertise in
2518 building construction and firesafety standards.

2519 (f) All decisions of the local building official and local
2520 fire official and all decisions of the administrative board
2521 shall be in writing and shall be binding upon a person but do
2522 not limit the authority of the State Fire Marshal or the Florida
2523 Building Commission pursuant to paragraph (1)(d) and ss. 633.104

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2524 and 633.228. Decisions of general application shall be indexed
2525 by building and fire code sections and shall be available for
2526 inspection during normal business hours.

2527 (13)~~(12)~~ Except within coastal building zones as defined in
2528 s. 161.54, specification standards developed by nationally
2529 recognized code promulgation organizations to determine
2530 compliance with engineering criteria of the Florida Building
2531 Code for wind load design shall not apply to one or two family
2532 dwellings which are two stories or less in height unless
2533 approved by the commission for use or unless expressly made
2534 subject to said standards and criteria by local ordinance
2535 adopted in accordance with ~~the provisions of~~ subsection (5) ~~(4)~~.

2536 (14)~~(13)~~ The Florida Building Code does not apply to, and
2537 no code enforcement action shall be brought with respect to,
2538 zoning requirements, land use requirements, and owner
2539 specifications or programmatic requirements which do not pertain
2540 to and govern the design, construction, erection, alteration,
2541 modification, repair, or demolition of public or private
2542 buildings, structures, or facilities or to programmatic
2543 requirements that do not pertain to enforcement of the Florida
2544 Building Code. Additionally, a local code enforcement agency may
2545 not administer or enforce the Florida Building Code to prevent
2546 the siting of any publicly owned facility, including, but not
2547 limited to, correctional facilities, juvenile justice
2548 facilities, or state universities, community colleges, or public
2549 education facilities, as provided by law.

2550 (15)~~(14)~~ The general provisions of the Florida Building
2551 Code for buildings and other structures do ~~shall~~ not apply to
2552 commercial wireless communication towers when such general

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2553 provisions are inconsistent with the ~~provisions of the~~ code
2554 controlling radio and television towers. This subsection is
2555 intended to be remedial in nature and to clarify existing law.

2556 (16)~~(15)~~ An agency or local government may not require that
2557 existing mechanical equipment located on or above the surface of
2558 a roof be installed in compliance with the requirements of the
2559 Florida Building Code except during reroofing when the equipment
2560 is being replaced or moved and is not in compliance with the
2561 provisions of the Florida Building Code relating to roof-mounted
2562 mechanical units.

2563 (17)~~(16)~~ The Florida Building Code must require that the
2564 illumination in classroom units be designed to provide and
2565 maintain an average of 40 foot-candles of light at each desktop.
2566 Public educational facilities must consider using light-emitting
2567 diode lighting before considering other lighting sources.

2568 (18)~~(17)~~ A provision of the International Residential Code
2569 relating to mandated fire sprinklers may not be incorporated
2570 into the Florida Building Code as adopted by the Florida
2571 Building Commission and may not be adopted as a local amendment
2572 to the Florida Building Code. This subsection does not prohibit
2573 the application of cost-saving incentives for residential fire
2574 sprinklers that are authorized in the International Residential
2575 Code upon a mutual agreement between the builder and the code
2576 official. This subsection does not apply to a local government
2577 that has a lawfully adopted ordinance relating to fire
2578 sprinklers which has been in effect since January 1, 2010.

2579 (19)~~(18)~~ In a single-family dwelling, makeup air is not
2580 required for range hood exhaust systems capable of exhausting:

2581 (a) Four hundred cubic feet per minute or less; or

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2582 (b) More than 400 cubic feet per minute but no more than
2583 800 cubic feet per minute if there are no gravity vent
2584 appliances within the conditioned living space of the structure.

2585 (20)~~(19)~~ The Florida Building Code shall require two fire
2586 service access elevators in all buildings with a height greater
2587 than 120 feet measured from the elevation of street-level access
2588 to the level of the highest occupiable floor. All remaining
2589 elevators, if any, shall be provided with Phase I and II
2590 emergency operations. Where a fire service access elevator is
2591 required, a 1-hour fire-rated fire service access elevator lobby
2592 with direct access from the fire service access elevator is not
2593 required if the fire service access elevator opens into an exit
2594 access corridor that is no less than 6 feet wide for its entire
2595 length and is at least 150 square feet with the exception of
2596 door openings, and has a minimum 1-hour fire rating with three-
2597 quarter hour fire and smoke rated openings; and during a fire
2598 event the fire service access elevator is pressurized and floor-
2599 to-floor smoke control is provided. However, where transient
2600 residential occupancies occur at floor levels more than 420 feet
2601 above the level of fire service access, a 1-hour fire-rated
2602 service access elevator lobby with direct access from the fire
2603 service access elevator is required. Standpipes in high-rise
2604 buildings of Florida Building Code—Building Occupancy Group R1
2605 or R2 must be located in stairwells and are subject only to the
2606 requirements of the Florida Fire Prevention Code and NFPA 14,
2607 Standard for the Installation of Standpipes and Hose Systems,
2608 adopted by the State Fire Marshal.

2609 (21)~~(20)~~ The Florida Building Commission may not:

2610 (a) Adopt the 2016 version of the American Society of

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2611 Heating, Refrigerating and Air-Conditioning Engineers Standard
2612 9.4.1.1(g).

2613 (b) Adopt any provision that requires a door located in the
2614 opening between a garage and a single-family residence to be
2615 equipped with a self-closing device.

2616 Section 54. Section 569.002, Florida Statutes, is
2617 reordered, to read:

2618 569.002 Definitions.—As used in this part, the term:

2619 (2)~~(1)~~ "Dealer" is synonymous with the term "retail tobacco
2620 products dealer."

2621 (3)~~(2)~~ "Division" means the Division of Alcoholic Beverages
2622 and Tobacco of the Department of Business and Professional
2623 Regulation.

2624 (5)~~(3)~~ "Nicotine product" has the same meaning as in s.
2625 569.31.

2626 (4) "Nicotine dispensing device" has the same meaning as in
2627 s. 569.31.

2628 (6)~~(5)~~ "Permit" is synonymous with the term "retail tobacco
2629 products dealer permit."

2630 (7)~~(6)~~ "Retail tobacco products dealer" means the holder of
2631 a retail tobacco products dealer permit.

2632 (8)~~(7)~~ "Retail tobacco products dealer permit" means a
2633 permit issued by the division pursuant to s. 569.003.

2634 (9)~~(8)~~ "Tobacco products" includes loose tobacco leaves,
2635 and products made from tobacco leaves, in whole or in part, and
2636 cigarette wrappers, which can be used for smoking, sniffing, or
2637 chewing.

2638 (1)~~(9)~~ "Any person under the age of 21" does not include
2639 any person under the age of 21 who:

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2640 (a) Is in the military reserve or on active duty in the
2641 Armed Forces of the United States; or

2642 (b) Is acting in his or her scope of lawful employment with
2643 an entity licensed under ~~the provisions of~~ chapter 210 or this
2644 part.

2645 Section 55. Section 569.006, Florida Statutes, is amended
2646 to read:

2647 569.006 Retail tobacco products dealers; administrative
2648 penalties.—The division may suspend or revoke the permit of the
2649 dealer upon sufficient cause appearing of the violation of ~~any~~
2650 ~~of the provisions of~~ this chapter, or any violation of the laws
2651 of this state or any state or territory of the United States
2652 ~~including part II of this chapter~~ if the dealer deals, at
2653 retail, in nicotine products within this ~~the~~ state or allows a
2654 nicotine products vending machine to be located on its premises
2655 within this ~~the~~ state, by a dealer or by a dealer's agent or
2656 employee. The division may also assess and accept administrative
2657 fines of up to \$1,000 against a dealer for each violation. The
2658 division shall deposit all fines collected into the General
2659 Revenue Fund as collected. An order imposing an administrative
2660 fine becomes effective 15 days after the date of the order. The
2661 division may suspend the imposition of a penalty against a
2662 dealer, conditioned upon the dealer's compliance with terms the
2663 division considers appropriate.

2664 Section 56. Present paragraphs (e), (f), and (g) of
2665 subsection (3) of section 581.217, Florida Statutes, are
2666 redesignated as paragraphs (f), (g), and (h), respectively, a
2667 new paragraph (e) is added to that subsection, and paragraphs
2668 (e) and (f) are added to subsection (11) of that section, to

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2669 read:

2670 581.217 State hemp program.—

2671 (3) DEFINITIONS.—As used in this section, the term:

2672 (e) "Division" means the Division of Alcoholic Beverages
2673 and Tobacco of the Department of Business and Professional
2674 Regulation.

2675 (11) ENFORCEMENT.—

2676 (e) The division may assist any agent of the department in
2677 enforcing subsection (7) and the rules adopted by the department
2678 relating to the retail sale of products containing hemp extract
2679 intended for human ingestion or inhalation.

2680 (f) The division is authorized to enter any public or
2681 private premises during regular business hours in the
2682 performance of its duties relating to the retail sale of
2683 products containing hemp extract intended for human ingestion or
2684 inhalation.

2685 Section 57. Subsections (1) and (2) of section 713.03,
2686 Florida Statutes, are amended to read:

2687 713.03 Liens for professional services.—

2688 (1) Any person who performs services as architect,
2689 landscape architect, ~~interior designer~~, engineer, or surveyor
2690 and mapper, subject to compliance with and the limitations
2691 imposed by this part, has a lien on the real property improved
2692 for any money that is owing to him or her for his or her
2693 services used in connection with improving the real property or
2694 for his or her services in supervising any portion of the work
2695 of improving the real property, rendered in accordance with his
2696 or her contract and with the direct contract.

2697 (2) Any architect, landscape architect, ~~interior designer~~,

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2698 engineer, or surveyor and mapper who has a direct contract and
 2699 who in the practice of his or her profession shall perform
 2700 services, by himself or herself or others, in connection with a
 2701 specific parcel of real property and subject to such ~~said~~
 2702 compliances and limitations, shall have a lien upon such real
 2703 property for the money owing to him or her for his or her
 2704 professional services, regardless of whether such real property
 2705 is actually improved.

2706 Section 58. Present subsections (3), (4), and (5) of
 2707 section 326.002, Florida Statutes, are redesignated as
 2708 subsections (4), (5), and (3) respectively, and subsection (2)
 2709 of that section is amended, to read:

2710 326.002 Definitions.—As used in ss. 326.001-326.006, the
 2711 term:

2712 (2) "Division" means the Division of Professions ~~Florida~~
 2713 ~~Condominiums, Timeshares, and Mobile Homes~~ of the Department of
 2714 Business and Professional Regulation.

2715 Section 59. Subsection (3) of section 326.006, Florida
 2716 Statutes, is amended to read:

2717 326.006 Powers and duties of division.—

2718 (3) All fees must be deposited in the Professional
 2719 Regulation ~~Division of Florida Condominiums, Timeshares, and~~
 2720 ~~Mobile Homes~~ Trust Fund as provided by law.

2721 Section 60. Section 468.384, Florida Statutes, is amended
 2722 to read:

2723 468.384 Rulemaking authority ~~Florida Board of Auctioneers.~~—

2724 (1) ~~There is created in the department the Florida Board of~~
 2725 ~~Auctioneers. The board shall be composed of five members~~
 2726 ~~appointed by the Governor and confirmed by the Senate, two of~~

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2727 ~~whom shall have been actively and principally engaged as~~
2728 ~~auctioneers for a period of not less than 5 years preceding~~
2729 ~~their appointment, one of whom shall be a principal of an~~
2730 ~~auction company, and two of whom shall be laypersons. Members~~
2731 ~~shall serve for terms of 4 years.~~

2732 ~~(2) The department may ~~board~~ has authority to~~ adopt rules
2733 pursuant to ss. 120.536(1) and 120.54 to implement the
2734 provisions of this act conferring duties upon it.

2735 ~~(2)(3) The department ~~board~~~~ shall receive and act upon
2736 applications for auctioneer, apprentice, and auction business
2737 licenses and shall have the power to issue, suspend, and revoke
2738 such licenses and to take such other action as is necessary to
2739 carry out the provisions of this act.

2740 Section 61. Subsections (1), (4), (5), (6) and paragraph
2741 (b) of subsection (7) of section 468.385, Florida Statutes, are
2742 amended, and subsection (3) of that section is reenacted, to
2743 read:

2744 468.385 Licenses required; qualifications; examination.—

2745 (1) The department shall license any applicant who it ~~the~~
2746 ~~board~~ certifies is qualified to practice auctioneering.

2747 (3) No person shall be licensed as an auctioneer or
2748 apprentice if he or she:

2749 (a) Is under 18 years of age; or

2750 (b) Has committed any act or offense in this state or any
2751 other jurisdiction which would constitute a basis for
2752 disciplinary action under s. 468.389.

2753 (4) Any person seeking a license as an auctioneer must pass
2754 a written examination approved by the department ~~board~~ which
2755 tests his or her general knowledge of the laws of this state

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2756 relating to provisions of the Uniform Commercial Code that are
 2757 relevant to auctions, the laws of agency, and ~~the provisions of~~
 2758 this act.

2759 (5) Each apprentice application and license shall name a
 2760 licensed auctioneer who has agreed to serve as the supervisor of
 2761 the apprentice. An ~~No~~ apprentice may not conduct, or contract to
 2762 conduct, an auction without the express approval of his or her
 2763 supervisor. The supervisor shall regularly review the
 2764 apprentice's records, which are required by the department ~~board~~
 2765 to be maintained, to determine whether ~~if~~ such records are
 2766 accurate and current.

2767 (6) A ~~No~~ person may not ~~shall~~ be licensed as an auctioneer
 2768 unless he or she:

2769 (a) Has held an apprentice license and has served as an
 2770 apprentice for 1 year or more, or has completed a course of
 2771 study, consisting of not less than 80 classroom hours of
 2772 instruction, that meets standards adopted by the department; and
 2773 ~~board;~~

2774 (b) Has passed the required examination; ~~and~~

2775 ~~(c) Is approved by the board.~~

2776 (7)

2777 (b) A ~~No~~ business may not ~~shall~~ auction or offer to auction
 2778 any property in this state unless it is licensed as an auction
 2779 business by the department ~~board~~ or is exempt from licensure
 2780 under this act. An ~~Each~~ application for licensure must ~~shall~~
 2781 include the names of the owner and the business, the business
 2782 mailing address and location, and any other information which
 2783 the department ~~board~~ may require. The owner of an auction
 2784 business shall report to the department ~~board~~ within 30 days

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2785 after ~~of~~ any change in this required information.

2786 Section 62. Section 468.3852, Florida Statutes, is amended
2787 to read:

2788 468.3852 Reactivation of license; fee.—The department board
2789 shall prescribe a fee not to exceed \$250 for the reactivation of
2790 an inactive license. The fee is ~~shall be~~ in addition to the
2791 current biennial renewal fee.

2792 Section 63. Subsections (2) through (5) and (8) of section
2793 468.3855, Florida Statutes, are amended to read:

2794 468.3855 Apprenticeship training requirements.—

2795 (2) An ~~Any~~ auctioneer who undertakes the sponsorship of an
2796 apprentice shall ensure that the apprentice receives training as
2797 required by department board rule.

2798 (3) An apprentice must actively participate in auction
2799 sales as required by department board rule, and a record of each
2800 auction for which participation credit is claimed must be made
2801 as required by department board rule.

2802 (4) An apprentice is ~~Apprentices are~~ prohibited from
2803 conducting an ~~any~~ auction without the prior express written
2804 consent of the sponsor. The apprentice's sponsor must be present
2805 at the auction site at any time the apprentice is actively
2806 participating in the conduct of the auction. If the apprentice's
2807 sponsor cannot attend a particular auction, the sponsor may
2808 appoint a qualified auctioneer who meets the requirements of
2809 department board rule to attend the auction in his or her place.
2810 Prior written consent must be given by the apprentice's sponsor
2811 for each substitution.

2812 (5) Each apprentice and sponsor shall file reports as
2813 required by department board rule.

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2814 (8) All apprentice applications shall be valid for a period
2815 of 6 months after department board approval. Any applicant who
2816 fails to complete the licensure process within that time is
2817 ~~shall be~~ required to make application as a new applicant.

2818 Section 64. Subsection (1) of section 468.386, Florida
2819 Statutes, is amended to read:

2820 468.386 Fees; local licensing requirements.—

2821 (1) The department board by rule may establish application,
2822 examination, licensure, renewal, and other reasonable and
2823 necessary fees, based upon the department's estimate of the
2824 costs ~~to the board~~ in administering this act.

2825 Section 65. Section 468.387, Florida Statutes, is amended
2826 to read:

2827 468.387 Licensing of nonresidents; endorsement;
2828 reciprocity.—The department shall issue a license by endorsement
2829 to practice auctioneering to an applicant who, upon applying to
2830 the department and remitting the required fee, set by the
2831 department board, demonstrates to the department board that he
2832 or she satisfies the requirements of s. 468.385(3) and holds a
2833 valid license to practice auctioneering in another state,
2834 provided that the requirements for licensure in that state are
2835 substantially equivalent to or more stringent than those
2836 existing in this state. The endorsement and reciprocity
2837 provisions of this section ~~shall~~ apply to auctioneers only and
2838 not to professions or occupations regulated by other statutes.

2839 Section 66. Subsections (3) and (9) and paragraph (b) of
2840 subsection (10) of section 468.388, Florida Statutes, are
2841 amended to read:

2842 468.388 Conduct of an auction.—

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2843 (3) Each auctioneer or auction business shall maintain a
2844 record book of all sales. The record book must ~~shall~~ be open to
2845 inspection by the department ~~board~~ at reasonable times.

2846 (9) The auction business under which the auction is
2847 conducted is responsible for all other aspects of the auction as
2848 required by department ~~board~~ rule. The auction business may
2849 delegate in whole, or in part, different aspects of the auction
2850 only to the extent that such delegation is permitted by law and
2851 that such delegation will not impede the principal auctioneer's
2852 ability to ensure the proper conduct of his or her independent
2853 responsibility for the auction. The auction business under whose
2854 auspices the auction is conducted is responsible for ensuring
2855 compliance as required by department ~~board~~ rule.

2856 (10)

2857 (b) Each auction business shall maintain, for not less than
2858 2 years, a separate ledger showing the funds held for another
2859 person deposited and disbursed by the auction business for each
2860 auction. The escrow or trust account must be reconciled monthly
2861 with the bank statement. A signed and dated record must ~~shall~~ be
2862 maintained for a 2-year period and be available for inspection
2863 by the department ~~or at the request of the board~~.

2864 Section 67. Subsections (1) and (2) and paragraph (a) of
2865 subsection (3) of section 468.389, Florida Statutes, are amended
2866 to read:

2867 468.389 Prohibited acts; penalties.—

2868 (1) The following acts are ~~shall be~~ grounds for the
2869 disciplinary activities provided in subsections (2) and (3):

2870 (a) A violation of any law relating to trade or commerce of
2871 this state or of the state in which an auction is conducted.

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2872 (b) Misrepresentation of property for sale at auction or
2873 making false promises concerning the use, value, or condition of
2874 such property by an auctioneer or auction business or by anyone
2875 acting as an agent of or with the consent of the auctioneer or
2876 auction business.

2877 (c) Failure to account for or to pay or return, within a
2878 reasonable time not to exceed 30 days, money or property
2879 belonging to another which has come into the control of an
2880 auctioneer or auction business through an auction.

2881 (d) False, deceptive, misleading, or untruthful
2882 advertising.

2883 (e) Any conduct in connection with a sales transaction
2884 which demonstrates bad faith or dishonesty.

2885 (f) Using or permitting the use of false bidders, cappers,
2886 or shills.

2887 (g) Making any material false statement on a license
2888 application.

2889 (h) Commingling money or property of another person with
2890 his or her own. Every auctioneer and auction business shall
2891 maintain a separate trust or escrow account in an insured bank
2892 or savings and loan association located in this state in which
2893 shall be deposited all proceeds received for another person
2894 through an auction sale.

2895 (i) Refusal or neglect of any auctioneer or other receiver
2896 of public moneys to pay the moneys so received into the State
2897 Treasury at the times and under the regulations prescribed by
2898 law.

2899 (j) Violating a statute or an administrative rule
2900 regulating practice under this part or a lawful disciplinary

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2901 order of the ~~board or the~~ department.

2902 (k) Having a license to practice a comparable profession
2903 revoked, suspended, or otherwise acted against by another state,
2904 territory, or country.

2905 (l) Being convicted or found guilty, regardless of
2906 adjudication, of a crime in any jurisdiction which directly
2907 relates to the practice or the ability to practice the
2908 profession of auctioneering.

2909 (2) When the department ~~board~~ finds that any person
2910 committed ~~guilty of~~ any of the prohibited acts set forth in
2911 subsection (1), it may enter an order imposing one or more of
2912 the following penalties:

2913 (a) Refusal to certify to the department an application for
2914 licensure.

2915 (b) Revocation or suspension of a license.

2916 (c) Imposition of an administrative fine not to exceed
2917 \$1,000 for each count or separate offense.

2918 (d) Issuance of a reprimand.

2919 (e) Placement of the auctioneer on probation for a period
2920 of time and subject to conditions as the department ~~board~~ may
2921 specify, including requiring the auctioneer to successfully
2922 complete the licensure examination.

2923 (f) Requirement that the person in violation make
2924 restitution to each consumer affected by that violation. Proof
2925 of such restitution must ~~shall~~ be a signed and notarized release
2926 executed by the consumer or the consumer's estate.

2927 (3)(a) Failure to pay a fine within a reasonable time, as
2928 prescribed by department ~~board~~ rule, may be grounds for
2929 disciplinary action.

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2930 Section 68. Section 468.392, Florida Statutes, is amended
2931 to read:

2932 468.392 Auctioneer Recovery Fund.—There is created the
2933 Auctioneer Recovery Fund as a separate account in the
2934 Professional Regulation Trust Fund. The department shall
2935 administer the fund ~~shall be administered by the Florida Board~~
2936 ~~of Auctioneers.~~

2937 (1) The Chief Financial Officer shall invest the money not
2938 currently needed to meet the obligations of the fund in the same
2939 manner as other public funds may be invested. Interest that
2940 accrues from these investments shall be deposited to the credit
2941 of the Auctioneer Recovery Fund and shall be available for the
2942 same purposes as other moneys deposited in the Auctioneer
2943 Recovery Fund.

2944 (2) The Chief Financial Officer shall, upon a voucher
2945 signed by the Secretary of Business and Professional Regulation
2946 or the secretary's designee, make all payments and disbursements
2947 from the Auctioneer Recovery Fund ~~All payments and disbursements~~
2948 ~~from the Auctioneer Recovery Fund shall be made by the Chief~~
2949 ~~Financial Officer upon a voucher signed by the Secretary of~~
2950 ~~Business and Professional Regulation or the secretary's~~
2951 ~~designee.~~

2952 (3) If at any time the moneys in the Auctioneer Recovery
2953 Fund are insufficient to satisfy any valid claim or portion
2954 thereof, the department ~~board~~ shall satisfy such unpaid claim or
2955 portion thereof as soon as a sufficient amount has been
2956 deposited in or transferred to the fund. When there is more than
2957 one unsatisfied claim outstanding, such claims shall be paid in
2958 the order in which the claims were made.

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2959 (4) Upon the payment of any amount from the Auctioneer
2960 Recovery Fund in settlement of a claim in satisfaction of a
2961 judgment against an auctioneer or auction business as described
2962 in s. 468.395, the license of such auctioneer or auction
2963 business is ~~shall be~~ automatically suspended until the licensee
2964 has complied with s. 468.398. A discharge of bankruptcy does
2965 ~~shall~~ not relieve a person from the penalties and disabilities
2966 provided in this section.

2967 (5) Moneys in the fund at the end of a fiscal year shall be
2968 retained in the fund and shall accrue for the benefit of
2969 auctioneers and auction businesses. When the fund exceeds the
2970 amount as set forth in s. 468.393(2), all surcharges shall be
2971 suspended until such time as the fund is reduced below the
2972 amount as set forth in s. 468.393(3).

2973 Section 69. Subsections (1), (3), and (4) of section
2974 468.393, Florida Statutes, are amended to read:

2975 468.393 Surcharge to license fee; assessments.—

2976 (1) At the time of licensure under s. 468.385, s. 468.3851,
2977 or s. 468.3852, each licensee shall pay, in addition to an
2978 application and license fee, a surcharge in an amount to be
2979 determined by the department ~~board~~, not to exceed \$300, which
2980 shall be deposited in the Auctioneer Recovery Fund.

2981 (3) ~~After October 1, 1995,~~ If the total amount in the
2982 Auctioneer Recovery Fund, including principal and interest, is
2983 less than \$200,000 at the end of the fiscal year after the
2984 payment of all claims and expenses, the department ~~board~~ shall
2985 assess, in addition to any other fees under s. 468.3852, a
2986 surcharge against a licensee at the time of initial licensure or
2987 at the time of license renewal, according to the following

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2988 formula in order to maintain the fund at \$500,000:

2989 (a) Determine the amount remaining in the fund at the end
 2990 of the state fiscal year after all expenses and claims have been
 2991 paid.

2992 (b) Subtract the amount determined under paragraph (a) from
 2993 \$500,000.

2994 (c) Determine the number of initial licenses and license
 2995 renewals in the fiscal year that precedes the current fiscal
 2996 year.

2997 (d) Divide the amount determined under paragraph (b) by the
 2998 number determined under paragraph (c).

2999 (4) The department ~~board~~ shall assess the surcharge
 3000 described in subsection (3) against each licensee who receives
 3001 an initial license or receives a renewal license during the
 3002 fiscal year that follows the year in which the amount remaining
 3003 in the fund was less than \$200,000.

3004 Section 70. Subsections (1) and (4) of section 468.395,
 3005 Florida Statutes, are amended to read:

3006 468.395 Conditions of recovery; eligibility.—

3007 (1) Recovery from the Auctioneer Recovery Fund may be
 3008 obtained as follows:

3009 (a) Any aggrieved person is eligible to receive recovery
 3010 from the Auctioneer Recovery Fund if the department ~~Florida~~
 3011 ~~Board of Auctioneers~~ has issued a final order directing an
 3012 offending licensee to pay restitution to the claimant as the
 3013 result of the licensee violating, within this state, any
 3014 provision of s. 468.389 or any rule adopted by the department
 3015 ~~board~~ and if the department ~~board~~ determined that the order of
 3016 restitution cannot be enforced; or

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3017 (b) Any aggrieved person who obtains a final judgment in
3018 any court against any licensee to recover damages for any actual
3019 loss that results from the violation, within this state, by a
3020 licensee of any provision of s. 468.389 or any rule adopted by
3021 the department board may, upon termination of all proceedings,
3022 including appeals and proceedings supplemental to judgment for
3023 collection purposes, file a verified application to the
3024 department board for an order directing payment out of the
3025 Auctioneer Recovery Fund of the amount of actual loss in the
3026 transaction that remains unpaid upon the judgment. The amount of
3027 actual loss may include court costs, but may ~~shall~~ not include
3028 attorney ~~attorney's~~ fees or punitive damages awarded.

3029 (4) The department may board ~~shall~~ not issue an order for
3030 payment of a claim from the Auctioneer Recovery Fund unless the
3031 claimant has reasonably established to the department board that
3032 she or he has taken proper and reasonable action to collect the
3033 amount of her or his claim from the licensee responsible for the
3034 loss and that any recovery made has been applied to reduce the
3035 amount of the claim on the Auctioneer Recovery Fund.

3036 Section 71. Subsections (2) and (3) of section 468.396,
3037 Florida Statutes, are amended to read:

3038 468.396 Claims against a single licensee in excess of
3039 dollar limitation; joinder of claims, payment; insufficient
3040 funds.—

3041 (2) Upon petition of the department board, the court may
3042 require all claimants and prospective claimants against one
3043 licensee to be joined in one action, to the end that the
3044 respective rights of all the claimants to the department board
3045 may be equitably adjudicated and settled.

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3046 (3) On June 30 and December 31 of each year, the department
3047 ~~board~~ shall identify each claim that the court orders to be paid
3048 during the 6-month period that ended on that day. The department
3049 ~~board~~ shall pay the part of each claim that is so identified
3050 within 15 days after the end of the 6-month period in which the
3051 claim is ordered paid. However, if the balance in the fund is
3052 insufficient to pay the full payable amount of each claim that
3053 is ordered to be paid during a 6-month period, the department
3054 ~~board~~ shall pay a prorated portion of each claim that is ordered
3055 to be paid during the period. Any part of the payable amount of
3056 a claim left unpaid due to the prorating of payments under this
3057 subsection must ~~shall~~ be paid, subject to the \$50,000 limit
3058 described in s. 468.395, before the payment of claims ordered to
3059 be paid during the following 6 months.

3060 Section 72. Section 468.397, Florida Statutes, is amended
3061 to read:

3062 468.397 Payment of claim.—Upon a final order of the court
3063 directing that payment be made out of the Auctioneer Recovery
3064 Fund, the department ~~board~~ shall, subject to the provisions of
3065 this part, make the payment out of the Auctioneer Recovery Fund
3066 as provided in s. 468.395.

3067 Section 73. Section 468.398, Florida Statutes, is amended
3068 to read:

3069 468.398 Suspension of judgment debtor's license; repayment
3070 by licensee; interest.—If the department ~~board~~ is required to
3071 make any payment from the Auctioneer Recovery Fund in settlement
3072 of a claim or toward the satisfaction of a judgment under this
3073 part, the department ~~board~~ shall suspend the judgment debtor's
3074 license. The licensee is not eligible to be licensed again as

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3075 either an auctioneer or auction business until the licensee has
3076 repaid in full the amount paid from the Auctioneer Recovery
3077 Fund, with interest at the current applicable rate.

3078 Section 74. Section 468.522, Florida Statutes, is amended
3079 to read:

3080 468.522 Rulemaking authority ~~Rules of the board.~~—The
3081 department board has authority to adopt rules pursuant to ss.
3082 120.536(1) and 120.54 to implement the provisions of this part.
3083 Every licensee shall be governed and controlled by this part and
3084 the rules adopted by the department board.

3085 Section 75. Subsections (2) and (4) of section 468.524,
3086 Florida Statutes, are amended to read:

3087 468.524 Application for license.—

3088 (2) The department board may require information and
3089 certifications necessary to determine that the applicant is of
3090 good moral character and meets other licensure requirements of
3091 this part.

3092 (4) An applicant or licensee is ineligible to reapply for a
3093 license for a period of 1 year following final agency action on
3094 the denial or revocation of a license applied for or issued
3095 under this part. This time restriction does not apply to
3096 administrative denials or revocations entered because:

3097 (a) The applicant or licensee has made an inadvertent error
3098 or omission on the application;

3099 (b) The experience documented to the department board was
3100 insufficient at the time of the previous application;

3101 (c) The department is unable to complete the criminal
3102 background investigation because of insufficient information
3103 from the Florida Department of Law Enforcement, the Federal

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3104 Bureau of Investigation, or any other applicable law enforcement
3105 agency;

3106 (d) The applicant or licensee has failed to submit required
3107 fees; or

3108 (e) An applicant or licensed employee leasing company has
3109 been deemed ineligible for a license because of the lack of good
3110 moral character of an individual or individuals when such
3111 individual or individuals are no longer employed in a capacity
3112 that would require their licensing under this part.

3113 Section 76. Section 468.5245, Florida Statutes, is amended
3114 to read:

3115 468.5245 Change of ownership.—

3116 (1) A license or registration issued to any entity under
3117 this part may not be transferred or assigned. The department
3118 ~~board~~ shall adopt rules to provide for a licensee's or
3119 registrant's change of name or location.

3120 (2) A person or entity that seeks to purchase or acquire
3121 control of an employee leasing company or group licensed or
3122 registered under this part must first apply to the department
3123 ~~board~~ for a certificate of approval for the proposed change of
3124 ownership. However, prior approval is not required if, at the
3125 time the purchase or acquisition occurs, a controlling person of
3126 the employee leasing company or group maintains a controlling
3127 person license under this part. Notification must be provided to
3128 the department ~~board~~ within 30 days after the purchase or
3129 acquisition of such company in the manner prescribed by the
3130 department ~~board~~.

3131 (3) Any application that is submitted to the department
3132 ~~board~~ under this section is ~~shall be~~ deemed approved if the

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3133 department board has not approved the application or rejected
3134 the application, and provided the applicant with the basis for a
3135 rejection, within 90 days after the receipt of the completed
3136 application.

3137 (4) The department board shall establish filing fees for a
3138 change-of-ownership application in accordance with s.
3139 468.524(1).

3140 Section 77. Subsection (2) and paragraphs (c) through (f)
3141 of subsection (3) of section 468.525, Florida Statutes, are
3142 amended to read:

3143 468.525 License requirements.—

3144 (2) (a) As used in this part, "good moral character" means a
3145 personal history of honesty, trustworthiness, fairness, a good
3146 reputation for fair dealings, and respect for the rights of
3147 others and for the laws of this state and nation. The department
3148 shall institute a thorough background investigation of the
3149 individual's good moral character ~~shall be instituted by the~~
3150 ~~department~~. Such investigation shall require:

3151 1. The submission of fingerprints, for processing through
3152 appropriate law enforcement agencies, by the applicant and the
3153 examination of police records by the department board.

3154 2. Such other investigation of the individual as the
3155 department board may deem necessary.

3156 (b) The department board may deny an application for
3157 licensure or renewal citing lack of good moral character.
3158 Conviction of a crime within the last 7 years may ~~shall~~ not
3159 automatically bar any applicant or licensee from obtaining a
3160 license or continuing as a licensee. The department board shall
3161 consider the type of crime committed, the crime's relevancy to

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3162 the employee leasing industry, the length of time since the
3163 conviction and any other factors deemed relevant by the
3164 department ~~board~~.

3165 (3) Each employee leasing company licensed by the
3166 department shall have a registered agent for service of process
3167 in this state and at least one licensed controlling person. In
3168 addition, each licensed employee leasing company shall comply
3169 with the following requirements:

3170 (c) An applicant for initial or renewal license of an
3171 employee leasing company license or employee leasing company
3172 group must ~~shall~~ have an accounting net worth or must ~~shall~~ have
3173 guaranties, letters of credit, or other security acceptable to
3174 the department ~~board~~ in sufficient amounts to offset any
3175 deficiency. A guaranty will not be acceptable to satisfy this
3176 requirement unless the applicant submits sufficient evidence to
3177 satisfy the department ~~board~~ that the guarantor has adequate
3178 resources to satisfy the obligation of the guaranty.

3179 (d) Each employee leasing company shall maintain an
3180 accounting net worth and positive working capital, as determined
3181 in accordance with generally accepted accounting principles, or
3182 shall have guaranties, letters of credit, or other security
3183 acceptable to the department ~~board~~ in sufficient amounts to
3184 offset any deficiency. A guaranty will not be acceptable to
3185 satisfy this requirement unless the licensee submits sufficient
3186 evidence, as defined by rule, that the guarantor has adequate
3187 resources to satisfy the obligation of the guaranty. In
3188 determining the amount of working capital, a licensee shall
3189 include adequate reserves for all taxes and insurance, including
3190 plans of self-insurance or partial self-insurance for claims

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3191 incurred but not paid and for claims incurred but not reported.
3192 Compliance with the requirements of this paragraph is subject to
3193 verification by department ~~or board~~ audit.

3194 (e) Each employee leasing company or employee leasing
3195 company group shall submit annual financial statements audited
3196 by an independent certified public accountant, with the
3197 application and within 120 days after the end of each fiscal
3198 year, in a manner and time prescribed by the department ~~board~~,
3199 provided however, that any employee leasing company or employee
3200 leasing company group with gross Florida payroll of less than
3201 \$2.5 million during any fiscal year may submit financial
3202 statements reviewed by an independent certified public
3203 accountant for that year.

3204 (f) The licensee shall notify the department ~~or board~~ in
3205 writing within 30 days after any change in the application or
3206 status of the license.

3207 Section 78. Subsections (3) and (5) of section 468.526,
3208 Florida Statutes, are amended to read:

3209 468.526 License required; fees.—

3210 (3) Each employee leasing company and employee leasing
3211 company group licensee shall pay to the department upon the
3212 initial issuance of a license and upon each renewal thereafter a
3213 license fee not to exceed \$2,500 to be established by the
3214 department ~~board~~. In addition to the license fee, the department
3215 ~~board~~ shall establish an annual assessment for each employee
3216 leasing company and each employee leasing company group
3217 sufficient to cover all costs for regulation of the profession
3218 pursuant to this chapter, chapter 455, and any other applicable
3219 provisions of law. The annual assessment shall:

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3220 (a) Be due and payable upon initial licensure and
3221 subsequent renewals thereof and 1 year before the expiration of
3222 any licensure period; and

3223 (b) Be based on a fixed percentage, variable classes, or a
3224 combination of both, as determined by the department ~~board~~, of
3225 gross Florida payroll for employees leased to clients by the
3226 applicant or licensee during the period beginning five quarters
3227 before and ending one quarter before each assessment. It is the
3228 intent of the Legislature that the greater weight of total fees
3229 for licensure and assessments should be on larger companies and
3230 groups.

3231 (5) Each controlling person licensee shall pay to the
3232 department upon the initial issuance of a license and upon each
3233 renewal thereafter a license fee to be established by the
3234 department ~~board~~ in an amount not to exceed \$2,000.

3235 Section 79. Subsection (1) of section 468.527, Florida
3236 Statutes, is amended to read:

3237 468.527 Licensure and license renewal.—

3238 (1) The department shall license any applicant who it ~~the~~
3239 ~~board~~ certifies is qualified to practice employee leasing as an
3240 employee leasing company, employee leasing company group, or
3241 controlling person.

3242 Section 80. Subsection (2) of section 468.5275, Florida
3243 Statutes, is amended to read:

3244 468.5275 Registration and exemption of de minimis
3245 operations.—

3246 (2) A registration is valid for 1 year. Each registrant
3247 shall pay to the department upon initial registration, and upon
3248 each renewal thereafter, a registration fee to be established by

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3249 the department ~~board~~ in an amount not to exceed:

3250 (a) Two hundred and fifty dollars for an employee leasing
3251 company.

3252 (b) Five hundred dollars for an employee leasing company
3253 group.

3254 Section 81. Subsections (2), (4), and (5) of section
3255 468.529, Florida Statutes, are amended to read:

3256 468.529 Licensee's insurance; employment tax; benefit
3257 plans.—

3258 (2) An initial or renewal license may not be issued to any
3259 employee leasing company unless the employee leasing company
3260 first files with the department ~~board~~ evidence of workers'
3261 compensation coverage for all leased employees in this state.
3262 Each employee leasing company shall maintain and make available
3263 to its workers' compensation carrier the following information:

3264 (a) The correct name and federal identification number of
3265 each client company.

3266 (b) A listing of all covered employees provided to each
3267 client company, by classification code.

3268 (c) The total eligible wages by classification code and the
3269 premiums due to the carrier for the employees provided to each
3270 client company.

3271 (4) An initial or renewal license may not be issued to any
3272 employee leasing company unless the employee leasing company
3273 first provides evidence to the department ~~board~~, as required by
3274 department ~~board~~ rule, that the employee leasing company has
3275 paid all of the employee leasing company's obligations for
3276 payroll, payroll-related taxes, workers' compensation insurance,
3277 and employee benefits. All disputed amounts must be disclosed in

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3278 the application.

3279 (5) The provisions of this section are subject to
3280 verification by department ~~or board~~ audit.

3281 Section 82. Subsections (3) and (4) of section 468.530,
3282 Florida Statutes, are amended to read:

3283 468.530 License, contents; posting.—

3284 (3) A ~~No~~ license may not ~~shall~~ be valid for any person or
3285 entity who engages in the business under any name other than
3286 that specified in the license. A license issued under this part
3287 may ~~shall~~ not be assignable, and a ~~no~~ licensee may not conduct a
3288 business under a fictitious name without prior written
3289 authorization of the department ~~board~~ to do so. The department
3290 ~~board~~ may not authorize the use of a name which is so similar to
3291 that of a public officer or agency, or of that used by another
3292 licensee, that the public may be confused or misled thereby. A
3293 ~~No~~ licensee may not ~~shall~~ be permitted to conduct business under
3294 more than one name unless it has obtained a separate license. A
3295 licensee desiring to change its licensed name at any time except
3296 upon license renewal shall notify the department ~~board~~ and pay a
3297 fee not to exceed \$50 for each authorized change of name.

3298 (4) Each employee leasing company or employee leasing
3299 company group licensed under this part shall be properly
3300 identified in all advertisements, which must include the license
3301 number, licensed business name, and other appropriate
3302 information in accordance with rules established by the
3303 department ~~board~~.

3304 Section 83. Subsection (1) of section 468.531, Florida
3305 Statutes, is amended to read:

3306 468.531 Prohibitions; penalties.—

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- 3307 (1) A ~~No~~ person or entity may not ~~shall~~:
- 3308 (a) Practice or offer to practice as an employee leasing
- 3309 company, an employee leasing company group, or a controlling
- 3310 person unless such person or entity is licensed pursuant to this
- 3311 part;
- 3312 (b) Practice or offer to practice as an employee leasing
- 3313 company or employee leasing company group unless all controlling
- 3314 persons thereof are licensed pursuant to this part;
- 3315 (c) Use the name or title "licensed employee leasing
- 3316 company," "employee leasing company," "employee leasing company
- 3317 group," "professional employer," "professional employer
- 3318 organization," "controlling person," or words that would tend to
- 3319 lead one to believe that such person or entity is registered
- 3320 pursuant to this part, when such person or entity has not
- 3321 registered pursuant to this part;
- 3322 (d) Present as his or her own or his or her entity's own
- 3323 the license of another;
- 3324 (e) Knowingly give false or forged evidence to the
- 3325 department board ~~or an employee a member~~ thereof; or
- 3326 (f) Use or attempt to use a license that has been suspended
- 3327 or revoked.
- 3328 Section 84. Subsections (1), (2), and (4) of section
- 3329 468.532, Florida Statutes, are amended to read:
- 3330 468.532 Discipline.—
- 3331 (1) The following constitute grounds for which disciplinary
- 3332 action against a licensee may be taken by the department board:
- 3333 (a) Being convicted or found guilty of, or entering a plea
- 3334 of nolo contendere to, regardless of adjudication, bribery,
- 3335 fraud, or willful misrepresentation in obtaining, attempting to

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3336 obtain, or renewing a license.

3337 (b) Being convicted or found guilty of, or entering a plea
3338 of nolo contendere to, regardless of adjudication, a crime in
3339 any jurisdiction which relates to the operation of an employee
3340 leasing business or the ability to engage in business as an
3341 employee leasing company.

3342 (c) Being convicted or found guilty of, or entering a plea
3343 of nolo contendere to, regardless of adjudication, fraud,
3344 deceit, or misconduct in the classification of employees
3345 pursuant to chapter 440.

3346 (d) Being convicted or found guilty of, or entering a plea
3347 of nolo contendere to, regardless of adjudication, fraud,
3348 deceit, or misconduct in the establishment or maintenance of
3349 self-insurance, be it health insurance or workers' compensation
3350 insurance.

3351 (e) Being convicted or found guilty of, or entering a plea
3352 of nolo contendere to, regardless of adjudication, fraud,
3353 deceit, or misconduct in the operation of an employee leasing
3354 company.

3355 (f) Conducting business without an active license.

3356 (g) Failing to maintain workers' compensation insurance as
3357 required in s. 468.529.

3358 (h) Transferring or attempting to transfer a license issued
3359 pursuant to this part.

3360 (i) Violating any provision of this part or any lawful
3361 order or rule issued under the provisions of this part or
3362 chapter 455.

3363 (j) Failing to notify the department board, in writing, of
3364 any change of the primary business address or the addresses of

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3365 any of the licensee's offices in this ~~the~~ state.

3366 (k) Having been confined in any county jail,
3367 postadjudication, or being confined in any state or federal
3368 prison or mental institution, or when through mental disease or
3369 deterioration, the licensee can no longer safely be entrusted to
3370 deal with the public or in a confidential capacity.

3371 (l) Having been found guilty for a second time of any
3372 misconduct that warrants suspension or being found guilty of a
3373 course of conduct or practices which shows that the licensee is
3374 so incompetent, negligent, dishonest, or untruthful that the
3375 money, property, transactions, and rights of investors, or those
3376 with whom the licensee may sustain a confidential relationship,
3377 may not safely be entrusted to the licensee.

3378 (m) Failing to inform the department ~~board~~ in writing
3379 within 30 days after being convicted or found guilty of, or
3380 entering a plea of nolo contendere to, any felony, regardless of
3381 adjudication.

3382 (n) Failing to conform to any lawful order of the
3383 department ~~board~~.

3384 (o) Being determined liable for civil fraud by a court in
3385 any jurisdiction.

3386 (p) Having adverse material final action taken by any state
3387 or federal regulatory agency for violations within the scope of
3388 control of the licensee.

3389 (q) Failing to inform the department ~~board~~ in writing
3390 within 30 days after any adverse material final action by a
3391 state or federal regulatory agency.

3392 (r) Failing to meet or maintain the requirements for
3393 licensure as an employee leasing company or controlling person.

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3394 (s) Engaging as a controlling person any person who is not
3395 licensed as a controlling person by the department ~~board~~.

3396 (t) Attempting to obtain, obtaining, or renewing a license
3397 to practice employee leasing by bribery, misrepresentation, or
3398 fraud.

3399 (2) When the department ~~board~~ finds any violation of
3400 subsection (1), it may do one or more of the following:

3401 (a) Deny an application for licensure.

3402 (b) Permanently revoke, suspend, restrict, or not renew a
3403 license.

3404 (c) Impose an administrative fine not to exceed \$5,000 for
3405 every count or separate offense.

3406 (d) Issue a reprimand.

3407 (e) Place the licensee on probation for a period of time
3408 and subject the licensee to such conditions as the department
3409 ~~board~~ may specify.

3410 (f) Assess costs associated with investigation and
3411 prosecution.

3412 (4) The department ~~board~~ shall specify the penalties for
3413 any violation of this part.

3414 Section 85. Subsection (2) of section 476.074, Florida
3415 Statutes, is amended to read:

3416 476.074 Legal, investigative, and inspection services.—

3417 (2) The department shall provide all investigative services
3418 required by the ~~board or the~~ department in carrying out ~~the~~
3419 ~~provisions of~~ this act.

3420 Section 86. Subsections (2) and (3) of section 476.114,
3421 Florida Statutes, are amended to read:

3422 476.114 Examination; prerequisites.—

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3423 (2) An applicant is eligible for licensure by examination
3424 to practice barbering if the applicant:

3425 (a) Is at least 16 years of age;

3426 (b) Pays the required application fee; and

3427 (c) Has received a minimum of 900 hours of training in
3428 sanitation, safety, and laws and rules, as established by the
3429 department board, which must include, but is not limited to, the
3430 equivalent of completion of services directly related to the
3431 practice of barbering at one of the following:

3432 1. A school of barbering licensed pursuant to chapter 1005;

3433 2. A barbering program within the public school system; or

3434 3. A government-operated barbering program in this state.

3435

3436 The department board shall establish by rule procedures whereby
3437 the school or program may certify that a person is qualified to
3438 take the required examination after the completion of a minimum
3439 of 600 actual school hours. If the person passes the
3440 examination, she or he has satisfied this requirement; but if
3441 the person fails the examination, she or he may not be qualified
3442 to take the examination again until the completion of the full
3443 requirements provided by this section.

3444 (3) An applicant who meets the requirements set forth in
3445 paragraph (2)(c) who fails to pass the examination may take
3446 subsequent examinations as many times as necessary to pass,
3447 except that the department board may specify by rule reasonable
3448 timeframes for rescheduling the examination and additional
3449 training requirements for applicants who, after the third
3450 attempt, fail to pass the examination. Before ~~Prior to~~
3451 reexamination, the applicant must file the appropriate form and

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3452 pay the reexamination fee as required by rule.

3453 Section 87. Subsections (1) and (2) of section 476.134,
3454 Florida Statutes, are amended to read:

3455 476.134 Examinations.—

3456 (1) Examinations of applicants for licenses as barbers
3457 shall be offered not less than four times each year. The
3458 examination of applicants for licenses as barbers must ~~shall~~
3459 include a written test. The department has ~~board shall~~ have the
3460 authority to adopt rules with respect to the examination of
3461 applicants for licensure. The department ~~board~~ may provide rules
3462 with respect to written examinations in such manner as the
3463 department ~~board~~ may deem fit.

3464 (2) The department ~~board~~ shall adopt rules specifying the
3465 areas of competency to be covered by the examination. Such rules
3466 must ~~shall~~ include the relative weight assigned in grading each
3467 area. All areas tested must ~~shall~~ be reasonably related to the
3468 protection of the public and the applicant's competency to
3469 practice barbering in a manner which will not endanger the
3470 public.

3471 Section 88. Subsections (1), (2), (5), and (6) of section
3472 476.144, Florida Statutes, are amended to read:

3473 476.144 Licensure.—

3474 (1) The department shall license any applicant who it ~~the~~
3475 ~~board~~ certifies is qualified to practice barbering in this
3476 state.

3477 (2) The department ~~board~~ shall certify for licensure any
3478 applicant who satisfies the requirements of s. 476.114, and who
3479 passes the required examination, achieving a passing grade as
3480 established by department ~~board~~ rule.

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3481 (5) The department ~~board~~ shall certify as qualified for
3482 licensure by endorsement as a barber in this state an applicant
3483 who holds a current active license to practice barbering in
3484 another state. The department ~~board~~ shall adopt rules specifying
3485 procedures for the licensure by endorsement of practitioners
3486 desiring to be licensed in this state who hold a current active
3487 license in another country and who have met qualifications
3488 substantially similar to, equivalent to, or greater than the
3489 qualifications required of applicants from this state.

3490 (6) A person may apply for a restricted license to practice
3491 barbering. The department ~~board~~ shall adopt rules specifying
3492 procedures for an applicant to obtain a restricted license if
3493 the applicant:

3494 (a)1. Has successfully completed a restricted barber
3495 course, as established by rule of the department ~~board~~, at a
3496 school of barbering licensed pursuant to chapter 1005, a
3497 barbering program within the public school system, or a
3498 government-operated barbering program in this state; or

3499 2.a. Holds or has within the previous 5 years held an
3500 active valid license to practice barbering in another state or
3501 country or has held a Florida barbering license which has been
3502 declared null and void for failure to renew the license, and the
3503 applicant fulfilled the requirements of s. 476.114(2)(c) for
3504 initial licensure; and

3505 b. Has not been disciplined relating to the practice of
3506 barbering in the previous 5 years; and

3507 (b) Passes a written examination on the laws and rules
3508 governing the practice of barbering in Florida, as established
3509 by the department ~~board~~.

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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 89. Subsection (2) of section 476.154, Florida Statutes, is amended to read:

476.154 Biennial renewal of licenses.—

(2) Any license or certificate of registration issued pursuant to this act for a period less than the established biennial issuance period may be issued for that lesser period of time, and the department shall adjust the required fee accordingly. The department ~~board~~ shall adopt rules providing for such partial period fee adjustments.

Section 90. Subsection (2) of section 476.155, Florida Statutes, is amended, and subsection (1) of that section is reenacted, to read:

476.155 Inactive status; reactivation of inactive license.—

(1) A barber's license that has become inactive may be reactivated under s. 476.154 upon application to the department.

(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 91. 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

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3539 to the following schedule:

3540 (a) For barbers, fees for original licensing, license
3541 renewal, and delinquent renewal may ~~shall~~ not exceed \$100.

3542 (b) For barbers, fees for endorsement application,
3543 examination, and reexamination may ~~shall~~ not exceed \$150.

3544 (c) For barbershops, fees for license application, original
3545 licensing, license renewal, and delinquent renewal may ~~shall~~ not
3546 exceed \$150.

3547 (d) For duplicate licenses and certificates, fees may ~~shall~~
3548 not exceed \$25.

3549 Section 92. Paragraphs (h) and (i) of subsection (1) and
3550 subsection (2) of section 476.204, Florida Statutes, are
3551 amended, to read:

3552 476.204 Penalties.—

3553 (1) It is unlawful for any person to:

3554 (h) Violate ~~any provision of~~ s. 455.227(1), s. 476.194, or
3555 s. 476.214.

3556 (i) Violate or refuse to comply with any provision of this
3557 chapter or chapter 455 or a rule or final order of the
3558 department ~~board~~.

3559 (2) Any person who violates any provision of this section
3560 shall be subject to one or more of the following penalties, as
3561 determined by the department ~~board~~:

3562 (a) Revocation or suspension of any license or registration
3563 issued pursuant to this chapter.

3564 (b) Issuance of a reprimand or censure.

3565 (c) Imposition of an administrative fine not to exceed \$500
3566 for each count or separate offense.

3567 (d) Placement on probation for a period of time and subject

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3568 to such reasonable conditions as the department ~~board~~ may
3569 specify.

3570 (e) Refusal to certify to the department an applicant for
3571 licensure.

3572 Section 93. Section 476.214, Florida Statutes, is amended
3573 to read:

3574 476.214 Grounds for suspending, revoking, or refusing to
3575 grant license or certificate.—

3576 (1) The department ~~board~~ shall have the power to revoke or
3577 suspend any license, registration card, or certificate of
3578 registration issued pursuant to this act, or to reprimand,
3579 censure, deny subsequent licensure of, or otherwise discipline
3580 any holder of a license, registration card, or certificate of
3581 registration issued pursuant to this act, for any of the
3582 following causes:

3583 (a) Gross malpractice or gross incompetency in the practice
3584 of barbering;

3585 (b) Practice by a person knowingly having an infectious or
3586 contagious disease; or

3587 (c) Commission of any of the offenses described in s.
3588 476.194.

3589 (2) The department ~~board~~ shall keep a record of its
3590 disciplinary proceedings against holders of licenses or
3591 certificates of registration issued pursuant to this act.

3592 (3) The department may ~~shall~~ not issue or renew a license
3593 or certificate of registration under this chapter to any person
3594 against whom or barbershop against which it ~~the board~~ has
3595 assessed a fine, interest, or costs associated with
3596 investigation and prosecution until the person or barbershop has

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3597 paid in full such fine, interest, or costs associated with
3598 investigation and prosecution or until the person or barbershop
3599 complies with or satisfies all terms and conditions of the final
3600 order.

3601 Section 94. Section 476.234, Florida Statutes, is amended
3602 to read:

3603 476.234 Civil proceedings.—In addition to any other remedy,
3604 the department may file a proceeding in the name of the state
3605 seeking issuance of a restraining order, injunction, or writ of
3606 mandamus against any person who is or has been violating any of
3607 the provisions of this act or the lawful rules or orders of the
3608 ~~board, commission, or~~ department.

3609 Section 95. Section 477.016, Florida Statutes, is amended
3610 to read:

3611 477.016 Rulemaking.—

3612 (1) The department ~~board~~ may adopt rules pursuant to ss.
3613 120.536(1) and 120.54 to implement the provisions of this
3614 chapter conferring duties upon it.

3615 (2) The department ~~board~~ may by rule adopt any restriction
3616 established by a regulation of the United States Food and Drug
3617 Administration related to the use of a cosmetic product or any
3618 substance used in the practice of cosmetology if the department
3619 ~~board~~ finds that the product or substance poses a risk to the
3620 health, safety, and welfare of clients or persons providing
3621 cosmetology services.

3622 Section 96. Section 477.018, Florida Statutes, is amended
3623 to read:

3624 477.018 Investigative services.—The department shall
3625 provide all investigative services ~~required by the board or the~~

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3626 ~~department~~ in carrying out ~~the provisions of~~ this act.

3627 Section 97. Subsection (2) of section 477.0212, Florida
3628 Statutes, is amended to read:

3629 477.0212 Inactive status.—

3630 (2) The department ~~board~~ shall adopt rules relating to
3631 licenses that become inactive and for the renewal of inactive
3632 licenses. The rules may not require more than one renewal cycle
3633 of continuing education to reactivate a license. The department
3634 ~~board~~ shall prescribe by rule a fee not to exceed \$50 for the
3635 reactivation of an inactive license and a fee not to exceed \$50
3636 for the renewal of an inactive license.

3637 Section 98. Subsections (1) and (2) of section 477.022,
3638 Florida Statutes, are amended to read:

3639 477.022 Examinations.—

3640 (1) The department ~~board~~ shall ensure that examinations
3641 adequately measure both an applicant's competency and her or his
3642 knowledge of related statutory requirements. Professional
3643 testing services may be utilized to formulate the examinations.
3644 The department ~~board~~ may offer a written clinical examination or
3645 a performance examination, or both, in addition to a written
3646 theory examination.

3647 (2) The department ~~board~~ shall ensure that examinations
3648 comply with state and federal equal employment opportunity
3649 guidelines.

3650 Section 99. Subsections (2), (8), and (9) and paragraphs
3651 (a), (b), (d), and (e) of subsection (10) of section 477.025,
3652 Florida Statutes, are amended, and subsection (11) of that
3653 section is reenacted, to read:

3654 477.025 Cosmetology salons; specialty salons; requisites;

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3655 licensure; inspection; mobile cosmetology salons.—

3656 (2) The department ~~board~~ shall adopt rules governing the
3657 licensure and operation of salons and specialty salons and their
3658 facilities, personnel, safety and sanitary requirements, and the
3659 license application and granting process.

3660 (8) Renewal of license registration for cosmetology salons
3661 or specialty salons shall be accomplished pursuant to rules
3662 adopted by the department ~~board~~. The department ~~board~~ is further
3663 authorized to adopt rules governing delinquent renewal of
3664 licenses and may impose penalty fees for delinquent renewal.

3665 (9) The department ~~board~~ is authorized to adopt rules
3666 governing the periodic inspection of cosmetology salons and
3667 specialty salons licensed under this chapter.

3668 (10)(a) The department ~~board~~ shall adopt rules governing
3669 the licensure, operation, and inspection of mobile cosmetology
3670 salons, including their facilities, personnel, and safety and
3671 sanitary requirements.

3672 (b) Each mobile salon must comply with all licensure and
3673 operating requirements specified in this chapter or chapter 455
3674 or rules of the ~~board~~ or department that apply to cosmetology
3675 salons at fixed locations, except to the extent that such
3676 requirements conflict with this subsection or rules adopted
3677 pursuant to this subsection.

3678 (d) To facilitate periodic inspections of mobile
3679 cosmetology salons, prior to the beginning of each month each
3680 mobile salon licenseholder must file with the department ~~board~~ a
3681 written monthly itinerary listing the locations where and the
3682 dates and hours when the mobile salon will be operating.

3683 (e) The department ~~board~~ shall establish fees for mobile

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3684 cosmetology salons, not to exceed the fees for cosmetology
3685 salons at fixed locations.

3686 (11) Facilities licensed under part II of chapter 400 or
3687 under part I of chapter 429 are exempt from this section, and a
3688 cosmetologist licensed pursuant to s. 477.019 may provide salon
3689 services exclusively for facility residents.

3690 Section 100. Subsections (1) and (3) of section 477.026,
3691 Florida Statutes, are amended to read:

3692 477.026 Fees; disposition.—

3693 (1) The department ~~board~~ shall set fees according to the
3694 following schedule:

3695 (a) For cosmetologists, fees for original licensing,
3696 license renewal, and delinquent renewal may ~~shall~~ not exceed
3697 \$50.

3698 (b) For cosmetologists, fees for endorsement application,
3699 examination, and reexamination may ~~shall~~ not exceed \$50.

3700 (c) For cosmetology and specialty salons, fees for license
3701 application, original licensing, license renewal, and delinquent
3702 renewal may ~~shall~~ not exceed \$50.

3703 (d) For specialists, fees for application and endorsement
3704 registration may ~~shall~~ not exceed \$30.

3705 (e) For specialists, fees for initial registration,
3706 registration renewal, and delinquent renewal may ~~shall~~ not
3707 exceed \$50.

3708 (3) The department, ~~with the advice of the board,~~ shall
3709 prepare and submit a proposed budget in accordance with law.

3710 Section 101. Subsections (2) and (4) of section 477.0263,
3711 Florida Statutes, are amended to read:

3712 477.0263 Cosmetology services to be performed in licensed

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3713 salon; exceptions.-

3714 (2) Pursuant to rules established by the department ~~board~~,
3715 cosmetology services may be performed by a licensed
3716 cosmetologist in a location other than a licensed salon,
3717 including, but not limited to, a nursing home, hospital, or
3718 residence, when a client for reasons of ill health is unable to
3719 go to a licensed salon. Arrangements for the performance of such
3720 cosmetology services in a location other than a licensed salon
3721 shall be made only through a licensed salon.

3722 (4) Pursuant to rules adopted by the department ~~board~~, any
3723 cosmetology or specialty service may be performed in a location
3724 other than a licensed salon when the service is performed in
3725 connection with a special event and is performed by a person who
3726 holds the proper license or specialty registration.

3727 Section 102. Subsections (1), (2), and (4) of section
3728 477.028, Florida Statutes, are amended to read:

3729 477.028 Disciplinary proceedings.-

3730 (1) The department ~~board~~ shall have the power to revoke or
3731 suspend the license of a cosmetologist licensed under this
3732 chapter, or the registration of a specialist registered under
3733 this chapter, and to reprimand, censure, deny subsequent
3734 licensure or registration of, or otherwise discipline a
3735 cosmetologist or a specialist licensed or registered under this
3736 chapter in any of the following cases:

3737 (a) Upon proof that a license or registration has been
3738 obtained by fraud or misrepresentation.

3739 (b) Upon proof that the holder of a license or registration
3740 is guilty of fraud or deceit or of gross negligence,
3741 incompetency, or misconduct in the practice or instruction of

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3742 cosmetology or a specialty.

3743 (c) Upon proof that the holder of a license or registration
3744 is guilty of aiding, assisting, procuring, or advising any
3745 unlicensed person to practice as a cosmetologist.

3746 (2) The department ~~board~~ shall have the power to revoke or
3747 suspend the license of a cosmetology salon or a specialty salon
3748 licensed under this chapter, to deny subsequent licensure of
3749 such salon, or to reprimand, censure, or otherwise discipline
3750 the owner of such salon in either of the following cases:

3751 (a) Upon proof that a license has been obtained by fraud or
3752 misrepresentation.

3753 (b) Upon proof that the holder of a license is guilty of
3754 fraud or deceit or of gross negligence, incompetency, or
3755 misconduct in the operation of the salon so licensed.

3756 (4) The department may ~~shall~~ not issue or renew a license
3757 or certificate of registration under this chapter to any person
3758 against whom or salon against which the department ~~board~~ has
3759 assessed a fine, interest, or costs associated with
3760 investigation and prosecution until the person or salon has paid
3761 in full such fine, interest, or costs associated with
3762 investigation and prosecution or until the person or salon
3763 complies with or satisfies all terms and conditions of the final
3764 order.

3765 Section 103. Paragraph (i) of subsection (1) and subsection
3766 (2) of section 477.029, Florida Statutes, are amended to read:

3767 477.029 Penalty.—

3768 (1) It is unlawful for any person to:

3769 (i) Violate or refuse to comply with any provision of this
3770 chapter or chapter 455 or a rule or final order of the

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3771 department board or the department.

3772 (2) Any person who violates ~~the provisions of~~ this section
3773 is shall be subject to one or more of the following penalties,
3774 as determined by the department board:

3775 (a) Revocation or suspension of any license or registration
3776 issued pursuant to this chapter.

3777 (b) Issuance of a reprimand or censure.

3778 (c) Imposition of an administrative fine not to exceed \$500
3779 for each count or separate offense.

3780 (d) Placement on probation for a period of time and subject
3781 to such reasonable conditions as the department board may
3782 specify.

3783 (e) Refusal to certify to the department an applicant for
3784 licensure.

3785 Section 104. Section 492.104, Florida Statutes, is amended
3786 to read:

3787 492.104 Rulemaking authority.—The department Board of
3788 ~~Professional Geologists~~ has authority to adopt rules pursuant to
3789 ss. 120.536(1) and 120.54 to implement this chapter. Every
3790 licensee shall be governed and controlled by this chapter and
3791 the rules adopted by the department board. The department board
3792 is authorized to set, by rule, fees for application,
3793 examination, late renewal, initial licensure, and license
3794 renewal. These fees may not exceed the cost of implementing the
3795 application, examination, initial licensure, and license renewal
3796 or other administrative process and shall be established as
3797 follows:

3798 (1) The application fee may shall not exceed \$150 and is
3799 ~~shall be~~ nonrefundable.

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3800 (2) The examination fee may ~~shall~~ not exceed \$250, and the
3801 fee may be apportioned to each part of a multipart examination.
3802 The examination fee is ~~shall be~~ refundable in whole or part if
3803 the applicant is found to be ineligible to take any portion of
3804 the licensure examination.

3805 (3) The initial license fee may ~~shall~~ not exceed \$100.

3806 (4) The biennial renewal fee may ~~shall~~ not exceed \$150.

3807 (5) The fee for reactivation of an inactive license may not
3808 exceed \$50.

3809 (6) The fee for a provisional license may not exceed \$400.

3810 (7) The fee for application, examination, and licensure for
3811 a license by endorsement is as provided in this section for
3812 licenses in general.

3813 Section 105. Subsections (1) and (2) of section 492.105,
3814 Florida Statutes, are amended to read:

3815 492.105 Licensure by examination; requirements; fees.—

3816 (1) Any person desiring to be licensed as a professional
3817 geologist shall apply to the department to take the licensure
3818 examination. The written licensure examination shall be designed
3819 to test an applicant's qualifications to practice professional
3820 geology, and shall include such subjects as will tend to
3821 ascertain the applicant's knowledge of the fundamentals, theory,
3822 and practice of professional geology and may include such
3823 subjects as are taught in curricula of accredited colleges and
3824 universities. The written licensure examination may be a
3825 multipart examination. The department shall examine each
3826 applicant who the department ~~board~~ certifies:

3827 (a) Has completed the application form and remitted a
3828 nonrefundable application fee and an examination fee which is

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3829 refundable if the applicant is found to be ineligible to take
3830 the examination.

3831 (b) Is at least 18 years of age.

3832 (c) Has not committed any act or offense in any
3833 jurisdiction which would constitute the basis for disciplining a
3834 professional geologist licensed pursuant to this chapter.

3835 (d) Has fulfilled the following educational requirements at
3836 a college or university, the geological curricula of which meet
3837 the criteria established by an accrediting agency recognized by
3838 the United States Department of Education:

3839 1. Graduation from such college or university with a major
3840 in geology or other related science acceptable to the department
3841 ~~board~~; and

3842 2. Satisfactory completion of at least 30 semester hours or
3843 45 quarter hours of geological coursework.

3844 (e) Has at least 5 years of verified professional
3845 geological work experience, which includes a minimum of 3 years
3846 of professional geological work under the supervision of a
3847 licensed or qualified geologist or professional engineer
3848 registered under chapter 471 as qualified in the field or
3849 discipline of professional engineering work performed; or has a
3850 minimum of 5 accumulative years of verified geological work
3851 experience in responsible charge of geological work as
3852 determined by the department ~~board~~.

3853 (2) The department shall issue a license to practice
3854 professional geology to any person who has:

3855 (a) Paid the appropriate license fee;

3856 (b) Been certified by the department ~~board~~ as qualified to
3857 practice professional geology; and

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3858 (c) Passed the written licensure examination; ~~provided that~~
3859 ~~applicants meeting the other requirements of this section may be~~
3860 ~~licensed without written examination if application is made in~~
3861 ~~proper form within 1 calendar year of October 1, 1987.~~

3862 Section 106. Section 492.106, Florida Statutes, is amended
3863 to read:

3864 492.106 Provisional licenses.—The department may provide a
3865 provisional license to any person who is not a resident of and
3866 has not established a place of business in this state, and who
3867 is duly licensed in another state, territory, or possession of
3868 the United States, or in the District of Columbia, and who has
3869 qualifications which the department board, ~~upon advice of a~~
3870 ~~committee of the board~~, deems comparable to those required of
3871 professional geologists in this state, upon written application
3872 accompanied by the proper application fee, offered prior to the
3873 practice of professional geology in this state, under the
3874 following restrictions:

3875 (1) Satisfactory proof of licensure as required above shall
3876 include the name, residence address, business address, and
3877 certification of the license of the applicant from the issuing
3878 state, together with the name and address of the authority
3879 issuing such license.

3880 (2) The practice of professional geology under a
3881 provisional license may ~~shall~~ not exceed 1 year.

3882 (3) The practice of professional geology under a
3883 provisional license shall be confined to one specified project.
3884 Such license may not be renewed or reissued for 5 years from the
3885 date of original issuance.

3886 (4) A written statement shall be furnished to the

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3887 department within 60 days after ~~of~~ completion of the work,
3888 indicating the time engaged and the nature of the work. A person
3889 holding a provisional license shall exhibit such provisional
3890 license each time and on each occasion that an indication of
3891 licensure is required.

3892 Section 107. Subsection (1) of section 492.107, Florida
3893 Statutes, is amended to read:

3894 492.107 Seals.—

3895 (1) The department ~~board~~ shall prescribe, by rule, a form
3896 of seal, including its electronic form, to be used by persons
3897 holding valid licenses. All geological papers, reports, and
3898 documents prepared or issued by the licensee shall be signed,
3899 dated, and sealed by the licensee who performed or is
3900 responsible for the supervision, direction, or control of the
3901 work contained in the papers, reports, or documents. Such
3902 signature, date, and seal shall be evidence of the authenticity
3903 of that to which they are affixed. Geological papers, reports,
3904 and documents prepared or issued by the licensee may be
3905 transmitted electronically provided they have been signed by the
3906 licensee, dated, and electronically sealed. It is unlawful for
3907 any person to sign or seal any document as a professional
3908 geologist unless that person holds a current, active license as
3909 a professional geologist which has not expired or been revoked
3910 or suspended, unless reinstated or reissued.

3911 Section 108. Subsection (1) of section 492.108, Florida
3912 Statutes, is amended to read:

3913 492.108 Licensure by endorsement; requirements; fees.—

3914 (1) The department shall issue a license by endorsement to
3915 any applicant who, upon applying to the department and remitting

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3916 an application fee, has been certified by the department ~~board~~
3917 that he or she:

3918 (a) Has met the qualifications for licensure in s.
3919 492.105(1)(b)-(e) and:

3920 1. Is the holder of an active license in good standing in a
3921 state, trust, territory, or possession of the United States.

3922 2. Was licensed through written examination in at least one
3923 state, trust, territory, or possession of the United States, the
3924 examination requirements of which have been approved by the
3925 department ~~board~~ as substantially equivalent to or more
3926 stringent than those of this state, and has received a score on
3927 such examination which is equal to or greater than the score
3928 required by this state for licensure by examination.

3929 3. Has taken and successfully passed the laws and rules
3930 portion of the examination required for licensure as a
3931 professional geologist in this state.

3932 (b) Has held a valid license to practice geology in another
3933 state, trust, territory, or possession of the United States for
3934 at least 10 years before the date of application and has
3935 successfully completed a state, regional, national, or other
3936 examination that is equivalent to or more stringent than the
3937 examination required by the department. If such applicant has
3938 met the requirements for a license by endorsement except
3939 successful completion of an examination that is equivalent to or
3940 more stringent than the examination required by the department
3941 ~~board~~, such applicant may take the examination required by the
3942 department ~~board~~. Such application must be submitted to the
3943 department ~~board~~ while the applicant holds a valid license in
3944 another state or territory or within 2 years after the

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3945 expiration of such license.

3946 Section 109. Subsection (2) of section 492.1101, Florida
3947 Statutes, is amended to read:

3948 492.1101 Inactive status.—

3949 (2) The department ~~board~~ shall adopt ~~promulgate~~ rules
3950 relating to the reactivation of inactive licenses and shall
3951 prescribe by rule a fee for the reactivation of inactive
3952 licenses.

3953 Section 110. Subsection (1) of section 492.111, Florida
3954 Statutes, is amended to read:

3955 492.111 Practice of professional geology by a firm,
3956 corporation, or partnership.—The practice of, or offer to
3957 practice, professional geology by individual professional
3958 geologists licensed under the provisions of this chapter through
3959 a firm, corporation, or partnership offering geological services
3960 to the public through individually licensed professional
3961 geologists as agents, employees, officers, or partners thereof
3962 is permitted subject to the provisions of this chapter, if:

3963 (1) At all times that it offers geological services to the
3964 public, the firm, corporation, or partnership is qualified by
3965 one or more individuals who hold a current, active license as a
3966 professional geologist in this ~~the~~ state and are serving as a
3967 geologist of record for the firm, corporation, or partnership. A
3968 geologist of record may be any principal officer or employee of
3969 such firm or corporation, or any partner or employee of such
3970 partnership, who holds a current, active license as a
3971 professional geologist in this state, or any other Florida-
3972 licensed professional geologist with whom the firm, corporation,
3973 or partnership has entered into a long-term, ongoing

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3974 relationship, as defined by rule of the department ~~board~~, to
3975 serve as one of its geologists of record. The geologist of
3976 record shall notify the department of any changes in the
3977 relationship or identity of that geologist of record within 30
3978 days after such change.

3979 Section 111. Paragraph (k) of subsection (1) and
3980 subsections (2), (3), and (4) of section 492.113, Florida
3981 Statutes, are amended to read:

3982 492.113 Disciplinary proceedings.—

3983 (1) The following acts constitute grounds for which the
3984 disciplinary actions in subsection (3) may be taken:

3985 (k) Violating a rule of the department ~~or board~~ or any
3986 order of the department ~~or board~~ previously entered in a
3987 disciplinary hearing.

3988 (2) The department ~~board~~ shall specify, by rule, what acts
3989 or omissions constitute a violation of subsection (1).

3990 (3) When the department ~~board~~ finds any person guilty of
3991 any of the grounds set forth in subsection (1), it may enter an
3992 order imposing one or more of the following penalties:

3993 (a) Denial of an application for licensure.

3994 (b) Revocation or suspension of a license.

3995 (c) Imposition of an administrative fine not to exceed
3996 \$1,000 for each count or separate offense.

3997 (d) Issuance of a reprimand.

3998 (e) Placement of the licensee on probation for a period of
3999 time and subject to such conditions as the department ~~board~~ may
4000 specify.

4001 (f) Restriction of the authorized scope of practice by the
4002 licensee.

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4003 (4) The department shall reissue the license of a
4004 disciplined professional geologist upon verification
4005 ~~certification by the board~~ that the disciplined person has
4006 complied with the terms and conditions set forth in the final
4007 order.

4008 Section 112. Subsection (7) of section 558.002, Florida
4009 Statutes, is amended to read:

4010 558.002 Definitions.—As used in this chapter, the term:

4011 (7) "Design professional" means a person, as defined in s.
4012 1.01, who is licensed in this state as an architect, a landscape
4013 architect, an engineer, a surveyor, or a geologist ~~or who is a~~
4014 ~~registered interior designer, as defined in s. 481.203.~~

4015 Section 113. Paragraph (bb) of subsection (1) of section
4016 125.01, Florida Statutes, is amended to read:

4017 125.01 Powers and duties.—

4018 (1) The legislative and governing body of a county shall
4019 have the power to carry on county government. To the extent not
4020 inconsistent with general or special law, this power includes,
4021 but is not restricted to, the power to:

4022 (bb) Enforce the Florida Building Code as provided in s.
4023 553.80 and adopt and enforce local technical amendments to the
4024 Florida Building Code as provided in s. 553.73(5) ~~s. 553.73(4)~~.

4025 Section 114. Subsection (1) of section 125.56, Florida
4026 Statutes, is amended to read:

4027 125.56 Enforcement and amendment of the Florida Building
4028 Code and the Florida Fire Prevention Code; inspection fees;
4029 inspectors; etc.—

4030 (1) The board of county commissioners of each of the
4031 several counties of the state may enforce the Florida Building

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4032 Code and the Florida Fire Prevention Code as provided in ss.
4033 553.80, 633.206, and 633.208 and, at its discretion, adopt local
4034 technical amendments to the Florida Building Code as provided in
4035 s. 553.73(5) ~~s. 553.73(4)~~ and local technical amendments to the
4036 Florida Fire Prevention Code as provided in s. 633.202 to
4037 provide for the safe construction, erection, alteration, repair,
4038 securing, and demolition of any building within its territory
4039 outside the corporate limits of any municipality. Upon a
4040 determination to consider amending the Florida Building Code or
4041 the Florida Fire Prevention Code by a majority of the members of
4042 the board of county commissioners of such county, the board
4043 shall call a public hearing and comply with the public notice
4044 requirements of s. 125.66(2). The board shall hear all
4045 interested parties at the public hearing and may then amend the
4046 building code or the fire code consistent with the terms and
4047 purposes of this act. Upon adoption, an amendment to the code
4048 shall be in full force and effect throughout the unincorporated
4049 area of such county until otherwise notified by the Florida
4050 Building Commission under s. 553.73 or the State Fire Marshal
4051 under s. 633.202. This subsection does not prevent the board of
4052 county commissioners from repealing such amendment to the
4053 building code or the fire code at any regular meeting of such
4054 board.

4055 Section 115. Paragraph (uuu) of subsection (7) of section
4056 212.08, Florida Statutes, is amended to read:

4057 212.08 Sales, rental, use, consumption, distribution, and
4058 storage tax; specified exemptions.—The sale at retail, the
4059 rental, the use, the consumption, the distribution, and the
4060 storage to be used or consumed in this state of the following

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4061 are hereby specifically exempt from the tax imposed by this
4062 chapter.

4063 (7) MISCELLANEOUS EXEMPTIONS.—Exemptions provided to any
4064 entity by this chapter do not inure to any transaction that is
4065 otherwise taxable under this chapter when payment is made by a
4066 representative or employee of the entity by any means,
4067 including, but not limited to, cash, check, or credit card, even
4068 when that representative or employee is subsequently reimbursed
4069 by the entity. In addition, exemptions provided to any entity by
4070 this subsection do not inure to any transaction that is
4071 otherwise taxable under this chapter unless the entity has
4072 obtained a sales tax exemption certificate from the department
4073 or the entity obtains or provides other documentation as
4074 required by the department. Eligible purchases or leases made
4075 with such a certificate must be in strict compliance with this
4076 subsection and departmental rules, and any person who makes an
4077 exempt purchase with a certificate that is not in strict
4078 compliance with this subsection and the rules is liable for and
4079 shall pay the tax. The department may adopt rules to administer
4080 this subsection.

4081 (uuu) *Small private investigative agencies.*—

4082 1. As used in this paragraph, the term:

4083 a. "Private investigation services" has the same meaning as
4084 "private investigation," as defined in s. 493.6101(17).

4085 b. "Small private investigative agency" means a private
4086 investigator licensed under s. 493.6201 which:

4087 (I) Employs three or fewer full-time or part-time
4088 employees, including those performing services pursuant to an
4089 employee leasing arrangement as defined in s. 468.520 ~~s.~~

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4090 ~~468.520(4)~~, in total; and

4091 (II) During the previous calendar year, performed private
4092 investigation services otherwise taxable under this chapter in
4093 which the charges for the services performed were less than
4094 \$150,000 for all its businesses related through common
4095 ownership.

4096 2. The sale of private investigation services by a small
4097 private investigative agency to a client is exempt from the tax
4098 imposed by this chapter.

4099 3. The exemption provided by this paragraph may not apply
4100 in the first calendar year a small private investigative agency
4101 conducts sales of private investigation services taxable under
4102 this chapter.

4103 Section 116. Paragraph (a) of subsection (19) of section
4104 440.02, Florida Statutes, is amended to read:

4105 440.02 Definitions.—When used in this chapter, unless the
4106 context clearly requires otherwise, the following terms shall
4107 have the following meanings:

4108 (19) (a) "Employer" means the state and all political
4109 subdivisions thereof, all public and quasi-public corporations
4110 therein, every person carrying on any employment, and the legal
4111 representative of a deceased person or the receiver or trustees
4112 of any person. The term also includes employee leasing
4113 companies, as defined in s. 468.520 ~~s. 468.520(5)~~, and
4114 employment agencies that provide their own employees to other
4115 persons. If the employer is a corporation, parties in actual
4116 control of the corporation, including, but not limited to, the
4117 president, officers who exercise broad corporate powers,
4118 directors, and all shareholders who directly or indirectly own a

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4119 controlling interest in the corporation, are considered the
4120 employer for the purposes of ss. 440.105, 440.106, and 440.107.

4121 Section 117. Subsections (7), (8), and (9) of section
4122 477.0135, Florida Statutes, are amended to read:

4123 477.0135 Exemptions.—

4124 (7) A license or registration is not required for a person
4125 whose occupation or practice is confined solely to hair braiding
4126 as defined in s. 477.013 ~~s. 477.013(9)~~.

4127 (8) A license or registration is not required for a person
4128 whose occupation or practice is confined solely to hair wrapping
4129 as defined in s. 477.013 ~~s. 477.013(10)~~.

4130 (9) A license or registration is not required for a person
4131 whose occupation or practice is confined solely to body wrapping
4132 as defined in s. 477.013 ~~s. 477.013(12)~~.

4133 Section 118. Section 448.26, Florida Statutes, is amended
4134 to read:

4135 448.26 Application.—Nothing in this part shall exempt any
4136 client of any labor pool or temporary help arrangement entity as
4137 defined in s. 468.520(5)(a) ~~s. 468.520(4)(a)~~ or any assigned
4138 employee from any other license requirements of state, local, or
4139 federal law. Any employee assigned to a client who is licensed,
4140 registered, or certified pursuant to law shall be deemed an
4141 employee of the client for such licensure purposes but shall
4142 remain an employee of the labor pool or temporary help
4143 arrangement entity for purposes of chapters 440 and 443.

4144 Section 119. Subsection (24) of section 489.103, Florida
4145 Statutes, is amended to read:

4146 489.103 Exemptions.—This part does not apply to:

4147 (24) A member of the Miccosukee Tribe of Indians of Florida

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4148 or the Seminole Tribe of Florida when constructing chickees as
4149 described in s. 553.73(11)(i) ~~s. 553.73(10)(i)~~.

4150 Section 120. Subsection (2) of section 553.775, Florida
4151 Statutes, is amended to read:

4152 553.775 Interpretations.—

4153 (2) Local enforcement agencies, local building officials,
4154 state agencies, and the commission shall interpret provisions of
4155 the Florida Building Code and the Florida Accessibility Code for
4156 Building Construction in a manner that is consistent with
4157 declaratory statements and interpretations entered by the
4158 commission, except that conflicts between the Florida Fire
4159 Prevention Code and the Florida Building Code shall be resolved
4160 in accordance with s. 553.73(12)(c) and (d) ~~s. 553.73(11)(c) and~~
4161 ~~(d)~~.

4162 Section 121. Subsection (4) of section 553.79, Florida
4163 Statutes, is amended to read:

4164 553.79 Permits; applications; issuance; inspections.—

4165 (4) The Florida Building Code, after the effective date of
4166 adoption pursuant to the provisions of this part, may be
4167 modified by local governments to require more stringent
4168 standards than those specified in the Florida Building Code,
4169 provided the conditions of s. 553.73(5) ~~s. 553.73(4)~~ are met.

4170 Section 122. Subsection (5) of section 553.844, Florida
4171 Statutes, is amended to read:

4172 553.844 Windstorm loss mitigation; requirements for roofs
4173 and opening protection.—

4174 (5) Notwithstanding any provision in the Florida Building
4175 Code to the contrary, if an existing roofing system or roof
4176 section was built, repaired, or replaced in compliance with the

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4177 requirements of the 2007 Florida Building Code, or any
4178 subsequent editions of the Florida Building Code, and 25 percent
4179 or more of such roofing system or roof section is being
4180 repaired, replaced, or recovered, only the repaired, replaced,
4181 or recovered portion is required to be constructed in accordance
4182 with the Florida Building Code in effect, as applicable. The
4183 Florida Building Commission shall adopt this exception by rule
4184 and incorporate it in the Florida Building Code. Notwithstanding
4185 s. 553.73(5) ~~s. 553.73(4)~~, a local government may not adopt by
4186 ordinance an administrative or technical amendment to this
4187 exception.

4188 Section 123. Subsection (2) of section 569.34, Florida
4189 Statutes, is amended to read:

4190 569.34 Operating without a retail nicotine products dealer
4191 permit; penalty.—

4192 (2) A retail tobacco products dealer, as defined in s.
4193 569.002 ~~s. 569.002(4)~~, is not required to have a separate or
4194 additional retail nicotine products dealer permit to deal, at
4195 retail, in nicotine products within this ~~the~~ state, or allow a
4196 nicotine products vending machine to be located on its premises
4197 in this ~~the~~ state. Any retail tobacco products dealer that
4198 deals, at retail, in nicotine products or allows a nicotine
4199 products vending machine to be located on its premises in this
4200 ~~the~~ state, is subject to, and must be in compliance with, this
4201 part.

4202 Section 124. Section 569.35, Florida Statutes, is amended
4203 to read:

4204 569.35 Retail nicotine product dealers; administrative
4205 penalties.—The division may suspend or revoke the permit of a

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4206 dealer, including the retail tobacco products dealer permit of a
4207 retail tobacco products dealer as defined in s. 569.002 ~~s.~~
4208 ~~569.002(4)~~, upon sufficient cause appearing of the violation of
4209 ~~any of the provisions of this part~~ or any violation of the laws
4210 of this state or any state or territory of the United States, by
4211 a dealer, or by a dealer's agent or employee. The division may
4212 also assess and accept an administrative fine of up to \$1,000
4213 against a dealer for each violation. The division shall deposit
4214 all fines collected into the General Revenue Fund as collected.
4215 An order imposing an administrative fine becomes effective 15
4216 days after the date of the order. The division may suspend the
4217 imposition of a penalty against a dealer, conditioned upon the
4218 dealer's compliance with terms the division considers
4219 appropriate.

4220 Section 125. Paragraph (d) of subsection (2) of section
4221 604.50, Florida Statutes, is amended to read:

4222 604.50 Nonresidential farm buildings; farm fences; farm
4223 signs.—

4224 (2) As used in this section, the term:

4225 (d) "Nonresidential farm building" means any temporary or
4226 permanent building or support structure that is classified as a
4227 nonresidential farm building on a farm under s. 553.73(11)(c) ~~s.~~
4228 ~~553.73(10)(c)~~ or that is used primarily for agricultural
4229 purposes, is located on land that is an integral part of a farm
4230 operation or is classified as agricultural land under s.
4231 193.461, and is not intended to be used as a residential
4232 dwelling. The term may include, but is not limited to, a barn,
4233 greenhouse, shade house, farm office, storage building, or
4234 poultry house.

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4235 Section 126. Paragraph (a) of subsection (2) of section
4236 627.192, Florida Statutes, is amended to read:

4237 627.192 Workers' compensation insurance; employee leasing
4238 arrangements.—

4239 (2) For purposes of the Florida Insurance Code:

4240 (a) "Employee leasing" shall have the same meaning as set
4241 forth in s. 468.520 ~~s. 468.520(4)~~.

4242 Section 127. For the purpose of incorporating the amendment
4243 made by this act to section 20.165, Florida Statutes, in a
4244 reference thereto, paragraph (c) of subsection (3) of section
4245 120.54, Florida Statutes, is reenacted to read:

4246 120.54 Rulemaking.—

4247 (3) ADOPTION PROCEDURES.—

4248 (c) *Hearings*.—

4249 1. If the intended action concerns any rule other than one
4250 relating exclusively to procedure or practice, the agency shall,
4251 on the request of any affected person received within 21 days
4252 after the date of publication of the notice of intended agency
4253 action, give affected persons an opportunity to present evidence
4254 and argument on all issues under consideration. The agency may
4255 schedule a public hearing on the rule and, if requested by any
4256 affected person, shall schedule a public hearing on the rule.
4257 When a public hearing is held, the agency must ensure that staff
4258 are available to explain the agency's proposal and to respond to
4259 questions or comments regarding the rule. If the agency head is
4260 a board or other collegial body created under s. 20.165(4) or s.
4261 20.43(3)(g), and one or more requested public hearings is
4262 scheduled, the board or other collegial body shall conduct at
4263 least one of the public hearings itself and may not delegate

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4264 this responsibility without the consent of those persons
4265 requesting the public hearing. Any material pertinent to the
4266 issues under consideration submitted to the agency within 21
4267 days after the date of publication of the notice or submitted to
4268 the agency between the date of publication of the notice and the
4269 end of the final public hearing shall be considered by the
4270 agency and made a part of the record of the rulemaking
4271 proceeding.

4272 2. Rulemaking proceedings shall be governed solely by the
4273 provisions of this section unless a person timely asserts that
4274 the person's substantial interests will be affected in the
4275 proceeding and affirmatively demonstrates to the agency that the
4276 proceeding does not provide adequate opportunity to protect
4277 those interests. If the agency determines that the rulemaking
4278 proceeding is not adequate to protect the person's interests, it
4279 shall suspend the rulemaking proceeding and convene a separate
4280 proceeding under the provisions of ss. 120.569 and 120.57.
4281 Similarly situated persons may be requested to join and
4282 participate in the separate proceeding. Upon conclusion of the
4283 separate proceeding, the rulemaking proceeding shall be resumed.

4284 Section 128. For the purpose of incorporating the amendment
4285 made by this act to section 20.165, Florida Statutes, in
4286 references thereto, paragraph (b) of subsection (2) and
4287 paragraph (a) of subsection (3) of section 120.74, Florida
4288 Statutes, are reenacted to read:

4289 120.74 Agency annual rulemaking and regulatory plans;
4290 reports.—

4291 (2) PUBLICATION AND DELIVERY TO THE COMMITTEE.—

4292 (b) To satisfy the requirements of paragraph (a), a board

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4293 established under s. 20.165(4), and any other board or
4294 commission receiving administrative support from the Department
4295 of Business and Professional Regulation, may coordinate with the
4296 Department of Business and Professional Regulation, and a board
4297 established under s. 20.43(3)(g) may coordinate with the
4298 Department of Health, for inclusion of the board's or
4299 commission's plan and notice of publication in the coordinating
4300 department's plan and notice and for the delivery of the
4301 required documentation to the committee.

4302 (3) DEPARTMENT REVIEW OF BOARD PLAN.—By October 15 of each
4303 year:

4304 (a) For each board established under s. 20.165(4) and any
4305 other board or commission receiving administrative support from
4306 the Department of Business and Professional Regulation, the
4307 Department of Business and Professional Regulation shall file
4308 with the committee a certification that the department has
4309 reviewed each board's and commission's regulatory plan. A
4310 certification may relate to more than one board or commission.

4311 Section 129. For the purpose of incorporating the amendment
4312 made by this act to section 20.165, Florida Statutes, in a
4313 reference thereto, subsection (3) of section 468.4315, Florida
4314 Statutes, is reenacted to read:

4315 468.4315 Regulatory Council of Community Association
4316 Managers.—

4317 (3) To the extent the council is authorized to exercise
4318 functions otherwise exercised by a board pursuant to chapter
4319 455, the provisions of chapter 455 and s. 20.165 relating to
4320 regulatory boards shall apply, including, but not limited to,
4321 provisions relating to board rules and the accountability and

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4322 liability of board members. All proceedings and actions of the
4323 council are subject to the provisions of chapter 120. In
4324 addition, the provisions of chapter 455 and s. 20.165 shall
4325 apply to the department in carrying out the duties and
4326 authorities conferred upon the department by this part.

4327 Section 130. For the purpose of incorporating the amendment
4328 made by this act to section 20.165, Florida Statutes, in a
4329 reference thereto, section 468.523, Florida Statutes, is
4330 reenacted to read:

4331 468.523 Applicability of s. 20.165 and ch. 455.—All
4332 provisions of s. 20.165 and chapter 455 relating to activities
4333 of regulatory boards shall apply.

4334 Section 131. For the purpose of incorporating the amendment
4335 made by this act to section 448.095, Florida Statutes, in a
4336 reference thereto, subsection (2) of section 448.09, Florida
4337 Statutes, is reenacted to read:

4338 448.09 Unauthorized aliens; employment prohibited.—

4339 (2) If the Department of Commerce finds or is notified by
4340 an entity specified in s. 448.095(3)(a) that an employer has
4341 knowingly employed an unauthorized alien without verifying the
4342 employment eligibility of such person, the department must enter
4343 an order pursuant to chapter 120 making such determination and
4344 require repayment of any economic development incentive pursuant
4345 to s. 288.061(6).

4346 Section 132. For the purpose of incorporating the amendment
4347 made by this act to section 481.219, Florida Statutes, in a
4348 reference thereto, paragraph (h) of subsection (2) of section
4349 287.055, Florida Statutes, is reenacted to read:

4350 287.055 Acquisition of professional architectural,

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4351 engineering, landscape architectural, or surveying and mapping
4352 services; definitions; procedures; contingent fees prohibited;
4353 penalties.—

4354 (2) DEFINITIONS.—For purposes of this section:

4355 (h) A “design-build firm” means a partnership, corporation,
4356 or other legal entity that:

4357 1. Is certified under s. 489.119 to engage in contracting
4358 through a certified or registered general contractor or a
4359 certified or registered building contractor as the qualifying
4360 agent; or

4361 2. Is qualified under s. 471.023 to practice or to offer to
4362 practice engineering; qualified under s. 481.219 to practice or
4363 to offer to practice architecture; or qualified under s. 481.319
4364 to practice or to offer to practice landscape architecture.

4365 Section 133. For the purpose of incorporating the amendment
4366 made by this act to sections 481.221 and 481.223, Florida
4367 Statutes, in references thereto, paragraph (a) of subsection (1)
4368 of section 481.225, Florida Statutes, is reenacted to read:

4369 481.225 Disciplinary proceedings against registered
4370 architects.—

4371 (1) The following acts constitute grounds for which the
4372 disciplinary actions in subsection (3) may be taken:

4373 (a) Violating any provision of s. 455.227(1), s. 481.221,
4374 or s. 481.223, or any rule of the board or department lawfully
4375 adopted pursuant to this part or chapter 455.

4376 Section 134. For the purpose of incorporating the amendment
4377 made by this act to section 481.229, Florida Statutes, in a
4378 reference thereto, subsection (4) of section 1013.45, Florida
4379 Statutes, is reenacted to read:

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4380 1013.45 Educational facilities contracting and construction
4381 techniques for school districts and Florida College System
4382 institutions.—

4383 (4) Except as otherwise provided in this section and s.
4384 481.229, the services of a registered architect must be used for
4385 the development of plans for the erection, enlargement, or
4386 alteration of any educational facility. The services of a
4387 registered architect are not required for a minor renovation
4388 project for which the construction cost is less than \$50,000 or
4389 for the placement or hookup of relocatable educational
4390 facilities that conform to standards adopted under s. 1013.37.
4391 However, boards must provide compliance with building code
4392 requirements and ensure that these structures are adequately
4393 anchored for wind resistance as required by law. A district
4394 school board shall reuse existing construction documents or
4395 design criteria packages if such reuse is feasible and
4396 practical. If a school district's 5-year educational facilities
4397 work plan includes the construction of two or more new schools
4398 for students in the same grade group and program, such as
4399 elementary, middle, or high school, the district school board
4400 must require that prototype design and construction be used for
4401 the construction of these schools. Notwithstanding s. 287.055, a
4402 board may purchase the architectural services for the design of
4403 educational or ancillary facilities under an existing contract
4404 agreement for professional services held by a district school
4405 board in the State of Florida, provided that the purchase is to
4406 the economic advantage of the purchasing board, the services
4407 conform to the standards prescribed by rules of the State Board
4408 of Education, and such reuse is not without notice to, and

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4409 permission from, the architect of record whose plans or design
4410 criteria are being reused. Plans must be reviewed for compliance
4411 with the State Requirements for Educational Facilities. Rules
4412 adopted under this section must establish uniform
4413 prequalification, selection, bidding, and negotiation procedures
4414 applicable to construction management contracts and the design-
4415 build process. This section does not supersede any small, woman-
4416 owned, or minority-owned business enterprise preference program
4417 adopted by a board. Except as otherwise provided in this
4418 section, the negotiation procedures applicable to construction
4419 management contracts and the design-build process must conform
4420 to the requirements of s. 287.055. A board may not modify any
4421 rules regarding construction management contracts or the design-
4422 build process.

4423 Section 135. For the purpose of incorporating the amendment
4424 made by this act to section 499.012, Florida Statutes, in a
4425 reference thereto, paragraph (b) of subsection (1) of section
4426 499.067, Florida Statutes, is reenacted to read:

4427 499.067 Denial, suspension, or revocation of permit,
4428 certification, or registration.—

4429 (1)

4430 (b) The department may deny an application for a permit or
4431 certification, or suspend or revoke a permit or certification,
4432 if the department finds that:

4433 1. The applicant is not of good moral character or that it
4434 would be a danger or not in the best interest of the public
4435 health, safety, and welfare if the applicant were issued a
4436 permit or certification.

4437 2. The applicant has not met the requirements for the

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4438 permit or certification.

4439 3. The applicant is not eligible for a permit or
4440 certification for any of the reasons enumerated in s. 499.012.

4441 4. The applicant, permittee, or person certified under s.
4442 499.012(15) demonstrates any of the conditions enumerated in s.
4443 499.012.

4444 5. The applicant, permittee, or person certified under s.
4445 499.012(15) has committed any violation of this chapter.

4446 Section 136. For the purpose of incorporating the amendment
4447 made by this act to section 499.0121, Florida Statutes, in a
4448 reference thereto, paragraph (f) of subsection (3) of section
4449 458.3265, Florida Statutes, is reenacted to read:

4450 458.3265 Pain-management clinics.—

4451 (3) PHYSICIAN RESPONSIBILITIES.—These responsibilities
4452 apply to any physician who provides professional services in a
4453 pain-management clinic that is required to be registered in
4454 subsection (1).

4455 (f) Each physician practicing in a pain-management clinic
4456 is responsible for ensuring compliance with the following
4457 facility and physical operations requirements:

4458 1. A pain-management clinic shall be located and operated
4459 at a publicly accessible fixed location and must:

4460 a. Display a sign that can be viewed by the public that
4461 contains the clinic name, hours of operations, and a street
4462 address.

4463 b. Have a publicly listed telephone number and a dedicated
4464 phone number to send and receive faxes with a fax machine that
4465 shall be operational 24 hours per day.

4466 c. Have emergency lighting and communications.

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- 4467 d. Have a reception and waiting area.
- 4468 e. Provide a restroom.
- 4469 f. Have an administrative area, including room for storage
4470 of medical records, supplies, and equipment.
- 4471 g. Have private patient examination rooms.
- 4472 h. Have treatment rooms, if treatment is being provided to
4473 the patients.
- 4474 i. Display a printed sign located in a conspicuous place in
4475 the waiting room viewable by the public with the name and
4476 contact information of the clinic's designated physician and the
4477 names of all physicians practicing in the clinic.
- 4478 j. If the clinic stores and dispenses prescription drugs,
4479 comply with ss. 499.0121 and 893.07.
- 4480 2. This section does not excuse a physician from providing
4481 any treatment or performing any medical duty without the proper
4482 equipment and materials as required by the standard of care.
4483 This section does not supersede the level of care, skill, and
4484 treatment recognized in general law related to health care
4485 licensure.
- 4486 Section 137. For the purpose of incorporating the amendment
4487 made by this act to section 499.0121, Florida Statutes, in a
4488 reference thereto, paragraph (f) of subsection (3) of section
4489 459.0137, Florida Statutes, is reenacted to read:
- 4490 459.0137 Pain-management clinics.—
- 4491 (3) PHYSICIAN RESPONSIBILITIES.—These responsibilities
4492 apply to any osteopathic physician who provides professional
4493 services in a pain-management clinic that is required to be
4494 registered in subsection (1).
- 4495 (f) Each osteopathic physician practicing in a pain-

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4496 management clinic is responsible for ensuring compliance with
4497 the following facility and physical operations requirements:

4498 1. A pain-management clinic shall be located and operated
4499 at a publicly accessible fixed location and must:

4500 a. Display a sign that can be viewed by the public that
4501 contains the clinic name, hours of operations, and a street
4502 address.

4503 b. Have a publicly listed telephone number and a dedicated
4504 phone number to send and receive faxes with a fax machine that
4505 shall be operational 24 hours per day.

4506 c. Have emergency lighting and communications.

4507 d. Have a reception and waiting area.

4508 e. Provide a restroom.

4509 f. Have an administrative area including room for storage
4510 of medical records, supplies, and equipment.

4511 g. Have private patient examination rooms.

4512 h. Have treatment rooms, if treatment is being provided to
4513 the patient.

4514 i. Display a printed sign located in a conspicuous place in
4515 the waiting room viewable by the public with the name and
4516 contact information of the clinic-designated physician and the
4517 names of all physicians practicing in the clinic.

4518 j. If the clinic stores and dispenses prescription drugs,
4519 comply with ss. 499.0121 and 893.07.

4520 2. This section does not excuse an osteopathic physician
4521 from providing any treatment or performing any medical duty
4522 without the proper equipment and materials as required by the
4523 standard of care. This section does not supersede the level of
4524 care, skill, and treatment recognized in general law related to

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4525 health care licensure.

4526 Section 138. For the purpose of incorporating the amendment
4527 made by this act to section 499.0121, Florida Statutes, in
4528 references thereto, paragraphs (a), (c), (h), (j) through (m),
4529 and (q) of subsection (2) of section 499.01, Florida Statutes,
4530 are reenacted to read:

4531 499.01 Permits.—

4532 (2) The following permits are established:

4533 (a) *Prescription drug manufacturer permit.*—A prescription
4534 drug manufacturer permit is required for any person that is a
4535 manufacturer of a prescription drug and that manufactures or
4536 distributes such prescription drugs in this state.

4537 1. A person that operates an establishment permitted as a
4538 prescription drug manufacturer may engage in distribution of
4539 prescription drugs for which the person is the manufacturer and
4540 must comply with s. 499.0121 and all other provisions of this
4541 part and rules adopted under this part. The department shall
4542 adopt rules for issuing a virtual prescription drug manufacturer
4543 permit to a person who engages in the manufacture of
4544 prescription drugs but does not make or take physical possession
4545 of any prescription drugs. The rules adopted by the department
4546 under this section may exempt virtual manufacturers from certain
4547 establishment, security, and storage requirements set forth in
4548 s. 499.0121.

4549 2. A prescription drug manufacturer must comply with all
4550 appropriate state and federal good manufacturing practices.

4551 3. A blood establishment, as defined in s. 381.06014,
4552 operating in a manner consistent with the provisions of 21
4553 C.F.R. parts 211 and 600-640, and manufacturing only the

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4554 prescription drugs described in s. 499.003(48)(j) is not
4555 required to be permitted as a prescription drug manufacturer
4556 under this paragraph or to register products under s. 499.015.

4557 (c) *Nonresident prescription drug manufacturer permit.*—A
4558 nonresident prescription drug manufacturer permit is required
4559 for any person that is a manufacturer of prescription drugs,
4560 unless permitted as a third party logistics provider, located
4561 outside of this state or outside the United States and that
4562 engages in the distribution in this state of such prescription
4563 drugs. Each such manufacturer must be permitted by the
4564 department and comply with all of the provisions required of a
4565 prescription drug manufacturer under this part. The department
4566 shall adopt rules for issuing a virtual nonresident prescription
4567 drug manufacturer permit to a person who engages in the
4568 manufacture of prescription drugs but does not make or take
4569 physical possession of any prescription drugs. The rules adopted
4570 by the department under this section may exempt virtual
4571 nonresident manufacturers from certain establishment, security,
4572 and storage requirements set forth in s. 499.0121.

4573 1. A person that distributes prescription drugs for which
4574 the person is not the manufacturer must also obtain an out-of-
4575 state prescription drug wholesale distributor permit or third
4576 party logistics provider permit pursuant to this section to
4577 engage in the distribution of such prescription drugs when
4578 required by this part. This subparagraph does not apply to a
4579 manufacturer that distributes prescription drugs only for the
4580 manufacturer of the prescription drugs where both manufacturers
4581 are affiliates.

4582 2. Any such person must comply with the licensing or

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4583 permitting requirements of the jurisdiction in which the
4584 establishment is located and the federal act, and any
4585 prescription drug distributed into this state must comply with
4586 this part. If a person intends to import prescription drugs from
4587 a foreign country into this state, the nonresident prescription
4588 drug manufacturer must provide to the department a list
4589 identifying each prescription drug it intends to import and
4590 document approval by the United States Food and Drug
4591 Administration for such importation.

4592 (h) *Restricted prescription drug distributor permit.*—

4593 1. A restricted prescription drug distributor permit is
4594 required for:

4595 a. Any person located in this state who engages in the
4596 distribution of a prescription drug, which distribution is not
4597 considered "wholesale distribution" under s. 499.003(48)(a).

4598 b. Any person located in this state who engages in the
4599 receipt or distribution of a prescription drug in this state for
4600 the purpose of processing its return or its destruction if such
4601 person is not the person initiating the return, the prescription
4602 drug wholesale supplier of the person initiating the return, or
4603 the manufacturer of the drug.

4604 c. A blood establishment located in this state which
4605 collects blood and blood components only from volunteer donors
4606 as defined in s. 381.06014 or pursuant to an authorized
4607 practitioner's order for medical treatment or therapy and
4608 engages in the wholesale distribution of a prescription drug not
4609 described in s. 499.003(48)(j) to a health care entity. A mobile
4610 blood unit operated by a blood establishment permitted under
4611 this sub-subparagraph is not required to be separately

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4612 permitted. The health care entity receiving a prescription drug
4613 distributed under this sub-subparagraph must be licensed as a
4614 closed pharmacy or provide health care services at that
4615 establishment. The blood establishment must operate in
4616 accordance with s. 381.06014 and may distribute only:

4617 (I) Prescription drugs indicated for a bleeding or clotting
4618 disorder or anemia;

4619 (II) Blood-collection containers approved under s. 505 of
4620 the federal act;

4621 (III) Drugs that are blood derivatives, or a recombinant or
4622 synthetic form of a blood derivative;

4623 (IV) Prescription drugs that are identified in rules
4624 adopted by the department and that are essential to services
4625 performed or provided by blood establishments and authorized for
4626 distribution by blood establishments under federal law; or

4627 (V) To the extent authorized by federal law, drugs
4628 necessary to collect blood or blood components from volunteer
4629 blood donors; for blood establishment personnel to perform
4630 therapeutic procedures under the direction and supervision of a
4631 licensed physician; and to diagnose, treat, manage, and prevent
4632 any reaction of a volunteer blood donor or a patient undergoing
4633 a therapeutic procedure performed under the direction and
4634 supervision of a licensed physician,

4635

4636 as long as all of the health care services provided by the blood
4637 establishment are related to its activities as a registered
4638 blood establishment or the health care services consist of
4639 collecting, processing, storing, or administering human
4640 hematopoietic stem cells or progenitor cells or performing

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4641 diagnostic testing of specimens if such specimens are tested
4642 together with specimens undergoing routine donor testing. The
4643 blood establishment may purchase and possess the drugs described
4644 in this sub-subparagraph without a health care clinic
4645 establishment permit.

4646 2. Storage, handling, and recordkeeping of these
4647 distributions by a person required to be permitted as a
4648 restricted prescription drug distributor must be in accordance
4649 with the requirements for wholesale distributors under s.
4650 499.0121.

4651 3. A person who applies for a permit as a restricted
4652 prescription drug distributor, or for the renewal of such a
4653 permit, must provide to the department the information required
4654 under s. 499.012.

4655 4. The department may adopt rules regarding the
4656 distribution of prescription drugs by hospitals, health care
4657 entities, charitable organizations, other persons not involved
4658 in wholesale distribution, and blood establishments, which rules
4659 are necessary for the protection of the public health, safety,
4660 and welfare.

4661 5. A restricted prescription drug distributor permit is not
4662 required for distributions between pharmacies that each hold an
4663 active permit under chapter 465, have a common ownership, and
4664 are operating in a freestanding end-stage renal dialysis clinic,
4665 if such distributions are made to meet the immediate emergency
4666 medical needs of specifically identified patients and do not
4667 occur with such frequency as to amount to the regular and
4668 systematic supplying of that drug between the pharmacies. The
4669 department shall adopt rules establishing when the distribution

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4670 of a prescription drug under this subparagraph amounts to the
4671 regular and systematic supplying of that drug.

4672 6. A restricted prescription drug distributor permit is not
4673 required for distributing medicinal drugs or prepackaged drug
4674 products between entities under common control that each hold
4675 either an active Class III institutional pharmacy permit under
4676 chapter 465 or an active health care clinic establishment permit
4677 under paragraph (r). For purposes of this subparagraph, the term
4678 "common control" has the same meaning as in s. 499.003(48)(a)3.

4679 (j) *Freight forwarder permit.*—A freight forwarder permit is
4680 required for any person that engages in the distribution of a
4681 prescription drug as a freight forwarder unless the person is a
4682 common carrier. The storage, handling, and recordkeeping of such
4683 distributions must comply with the requirements for wholesale
4684 distributors under s. 499.0121. A freight forwarder must provide
4685 the source of the prescription drugs with a validated airway
4686 bill, bill of lading, or other appropriate documentation to
4687 evidence the exportation of the product.

4688 (k) *Veterinary prescription drug retail establishment*
4689 *permit.*—A veterinary prescription drug retail establishment
4690 permit is required for any person that sells veterinary
4691 prescription drugs to the public but does not include a pharmacy
4692 licensed under chapter 465.

4693 1. The sale to the public must be based on a valid written
4694 order from a veterinarian licensed in this state who has a valid
4695 client-veterinarian relationship with the purchaser's animal.

4696 2. Veterinary prescription drugs may not be sold in excess
4697 of the amount clearly indicated on the order or beyond the date
4698 indicated on the order.

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4699 3. An order may not be valid for more than 1 year.

4700 4. A veterinary prescription drug retail establishment may
4701 not purchase, sell, trade, or possess human prescription drugs
4702 or any controlled substance as defined in chapter 893.

4703 5. A veterinary prescription drug retail establishment must
4704 sell a veterinary prescription drug in the original, sealed
4705 manufacturer's container with all labeling intact and legible.
4706 The department may adopt by rule additional labeling
4707 requirements for the sale of a veterinary prescription drug.

4708 6. A veterinary prescription drug retail establishment must
4709 comply with all of the wholesale distribution requirements of s.
4710 499.0121.

4711 7. Prescription drugs sold by a veterinary prescription
4712 drug retail establishment pursuant to a practitioner's order may
4713 not be returned into the retail establishment's inventory.

4714 (1) *Veterinary prescription drug wholesale distributor*
4715 *permit.*—A veterinary prescription drug wholesale distributor
4716 permit is required for any person that engages in the
4717 distribution of veterinary prescription drugs in or into this
4718 state. A veterinary prescription drug wholesale distributor that
4719 also distributes prescription drugs subject to, defined by, or
4720 described by s. 503(b) of the Federal Food, Drug, and Cosmetic
4721 Act which it did not manufacture must obtain a permit as a
4722 prescription drug wholesale distributor, an out-of-state
4723 prescription drug wholesale distributor, or a limited
4724 prescription drug veterinary wholesale distributor in lieu of
4725 the veterinary prescription drug wholesale distributor permit. A
4726 veterinary prescription drug wholesale distributor must comply
4727 with the requirements for wholesale distributors under s.

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4728 499.0121.

4729 (m) *Limited prescription drug veterinary wholesale*
4730 *distributor permit.*—Unless engaging in the activities of and
4731 permitted as a prescription drug manufacturer, nonresident
4732 prescription drug manufacturer, prescription drug wholesale
4733 distributor, or out-of-state prescription drug wholesale
4734 distributor, a limited prescription drug veterinary wholesale
4735 distributor permit is required for any person that engages in
4736 the distribution in or into this state of veterinary
4737 prescription drugs and prescription drugs subject to, defined
4738 by, or described by s. 503(b) of the Federal Food, Drug, and
4739 Cosmetic Act under the following conditions:

4740 1. The person is engaged in the business of wholesaling
4741 prescription and veterinary prescription drugs to persons:

4742 a. Licensed as veterinarians practicing on a full-time
4743 basis;

4744 b. Regularly and lawfully engaged in instruction in
4745 veterinary medicine;

4746 c. Regularly and lawfully engaged in law enforcement
4747 activities;

4748 d. For use in research not involving clinical use; or

4749 e. For use in chemical analysis or physical testing or for
4750 purposes of instruction in law enforcement activities, research,
4751 or testing.

4752 2. No more than 30 percent of total annual prescription
4753 drug sales may be prescription drugs approved for human use
4754 which are subject to, defined by, or described by s. 503(b) of
4755 the Federal Food, Drug, and Cosmetic Act.

4756 3. The person does not distribute in any jurisdiction

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4757 prescription drugs subject to, defined by, or described by s.
4758 503(b) of the Federal Food, Drug, and Cosmetic Act to any person
4759 who is authorized to sell, distribute, purchase, trade, or use
4760 these drugs on or for humans.

4761 4. A limited prescription drug veterinary wholesale
4762 distributor that applies to the department for a new permit or
4763 the renewal of a permit must submit a bond of \$20,000, or other
4764 equivalent means of security acceptable to the department, such
4765 as an irrevocable letter of credit or a deposit in a trust
4766 account or financial institution, payable to the Professional
4767 Regulation Trust Fund. The purpose of the bond is to secure
4768 payment of any administrative penalties imposed by the
4769 department and any fees and costs incurred by the department
4770 regarding that permit which are authorized under state law and
4771 which the permittee fails to pay 30 days after the fine or costs
4772 become final. The department may make a claim against such bond
4773 or security until 1 year after the permittee's license ceases to
4774 be valid or until 60 days after any administrative or legal
4775 proceeding authorized in this part which involves the permittee
4776 is concluded, including any appeal, whichever occurs later.

4777 5. A limited prescription drug veterinary wholesale
4778 distributor must maintain at all times a license or permit to
4779 engage in the wholesale distribution of prescription drugs in
4780 compliance with laws of the state in which it is a resident.

4781 6. A limited prescription drug veterinary wholesale
4782 distributor must comply with the requirements for wholesale
4783 distributors under s. 499.0121.

4784 7. A limited prescription drug veterinary wholesale
4785 distributor may not return to inventory for subsequent wholesale

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4786 distribution any prescription drug subject to, defined by, or
4787 described by s. 503(b) of the Federal Food, Drug, and Cosmetic
4788 Act which has been returned by a veterinarian.

4789 8. A limited prescription drug veterinary wholesale
4790 distributor permit is not required for an intracompany sale or
4791 transfer of a prescription drug from an out-of-state
4792 establishment that is duly licensed to engage in the wholesale
4793 distribution of prescription drugs in its state of residence to
4794 a licensed limited prescription drug veterinary wholesale
4795 distributor in this state if both wholesale distributors conduct
4796 wholesale distributions of prescription drugs under the same
4797 business name. The recordkeeping requirements of s. 499.0121(6)
4798 must be followed for this transaction.

4799 (q) *Third party logistics provider permit.*—A third party
4800 logistics provider permit is required for any person that
4801 contracts with a prescription drug wholesale distributor or
4802 prescription drug manufacturer to provide warehousing,
4803 distribution, or other logistics services on behalf of a
4804 manufacturer, wholesale distributor, or dispenser, but who does
4805 not take title to the prescription drug or have responsibility
4806 to direct the sale or disposition of the prescription drug. A
4807 third party logistics provider located outside of this state
4808 must be licensed in the state or territory from which the
4809 prescription drug is distributed by the third party logistics
4810 provider. If the state or territory from which the third party
4811 logistics provider originates does not require a license to
4812 operate as a third party logistics provider, the third party
4813 logistics provider must be licensed as a third party logistics
4814 provider as required by the federal act. Each third party

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4815 logistics provider permittee shall comply with s. 499.0121 and
4816 other rules that the department requires.

4817 Section 139. For the purpose of incorporating the amendment
4818 made by this act to section 499.041, Florida Statutes, in a
4819 reference thereto, paragraph (a) of subsection (1) of section
4820 499.015, Florida Statutes, is reenacted to read:

4821 499.015 Registration of drugs and devices; issuance of
4822 certificates of free sale.—

4823 (1)(a) Except for those persons exempted from the
4824 definition of manufacturer in s. 499.003, any person who
4825 manufactures, packages, repackages, labels, or relabels a drug
4826 or device in this state must register such drug or device
4827 biennially with the department; pay a fee in accordance with the
4828 fee schedule provided by s. 499.041; and comply with this
4829 section. The registrant must list each separate and distinct
4830 drug or device at the time of registration.

4831 Section 140. For the purpose of incorporating the amendment
4832 made by this act to section 713.03, Florida Statutes, in a
4833 reference thereto, subsection (19) of section 713.01, Florida
4834 Statutes, is reenacted to read:

4835 713.01 Definitions.—As used in this part, the term:

4836 (19) "Lienor" means a person who is:

4837 (a) A contractor;

4838 (b) A subcontractor;

4839 (c) A sub-subcontractor;

4840 (d) A laborer;

4841 (e) A materialman who contracts with the owner, a
4842 contractor, a subcontractor, or a sub-subcontractor; or

4843 (f) A professional lienor under s. 713.03;

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4845 and who has a lien or prospective lien upon real property under
4846 this part, and includes his or her successor in interest. No
4847 other person may have a lien under this part.

4848 Section 141. For the purpose of incorporating the amendment
4849 made by this act to section 713.03, Florida Statutes, in a
4850 reference thereto, subsection (1) of section 713.02, Florida
4851 Statutes, is reenacted to read:

4852 713.02 Types of lienors and exemptions.-

4853 (1) Persons performing the services described in s. 713.03
4854 shall have rights to a lien on real property as provided in that
4855 section.

4856 Section 142. This act shall take effect July 1, 2025.