

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
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

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
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;
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
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
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,
 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
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.

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

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.

262 **Section 5.** Section 477.015, Florida Statutes, is repealed.

263 **Section 6.** Section 481.2131, Florida Statutes, is
 264 repealed.

265 **Section 7.** Section 481.2251, Florida Statutes, is
 266 repealed.

267 **Section 8.** Section 481.305, Florida Statutes, is repealed.

268 **Section 9.** Section 492.103, Florida Statutes, is repealed.

269 **Section 10.** Section 499.01211, Florida Statutes, is
 270 repealed.

271 **Section 11.** Section 713.79, Florida Statutes, is repealed.

272 **Section 12.** Paragraph (a) of subsection (4), subsections
 273 (5), (6), and (7), and paragraph (b) of subsection (9) of
 274 section 20.165, Florida Statutes, are amended to read:

275 20.165 Department of Business and Professional

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

278 (4) (a) The following boards, ~~and~~ programs, commissions,
279 and councils are established within the Division of Professions:

280 1. The Board of Architecture and Landscape Architecture
281 ~~Interior Design~~, created under parts ~~part~~ I and II of chapter
282 481.

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

285 3. The barbers licensing program ~~Barbers' Board~~, created
286 under chapter 476.

287 4. The Florida Building Code Administrators and Inspectors
288 Board, created under part XII of chapter 468.

289 5. The Construction Industry Licensing Board, created
290 under part I of chapter 489.

291 6. The cosmetology licensing program ~~Board of Cosmetology~~,
292 created under chapter 477.

293 7. The Electrical Contractors' Licensing Board, created
294 under part II of chapter 489.

295 8. The employee leasing companies licensing program ~~Board~~
296 ~~of Employee Leasing Companies~~, created under part XI of chapter
297 468.

298 9. ~~Board of Landscape Architecture~~, created under ~~part II~~
299 ~~of chapter 481~~.

300 ~~10.~~ The Board of Pilot Commissioners, created under

301 chapter 310.

302 ~~10.11.~~ The Board of Professional Engineers, created under
303 chapter 471.

304 ~~11.12.~~ The ~~Board of~~ professional geologists licensing
305 program, created under chapter 492.

306 ~~12.13.~~ The Board of Veterinary Medicine, created under
307 chapter 474.

308 ~~13.14.~~ The home inspection services licensing program,
309 created under part XV of chapter 468.

310 ~~14.15.~~ The mold-related services licensing program,
311 created under part XVI of chapter 468.

312 15. The talent agency licensing program, created under
313 part VII of chapter 468.

314 16. The Florida Building Commission, created under chapter
315 553.

316 17. The Regulatory Council of Community Association
317 Managers, created under part VIII of chapter 468.

318 18. The yacht and ship brokers licensing program, created
319 under chapter 326.

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

326 | may be utilized to ensure that:

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

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

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

336 |

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

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

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

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

358 (9)

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

373 1. The primary responsibility of each officer appointed
374 under this section is to investigate, enforce, and prosecute,
375 throughout this ~~the~~ state, violations and violators of parts I

376 and II of chapter 210, chapter 310, chapter 326, parts I and III
377 of chapter 450, chapter 455, parts VI-IX, XI, XII, XV, and XVI
378 of chapter 468, chapter 469, chapter 471, chapters 473-477,
379 chapter 481, parts I and II of chapter 489, chapter 499, chapter
380 509, chapter 548, chapter 553, part VII of chapter 559, and
381 chapters 561-569, chapters 718-719, chapter 721, and chapter 723
382 and the rules adopted thereunder, as well as other state laws
383 that the division, all state law enforcement officers, or
384 beverage enforcement agents are specifically authorized to
385 enforce.

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

395 **Section 13. Subsection (2) of section 399.035, Florida**
396 **Statutes, is amended to read:**

397 399.035 Elevator accessibility requirements for the
398 physically handicapped.—

399 (2) Any building that is more than three stories high or
400 in which the vertical distance between the bottom terminal

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401 landing and the top terminal landing exceeds 25 feet must be
402 constructed to contain at least one passenger elevator that is
403 operational and will accommodate an ambulance stretcher size
404 specified in the edition of the Florida Building Code that was
405 in effect at the time of receipt of an application for
406 construction permit for the elevator ~~76 inches long and 24~~
407 ~~inches wide in the horizontal position.~~

408 **Section 14. Paragraph (a) of subsection (3) of section**
409 **448.095, Florida Statutes, is amended, and paragraph (c) is**
410 **added to that subsection, to read:**

411 448.095 Employment eligibility.—

412 (3) ENFORCEMENT.—

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

418 1. The Department of Law Enforcement;

419 2. The Attorney General;

420 3. The state attorney in the circuit in which the new
421 employee works;

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

423 5. The Department of Commerce; or

424 6. The Department of Business and Professional Regulation.

425 (c) If the Department of Business and Professional

426 Regulation determines an employer violated subsection (2) or s.
427 448.09, it must notify the Department of Commerce and the
428 Department of Law Enforcement within 30 days after making such
429 determination.

430 **Section 15. Paragraph (a) of subsection (3) of section**
431 **455.02, Florida Statutes, is amended, and subsections (1) and**
432 **(2) of that section are reenacted, to read:**

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

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

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

466 (3) (a) The department shall issue a professional license
467 to an applicant who is or was an active duty member of the Armed
468 Forces of the United States, or who is a spouse or surviving
469 spouse of such member, upon application to the department in a
470 format prescribed by the department. An application must include
471 proof that:

472 1. The applicant is or was an active duty member of the
473 Armed Forces of the United States or is married to a member of
474 the Armed Forces of the United States and was married to the
475 member during any period of active duty or was married to such a

476 member who at the time of the member's death was serving on
477 active duty. An applicant who was an active duty member of the
478 Armed Forces of the United States must have received an
479 honorable discharge upon separation or discharge from the Armed
480 Forces of the United States.

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

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

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

491 b. The Department of Law Enforcement shall forward the
492 fingerprints submitted pursuant to sub-subparagraph a. to the
493 Federal Bureau of Investigation for a national criminal history
494 check. The department shall, and the board may, review the
495 results of the criminal history checks according to the level 2
496 screening standards in s. 435.04 and determine whether the
497 applicant meets the licensure requirements. The costs of
498 fingerprint processing shall be borne by the applicant. If the
499 applicant's fingerprints are submitted through an authorized
500 agency or vendor, the agency or vendor must ~~shall~~ collect the

501 required processing fees and remit the fees to the Department of
 502 Law Enforcement.

503 **Section 16. Paragraph (b) of subsection (2) of section**
 504 **455.2124, Florida Statutes, is amended to read:**

505 455.2124 Proration of or not requiring continuing
 506 education.—

507 (2)

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

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

518 455.213 General licensing provisions.—

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

- 523 1. A barber under chapter 476;
- 524 2. ~~A cosmetologist or cosmetology specialist under chapter~~
 525 ~~477.~~

526 ~~3.~~ Any of the following construction professions under
 527 chapter 489:

- 528 a. Air-conditioning contractor;
- 529 b. Electrical contractor;
- 530 c. Mechanical contractor;
- 531 d. Plumbing contractor;
- 532 e. Pollutant storage systems contractor;
- 533 f. Roofing contractor;
- 534 g. Sheet metal contractor;
- 535 h. Solar contractor;
- 536 i. Swimming pool and spa contractor;
- 537 j. Underground utility and excavation contractor; or
- 538 k. Other specialty contractors; or

539 ~~3.4.~~ Any other profession for which the department issues
 540 a license, provided the profession is offered to inmates in any
 541 correctional institution or correctional facility as vocational
 542 training or through an industry certification program.

543 (12) (a) A person or an entity licensed or permitted by
 544 either the Division of Professions or the Division of Real
 545 Estate, or applying for a license or a permit, must create and
 546 maintain an account with the department's online system and
 547 provide an e-mail address to the department to function as the
 548 primary means of contact for all communication by the department
 549 to the licensee, permitholder, or applicant. Licensees,
 550 permitholders, and applicants are responsible for maintaining

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

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

567 **Section 18. Subsection (4) of section 468.382, Florida**
568 **Statutes, is amended to read:**

569 468.382 Definitions.—As used in this act, the term:

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

571 **Section 19. Subsection (4) of section 476.034, Florida**
572 **Statutes, is amended to read:**

573 476.034 Definitions.—As used in this act:

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

575 **Section 20. Section 468.520, Florida Statutes, is**

576 **reordered and amended to read:**

577 468.520 Definitions.—As used in this part:

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

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

581 (4)~~(3)~~ "Department" means the Department of Business and
582 Professional Regulation.

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

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

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

598 (c) A facilities staffing arrangement, whereby an
599 organization assigns its employees to staff, in whole or in
600 part, a specific client function or functions, on an ongoing,

601 indefinite basis, provided that the total number of individuals
602 assigned by that organization under such arrangements comprises
603 no more than 50 percent of the workforce at a client's worksite
604 and provided further that no more than 20 percent of the
605 individuals assigned to staff a particular client function were
606 employed by the client immediately preceding the commencement of
607 the arrangement.

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

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

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

619 (6)~~(5)~~ "Employee leasing company" means a sole
620 proprietorship, partnership, corporation, or other form of
621 business entity engaged in employee leasing.

622 (2)~~(6)~~ "Client company" means a person or entity which
623 contracts with an employee leasing company and is provided
624 employees pursuant to that contract.

625 (3)~~(7)~~ "Controlling person" means:

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

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

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

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

640

641 **Section 21. Section 477.013, Florida Statutes, is**
 642 **reordered and amended, to read:**

643 477.013 Definitions.—As used in this chapter:

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

645 (4)~~(2)~~ "Department" means the Department of Business and
 646 Professional Regulation.

647 (2)~~(3)~~ "Cosmetologist" means a person who is licensed to
 648 engage in the practice of cosmetology in this state under the
 649 authority of this chapter.

650 (3)~~(4)~~ "Cosmetology" means the mechanical or chemical

651 treatment of the head, face, and scalp for aesthetic rather than
652 medical purposes, including, but not limited to, hair
653 shampooing, hair cutting, hair arranging, hair coloring,
654 permanent waving, and hair relaxing for compensation. This term
655 also includes performing hair removal, including wax treatments,
656 manicures, pedicures, and skin care services.

657 (10)~~(5)~~ "Specialist" means any person holding a specialty
658 registration in one or more of the specialties registered under
659 this chapter.

660 (11)~~(6)~~ "Specialty" means the practice of one or more of
661 the following:

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

667 (b) Pedicuring, or the shaping, polishing, tinting, or
668 cleansing of the nails of the feet, and massaging or beautifying
669 of the feet.

670 (c) Facials, or the massaging or treating of the face or
671 scalp with oils, creams, lotions, or other preparations, and
672 skin care services.

673 (8)~~(7)~~ "Shampooing" means the washing of the hair with
674 soap and water or with a special preparation, or applying hair
675 tonics.

676 (12)~~(8)~~ "Specialty salon" means any place of business
677 wherein the practice of any ~~one or all~~ of the specialties as
678 defined in subsection (11) ~~(6)~~ are engaged in or carried on.

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

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

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

697 (1)~~(12)~~ "Body wrapping" means a treatment program that
698 uses herbal wraps for the purposes of cleansing and beautifying
699 the skin of the body, but does not include:

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

701 the body, except fluids contained in presoaked materials used in
 702 the wraps; or

703 (b) Manipulation of the body's superficial tissue, other
 704 than that arising from compression emanating from the wrap
 705 materials.

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

716 **Section 22. Section 492.102, Florida Statutes, is**
 717 **reordered and amended to read:**

718 492.102 Definitions.—For the purposes of this chapter,
 719 unless the context clearly requires otherwise:

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

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

723 (3) "Geology" means the science which includes the
 724 treatment of the earth and its origin and history, in general;
 725 the investigation of the earth's crust and interior and the

726 solids and fluids, including all surface and underground waters,
 727 and gases which compose the earth; the study of the natural
 728 agents, forces, and processes which cause changes in the earth;
 729 and the utilization of this knowledge of the earth and its
 730 solids, fluids, and gases, and their collective properties and
 731 processes, for the benefit of humankind.

732 (2)~~(4)~~ "Geologist" means an individual who, by reason of
 733 her or his knowledge of geology, soils, mathematics, and the
 734 physical and life sciences, acquired by education and practical
 735 experience, is capable of practicing the science of geology.

736 (6)~~(5)~~ "Qualified geologist" means an individual who
 737 possesses all the qualifications for licensure under ~~the~~
 738 ~~provisions of~~ this chapter, except that such person is not
 739 licensed.

740 (5)~~(6)~~ "Professional geologist" means an individual who is
 741 licensed as a geologist under ~~the provisions of~~ this chapter.

742 (4)~~(7)~~ "Practice of professional geology" means the
 743 performance of, or offer to perform, geological services,
 744 including, but not limited to, consultation, investigation,
 745 evaluation, planning, and geologic mapping, but not including
 746 mapping as prescribed in chapter 472, relating to geological
 747 work, except as specifically exempted by this chapter. Any
 748 person who practices any specialty branch of the profession of
 749 geology, or who by verbal claim, sign, advertisement,
 750 letterhead, card, or any other means represents herself or

751 himself to be a professional geologist, or who through the use
 752 of some title implies that she or he is a professional geologist
 753 or that she or he is licensed under this chapter, or who holds
 754 herself or himself out as able to perform or does perform any
 755 geological services or work recognized as professional geology,
 756 is ~~shall be~~ construed to be engaged in the practice of
 757 professional geology.

758 **Section 23. Subsection (3) of section 471.015, Florida**
 759 **Statutes, is amended to read:**

760 471.015 Licensure.—

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

763 (a) Qualifies to take the fundamentals examination and the
 764 principles and practice examination as set forth in s. 471.013,
 765 has passed a United States national, regional, state, or
 766 territorial licensing examination that is substantially
 767 equivalent to the fundamentals examination and principles and
 768 practice examination required by s. 471.013, and has satisfied
 769 the experience requirements set forth in paragraph (2)(a) and s.
 770 471.013; ~~or~~

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

776 (c) Holds a valid license to practice engineering issued
777 by a foreign jurisdiction approved by the board and holds an
778 active Council Record with the National Council of Examiners for
779 Engineering and Surveying.

780 **Section 24. Section 473.3065, Florida Statutes, is amended**
781 **to read:**

782 473.3065 Clay Ford Scholarship Program; Certified Public
783 Accountant Education Opportunity ~~Minority~~ Assistance Advisory
784 Council.—

785 (1) The Clay Ford Scholarship Program for Florida
786 residents is hereby established in the division for the purpose
787 of providing scholarships to ~~minority persons as defined in s.~~
788 ~~288.703 who are~~ students enrolled in their fifth year of an
789 accounting education program at an institution in this state
790 approved by the board by rule. A Certified Public Accountant
791 Education Opportunity ~~Minority~~ Assistance Advisory Council shall
792 assist the board in administering the program.

793 (2) All moneys used to provide scholarships under the Clay
794 Ford Scholarship Program shall be funded by a portion of
795 existing license fees, as set by the board, not to exceed \$10
796 per license. Such moneys shall be deposited into the
797 Professional Regulation Trust Fund in a separate account
798 maintained for that purpose. The department may spend up to
799 \$200,000 per year for the program from this program account but
800 may not allocate overhead charges to it. Moneys for scholarships

801 shall be disbursed twice per year upon recommendation of the
 802 advisory council and approval by the board, based on the adopted
 803 eligibility criteria and comparative evaluation of all
 804 applicants. Funds in the program account may be invested by the
 805 Chief Financial Officer under the same limitations as apply to
 806 investment of other state funds, and all interest earned thereon
 807 shall be credited to the program account.

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

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

813 1. Financial need.
 814 2. ~~Ethnic, gender, or racial minority status pursuant to~~
 815 ~~s. 288.703(4).~~

816 ~~3.~~ Scholastic ability and performance.

817 (b) Scholarship application procedures.

818 (c) Amounts in which scholarships may be provided, the
 819 total amount that may be provided, the timeframe for payments or
 820 partial payments, and criteria for how scholarship funds may be
 821 expended.

822 (d) The total amount of scholarships that can be made each
 823 year.

824 (e) The minimum balance that must be maintained in the
 825 program account.

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

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

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

841 (a) The council shall consist of five licensed Florida-
842 certified public accountants selected by the board, of whom one
843 shall be a board member who serves as chair of the council, ~~one~~
844 ~~shall be a representative of the National Association of Black~~
845 ~~Accountants, one shall be a representative of the Cuban American~~
846 ~~CPA Association, and two shall be selected at large. At least~~
847 ~~one member of the council must be a woman.~~

848 (b) The board shall determine the terms for initial
849 appointments and appointments thereafter.

850 (c) ~~Any vacancy on the council shall be filled in the~~

851 ~~manner provided for the selection of the initial member.~~ Any
852 member appointed to fill a vacancy of an unexpired term shall be
853 appointed for the remainder of that term.

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

859 (e) The members of the council shall serve without
860 compensation, and any necessary and actual expenses incurred by
861 a member while engaged in the business of the council shall be
862 borne by such member or by the organization or agency such
863 member represents. However, the council member who is a member
864 of the board shall be compensated in accordance with ss.
865 455.207(4) and 112.061.

866 **Section 25. Section 476.064, Florida Statutes, is amended**
867 **to read:**

868 476.064 Rulemaking authority ~~Organization; headquarters;~~
869 ~~personnel; meetings.~~

870 (1) ~~The board shall annually elect a chair and a vice~~
871 ~~chair from its number. The board shall maintain its headquarters~~
872 ~~in Tallahassee.~~

873 ~~(2)~~ The department shall appoint or employ such personnel
874 as may be necessary to assist the department ~~board~~ in exercising
875 the powers and performing the duties and obligations set forth

876 in this act. Such personnel need not be licensed barbers ~~and~~
877 ~~shall not be members of the board.~~ Such personnel are ~~shall be~~
878 authorized to do and perform such duties and work as may be
879 assigned by the department ~~board~~.

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

885 ~~(2)(4)~~ The department ~~board~~ has authority to adopt rules
886 pursuant to ss. 120.536(1) and 120.54 to implement ~~the~~
887 ~~provisions of this chapter.~~

888 **Section 26. Subsections (2), (8), and (9) of section**
889 **476.184, Florida Statutes, are amended, and subsection (11) is**
890 **added to that section, to read:**

891 476.184 Barbershop licensure; requirements; fee;
892 inspection; license display.—

893 (2) The department ~~board~~ shall adopt rules governing the
894 licensure and operation of a barbershop and its facilities,
895 personnel, safety and sanitary requirements, and the license
896 application and granting process.

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

901 fees for delinquent renewal.

902 (9) The department ~~board~~ is authorized to adopt rules
903 governing the operation and periodic inspection of barbershops
904 licensed under this chapter.

905 (11) (a) The department shall adopt rules governing the
906 licensure, operation, and inspection of mobile barbershops,
907 including their facilities, personnel, and safety and sanitary
908 requirements.

909 (b) Each mobile barbershop must comply with all licensure
910 and operating requirements specified in this chapter, chapter
911 455, or rules of the department that apply to barbershops at
912 fixed locations, except to the extent that such requirements
913 conflict with this subsection or rules adopted pursuant to this
914 subsection.

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

922 (d) To facilitate periodic inspections of a mobile
923 barbershop, before the beginning of each month each mobile
924 barbershop licenseholder must file with the department a written
925 monthly itinerary listing the locations where and the dates and

926 hours when the mobile barbershop will be operating.

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

933 **Section 27. Section 476.188, Florida Statutes, is amended**
 934 **to read:**

935 476.188 Barber services to be performed in a licensed
 936 ~~registered~~ barbershop; exception.-

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

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

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

959 (4) Pursuant to rules adopted by the department, the
 960 practice of barbering may be performed in a location other than
 961 a licensed barbershop when performed in connection with a
 962 special event and by a person who holds the proper license.

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

966 477.019 Cosmetologists; qualifications; licensure;
 967 supervised practice; license renewal; endorsement; continuing
 968 education.—

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

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

973 (b) Pays the required application fee, which is not
 974 refundable, and the required examination fee, which is
 975 refundable if the applicant is determined to not be eligible for

976 licensure for any reason other than failure to successfully
 977 complete the licensure examination; and

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

- 983 1. A school of cosmetology licensed pursuant to chapter
 984 1005.
- 985 2. A cosmetology program within the public school system.
- 986 3. The Cosmetology Division of the Florida School for the
 987 Deaf and the Blind, provided the division meets the standards of
 988 this chapter.
- 989 4. A government-operated cosmetology program in this
 990 state.

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

1000 (3) Upon an applicant receiving a passing grade, as

1001 established by department ~~board~~ rule, on the examination and
 1002 paying the initial licensing fee, the department shall issue a
 1003 license to practice cosmetology.

1004 (5) Renewal of license registration shall be accomplished
 1005 pursuant to rules adopted by the department ~~board~~.

1006 (6) The department ~~board~~ shall certify as qualified for
 1007 licensure by endorsement as a cosmetologist in this state an
 1008 applicant who holds a current active license to practice
 1009 cosmetology in another state.

1010 (7) (a) The department ~~board~~ shall prescribe by rule
 1011 continuing education requirements intended to ensure protection
 1012 of the public through updated training of licensees and
 1013 registered specialists, not to exceed 10 hours biennially, as a
 1014 condition for renewal of a license or registration as a
 1015 specialist under this chapter. Continuing education courses
 1016 shall include, but not be limited to, the following subjects as
 1017 they relate to the practice of cosmetology: human
 1018 immunodeficiency virus and acquired immune deficiency syndrome;
 1019 Occupational Safety and Health Administration regulations;
 1020 workers' compensation issues; state and federal laws and rules
 1021 as they pertain to cosmetologists, cosmetology, salons,
 1022 specialists, specialty salons, and booth renters; chemical
 1023 makeup as it pertains to hair, skin, and nails; and
 1024 environmental issues. Courses given at cosmetology conferences
 1025 may be counted toward the number of continuing education hours

1026 required if approved by the department ~~board~~.

1027 (b) The department ~~board~~ may, by rule, require any
1028 licensee in violation of a continuing education requirement to
1029 take a refresher course or refresher course and examination in
1030 addition to any other penalty. The number of hours for the
1031 refresher course may not exceed 48 hours.

1032 (8) An initial applicant must submit, along with the
1033 application, a complete set of fingerprints to the department.
1034 The fingerprints must be submitted to the Department of Law
1035 Enforcement for state processing, and the Department of Law
1036 Enforcement shall forward them to the Federal Bureau of
1037 Investigation for national processing for the purpose of
1038 determining whether the applicant has a criminal history record.
1039 The department must review the background results to determine
1040 whether an applicant meets licensure requirements. The cost for
1041 the fingerprint processing must be borne by the applicant. These
1042 fees are to be collected by the authorized agencies or vendors.
1043 The authorized agencies or vendors are responsible for paying
1044 the processing costs to the Department of Law Enforcement.

1045 **Section 29. Paragraphs (b) and (c) of subsection (1) and**
1046 **subsections (4) and (5) of section 477.0201, Florida Statutes,**
1047 **are amended, and subsection (7) is added to that section, to**
1048 **read:**

1049 477.0201 Specialty registration; qualifications;
1050 registration renewal; endorsement.—

1051 (1) Any person is qualified for registration as a
 1052 specialist in any specialty practice within the practice of
 1053 cosmetology under this chapter who:

1054 (b) Has received a certificate of completion for:

1055 1. One hundred and eighty hours of training, as
 1056 established by the department board, which shall focus primarily
 1057 on sanitation and safety, to practice specialties as defined in
 1058 s. 477.013(11) (a) and (b) ~~s. 477.013(6) (a) and (b)~~;

1059 2. Two hundred and twenty hours of training, as
 1060 established by the department board, which shall focus primarily
 1061 on sanitation and safety, to practice the specialty as defined
 1062 in s. 477.013(11) (c) ~~s. 477.013(6) (e)~~; or

1063 3. Four hundred hours of training or the number of hours
 1064 of training required to maintain minimum Pell Grant
 1065 requirements, as established by the department board, which
 1066 shall focus primarily on sanitation and safety, to practice the
 1067 specialties as defined in s. 477.013(11) (a)-(c) ~~s.~~
 1068 ~~477.013(6) (a)-(e)~~.

1069 (c) The certificate of completion specified in paragraph
 1070 (b) must be from one of the following:

1071 1. A school licensed pursuant to s. 477.023.
 1072 2. A school licensed pursuant to chapter 1005 or the
 1073 equivalent licensing authority of another state.
 1074 3. A specialty program within the public school system.
 1075 4. A specialty division within the Cosmetology Division of

1076 the Florida School for the Deaf and the Blind, provided the
1077 training programs comply with minimum curriculum requirements
1078 established by the department ~~board~~.

1079 (4) Renewal of registration shall be accomplished pursuant
1080 to rules adopted by the department ~~board~~.

1081 (5) The department ~~board~~ shall adopt rules specifying
1082 procedures for the registration of specialty practitioners
1083 desiring to be registered in this state who have been registered
1084 or licensed and are practicing in states which have registering
1085 or licensing standards substantially similar to, equivalent to,
1086 or more stringent than the standards of this state.

1087 (7) An initial applicant must submit, along with the
1088 application, a complete set of fingerprints to the department.
1089 The fingerprints must be submitted to the Department of Law
1090 Enforcement for state processing, and the Department of Law
1091 Enforcement shall forward the fingerprints to the Federal Bureau
1092 of Investigation for national processing for the purpose of
1093 determining whether the applicant has a criminal history record.
1094 The department shall review the background results to determine
1095 whether an applicant meets licensure requirements. The cost for
1096 the fingerprint processing must be borne by the applicant. These
1097 fees are to be collected by the authorized agencies or vendors.
1098 The authorized agencies or vendors are responsible for paying
1099 the processing costs to the Department of Law Enforcement.

1100 **Section 30.** Chapter 481, Florida Statutes, consisting of

1101 ss. 481.201-481.329, Florida Statutes, and entitled
 1102 "Architecture, Interior Design, and Landscape Architecture," is
 1103 renamed "Architecture and Landscape Architecture."

1104 **Section 31.** Part I of chapter 481, Florida Statutes,
 1105 consisting of ss. 481.201-481.231, Florida Statutes, and
 1106 entitled "Architecture and Interior Design," is renamed
 1107 "Architecture."

1108 **Section 32. Subsections (3), (5), and (8) through (13) of**
 1109 **section 481.203, Florida Statutes, are amended to read:**

1110 481.203 Definitions.—As used in this part, the term:

1111 (3) "Board" means the Board of Architecture and Landscape
 1112 Architecture Interior Design.

1113 (5) "Certificate of registration" means a license or
 1114 registration issued by the department to a natural person to
 1115 engage in the practice of architecture ~~or interior design.~~

1116 ~~(8) "Diversified interior design experience" means~~
 1117 ~~experience which substantially encompasses the various elements~~
 1118 ~~of interior design services set forth under the definition of~~
 1119 ~~"interior design" in subsection (10).~~

1120 ~~(9) "Interior decorator services" includes the selection~~
 1121 ~~or assistance in selection of surface materials, window~~
 1122 ~~treatments, wallcoverings, paint, floor coverings, surface-~~
 1123 ~~mounted lighting, surface-mounted fixtures, and loose~~
 1124 ~~furnishings not subject to regulation under applicable building~~
 1125 ~~codes.~~

1126 ~~(10) "Interior design" means designs, consultations,~~
1127 ~~studies, drawings, specifications, and administration of design~~
1128 ~~construction contracts relating to nonstructural interior~~
1129 ~~elements of a building or structure. "Interior design" includes,~~
1130 ~~but is not limited to, reflected ceiling plans, space planning,~~
1131 ~~furnishings, and the fabrication of nonstructural elements~~
1132 ~~within and surrounding interior spaces of buildings. "Interior~~
1133 ~~design" specifically excludes the design of or the~~
1134 ~~responsibility for architectural and engineering work, except~~
1135 ~~for specification of fixtures and their location within interior~~
1136 ~~spaces. As used in this subsection, "architectural and~~
1137 ~~engineering interior construction relating to the building~~
1138 ~~systems" includes, but is not limited to, construction of~~
1139 ~~structural, mechanical, plumbing, heating, air conditioning,~~
1140 ~~ventilating, electrical, or vertical transportation systems, or~~
1141 ~~construction which materially affects lifesafety systems~~
1142 ~~pertaining to firesafety protection such as fire-rated~~
1143 ~~separations between interior spaces, fire-rated vertical shafts~~
1144 ~~in multistory structures, fire-rated protection of structural~~
1145 ~~elements, smoke evacuation and compartmentalization, emergency~~
1146 ~~ingress or egress systems, and emergency alarm systems.~~

1147 ~~(11) "Nonstructural element" means an element which does~~
1148 ~~not require structural bracing and which is something other than~~
1149 ~~a load-bearing wall, load-bearing column, or other load-bearing~~
1150 ~~element of a building or structure which is essential to the~~

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1151 ~~structural integrity of the building.~~

1152 ~~(12) "Reflected ceiling plan" means a ceiling design plan~~
1153 ~~which is laid out as if it were projected downward and which may~~
1154 ~~include lighting and other elements.~~

1155 ~~(13) "Registered interior designer" means a natural person~~
1156 ~~who holds a valid certificate of registration to practice~~
1157 ~~interior design.~~

1158 **Section 33. Section 481.205, Florida Statutes, is amended**
1159 **to read:**

1160 481.205 Board of Architecture and Landscape Architecture
1161 ~~Interior Design.~~

1162 (1) The Board of Architecture and Landscape Architecture
1163 ~~Interior Design~~ is created within the Department of Business and
1164 Professional Regulation. The board shall consist of 10 ~~11~~
1165 members. Five members must be registered architects who have
1166 been engaged in the practice of architecture for at least 5
1167 years; three members must be registered landscape architects
1168 ~~interior designers who have been offering interior design~~
1169 ~~services for at least 5 years and who are not also registered~~
1170 ~~architects; and~~ two ~~three~~ members must be laypersons who are
1171 not, and have never been, architects, landscape architects
1172 ~~interior designers~~, or members of any closely related profession
1173 or occupation. At least one member of the board must be 60 years
1174 of age or older.

1175 (2) Members shall be appointed for 4-year staggered terms.

1176 (3) (a) Notwithstanding ~~the provisions of~~ ss. 455.225,
1177 455.228, and 455.32, the duties and authority of the department
1178 to receive complaints and investigate and discipline persons
1179 licensed or registered under this chapter ~~part~~, including the
1180 ability to determine legal sufficiency and probable cause; to
1181 initiate proceedings and issue final orders for summary
1182 suspension or restriction of a license or certificate of
1183 registration pursuant to s. 120.60(6); to issue notices of
1184 noncompliance, notices to cease and desist, subpoenas, and
1185 citations; to retain legal counsel, investigators, or
1186 prosecutorial staff in connection with the licensed practice of
1187 architecture or landscape architecture ~~registered interior~~
1188 ~~design~~; and to investigate and deter the unlicensed practice of
1189 architecture as provided in s. 455.228 are delegated to the
1190 board. All complaints and any information obtained pursuant to
1191 an investigation authorized by the board are confidential and
1192 exempt from s. 119.07(1) as provided in s. 455.225(2) and (10).

1193 (b) The board shall contract with a corporation or other
1194 business entity pursuant to s. 287.057 to provide investigative,
1195 legal, prosecutorial, and other services necessary to perform
1196 its duties.

1197 (c) The corporation or business entity shall comply with
1198 all the recordkeeping and reporting requirements of s. 455.32
1199 applicable to the scope of the contract and shall report
1200 directly to the board in lieu of the department. Records of the

1201 corporation or other business entity contracting with the board
 1202 shall be considered public records as specified in s.
 1203 455.32(15).

1204 (d) Notwithstanding ~~the provisions of~~ s. 455.228, the
 1205 board may use funds in the unlicensed activity account
 1206 established under s. 455.2281 to perform its duties relating to
 1207 unlicensed activity under this subsection.

1208 (e) The board shall submit an annual budget request to the
 1209 department by October 1 of each year for the purpose of funding
 1210 its activities under this subsection. The department, on behalf
 1211 of the board, shall submit the budget request unchanged to the
 1212 Executive Office of the Governor and the Legislature pursuant to
 1213 s. 216.023.

1214 (f) The board shall issue an annual report on the
 1215 activities under this subsection by October 1 of each year. The
 1216 annual report shall be submitted to the Executive Office of the
 1217 Governor, the President of the Senate, the Speaker of the House
 1218 of Representatives, and the chairs of the legislative
 1219 appropriations committees. The report must ~~shall~~ describe all of
 1220 the activities performed under this subsection for the previous
 1221 fiscal year and shall include, but need not be limited to, the
 1222 following:

- 1223 1. The number of complaints received.
- 1224 2. The number of complaints determined to be legally
 1225 sufficient.

- 1226 3. The number of complaints determined to be legally
 1227 insufficient.
- 1228 4. The number of complaints dismissed.
- 1229 5. The number of complaints filed in circuit court.
- 1230 6. The number of complaints determined to have probable
 1231 cause.
- 1232 7. The number of administrative complaints issued and the
 1233 status of the complaints.
- 1234 8. The number and nature of disciplinary actions taken by
 1235 the board.
- 1236 9. The number and the amount of fines and penalties
 1237 imposed.
- 1238 10. The number and the amount of fines and penalties
 1239 collected.
- 1240 11. Total revenues received and all expenses incurred by
 1241 the contractor during the previous fiscal year.
- 1242 12. Total completed investigations.
- 1243 13. Total pending investigations.
- 1244 14. A summary of any audits performed, including financial
 1245 reports and performance audits of the contractor.
- 1246 (4) The board may establish minimum procedures,
 1247 documentation, and other requirements for indicating evidence of
 1248 the exercise of responsible supervising control by a person
 1249 licensed under this part in connection with work performed both
 1250 inside and outside the licensee's office.

1251 **Section 34. Section 481.207, Florida Statutes, is amended**
 1252 **to read:**

1253 481.207 Fees.—The board, by rule, may establish fees for
 1254 architects ~~and registered interior designers~~, to be paid for
 1255 applications, examination, reexamination, licensing and renewal,
 1256 delinquency, reinstatement, and recordmaking and recordkeeping.
 1257 The examination fee must ~~shall~~ be in an amount that covers the
 1258 cost of obtaining and administering the examination and must
 1259 ~~shall~~ be refunded if the applicant is found ineligible to sit
 1260 for the examination. The application fee is nonrefundable. The
 1261 fee for initial application and examination for architects may
 1262 not exceed \$775 plus the actual per applicant cost to the
 1263 department for purchase of the examination from the National
 1264 Council of Architectural Registration Boards or similar national
 1265 organizations. ~~The initial nonrefundable fee for registered~~
 1266 ~~interior designers may not exceed \$75.~~ The biennial renewal fee
 1267 for architects may not exceed \$200. ~~The biennial renewal fee for~~
 1268 ~~registered interior designers may not exceed \$75.~~ The
 1269 delinquency fee may not exceed the biennial renewal fee
 1270 established by the board for an active license. The board shall
 1271 establish fees that are adequate to ensure the continued
 1272 operation of the board and to fund the proportionate expenses
 1273 incurred by the department which are allocated to the regulation
 1274 of architects ~~and registered interior designers~~. Fees shall be
 1275 based on department estimates of the revenue required to

1276 implement this part and the provisions of law with respect to
 1277 the regulation of architects and ~~interior designers.~~

1278 **Section 35. Section 481.209, Florida Statutes, is amended**
 1279 **to read:**

1280 481.209 Examinations.—

1281 ~~(1)~~ A person desiring to be licensed as a registered
 1282 architect by initial examination shall apply to the department,
 1283 complete the application form, and remit a nonrefundable
 1284 application fee. The department shall license any applicant who
 1285 the board certifies has passed the licensure examination
 1286 prescribed by board rule and is a graduate of a school or
 1287 college of architecture with a program accredited by the
 1288 National Architectural Accreditation Board.

1289 ~~(2) A person seeking to obtain a certificate of~~
 1290 ~~registration as a registered interior designer and a seal~~
 1291 ~~pursuant to s. 481.221 must provide the department with his or~~
 1292 ~~her name and address and written proof that he or she has~~
 1293 ~~successfully passed the qualification examination prescribed by~~
 1294 ~~the Council for Interior Design Qualification or its successor~~
 1295 ~~entity or has successfully passed an equivalent exam as~~
 1296 ~~determined by the department. Any person who is licensed as an~~
 1297 ~~interior designer by the department and who was in good standing~~
 1298 ~~as of July 1, 2020, is eligible to obtain a certificate of~~
 1299 ~~registration as a registered interior designer.~~

1300 **Section 36. Subsections (1) through (4) and (8) of section**

1301 **481.213, Florida Statutes, are amended, and subsection (7) of**
 1302 **that section is reenacted, to read:**

1303 481.213 Licensure and registration.—

1304 (1) The department shall license or register any applicant
 1305 who the board certifies is qualified for licensure or
 1306 registration and who has paid the initial licensure or
 1307 registration fee. ~~Licensure as an architect under this section~~
 1308 ~~shall be deemed to include all the rights and privileges of~~
 1309 ~~registration as an interior designer under this section.~~

1310 (2) The board shall certify for licensure ~~or registration~~
 1311 by examination any applicant who passes the prescribed licensure
 1312 ~~or registration~~ examination and satisfies the requirements of
 1313 ss. 481.209 and 481.211, for architects, ~~or the requirements of~~
 1314 ~~s. 481.209, for interior designers.~~

1315 (3) The board shall certify as qualified for a license by
 1316 endorsement as an architect ~~or registration as a registered~~
 1317 ~~interior designer~~ an applicant who:

1318 (a) Qualifies to take the prescribed licensure ~~or~~
 1319 ~~registration~~ examination, and has passed the prescribed
 1320 licensure ~~or registration~~ examination or a substantially
 1321 equivalent examination in another jurisdiction, as set forth in
 1322 s. 481.209 ~~for architects or registered interior designers, as~~
 1323 ~~applicable~~, and has satisfied the internship requirements set
 1324 forth in s. 481.211 ~~for architects;~~

1325 (b) Holds a valid license to practice architecture or a

1326 ~~license, registration, or certification to practice interior~~
1327 ~~design~~ issued by another jurisdiction of the United States, if
1328 the criteria for issuance of such license were substantially
1329 equivalent to the licensure criteria that existed in this state
1330 at the time the license was issued; or

1331 (c) ~~Has passed the prescribed licensure examination and~~
1332 Holds a valid certificate issued by the National Council of
1333 Architectural Registration Boards, and holds a valid license to
1334 practice architecture issued by another state, another ~~or~~
1335 jurisdiction of the United States, or a foreign jurisdiction
1336 approved by the board.

1337
1338 An architect who is licensed in another state, another
1339 jurisdiction of the United States, or a foreign jurisdiction
1340 approved by the board who seeks qualification for licensure
1341 ~~license~~ by endorsement under this subsection must complete a 2-
1342 hour class approved by the board on wind mitigation techniques.

1343 (4) The board may refuse to certify any applicant who has
1344 violated any of the provisions of s. 481.223 or s. 481.225 ~~s.~~
1345 ~~481.223, s. 481.225, or s. 481.2251~~, as applicable.

1346 (7) For persons whose licensure requires satisfaction of
1347 the requirements of ss. 481.209 and 481.211, the board shall, by
1348 rule, establish qualifications for certification of such persons
1349 as special inspectors of threshold buildings, as defined in ss.
1350 553.71 and 553.79, and shall compile a list of persons who are

1351 certified. A special inspector is not required to meet standards
 1352 for certification other than those established by the board, and
 1353 the fee owner of a threshold building may not be prohibited from
 1354 selecting any person certified by the board to be a special
 1355 inspector. The board shall develop minimum qualifications for
 1356 the qualified representative of the special inspector who is
 1357 authorized under s. 553.79 to perform inspections of threshold
 1358 buildings on behalf of the special inspector.

1359 ~~(8) A certificate of registration is not required for a~~
 1360 ~~person whose occupation or practice is confined to interior~~
 1361 ~~decorator services or for a person whose occupation or practice~~
 1362 ~~is confined to interior design as provided in this part.~~

1363 **Section 37. Subsection (3) of section 481.215, Florida**
 1364 **Statutes, is amended to read:**

1365 481.215 Renewal of license or certificate of
 1366 registration.—

1367 (3) A license or certificate of registration renewal may
 1368 not be issued to an architect ~~or a registered interior designer~~
 1369 by the department until the licensee or registrant submits proof
 1370 satisfactory to the department that, during the 2 years before
 1371 application for renewal, the licensee or registrant participated
 1372 per biennium in not less than 20 hours of at least 50 minutes
 1373 each per biennium of continuing education approved by the board.
 1374 The board shall approve only continuing education that builds
 1375 upon the basic knowledge of architecture ~~or interior design~~. The

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1376 board may make exception from the requirements of continuing
1377 education in emergency or hardship cases.

1378 **Section 38. Subsection (1) of section 481.217, Florida**
1379 **Statutes, is amended to read:**

1380 481.217 Inactive status.—

1381 (1) The board may prescribe by rule continuing education
1382 requirements as a condition of reactivating a license. The rules
1383 may not require more than one renewal cycle of continuing
1384 education to reactivate a license or registration for a
1385 registered architect ~~or registered interior designer.~~

1386 **Section 39. Subsections (7) and (8) of section 481.219,**
1387 **Florida Statutes, are amended to read:**

1388 481.219 Qualification of business organizations.—

1389 (7) A business organization is not relieved of
1390 responsibility for the conduct or acts of its agents, employees,
1391 or officers by reason of its compliance with this section.
1392 However, except as provided in s. 558.0035, the architect who
1393 signs and seals the construction documents and instruments of
1394 service is liable for the professional services performed, ~~and~~
1395 ~~the interior designer who signs and seals the interior design~~
1396 ~~drawings, plans, or specifications shall be liable for the~~
1397 ~~professional services performed.~~

1398 (8) This section may not be construed to mean that a
1399 certificate of registration to practice architecture must be
1400 held by a business organization. This section does not prohibit

1401 a business organization from offering architectural,
1402 engineering, ~~interior design~~, surveying and mapping, and
1403 landscape architectural services, or any combination of such
1404 services, to the public if the business organization otherwise
1405 meets the requirements of law.

1406 **Section 40. Subsections (3), (5), (7), (9), (11), and (12)**
1407 **of section 481.221, Florida Statutes, are amended to read:**

1408 481.221 Seals; display of certificate number.—

1409 ~~(3) The board shall adopt a rule prescribing the~~
1410 ~~distinctly different seals to be used by registered interior~~
1411 ~~designers holding valid certificates of registration. Each~~
1412 ~~registered interior designer shall obtain a seal as prescribed~~
1413 ~~by the board, and all drawings, plans, specifications, or~~
1414 ~~reports prepared or issued by the registered interior designer~~
1415 ~~and being filed for public record shall bear the signature and~~
1416 ~~seal of the registered interior designer who prepared or~~
1417 ~~approved the document and the date on which they were sealed.~~
1418 ~~The signature, date, and seal shall be evidence of the~~
1419 ~~authenticity of that to which they are affixed. Final plans,~~
1420 ~~specifications, or reports prepared or issued by a registered~~
1421 ~~interior designer may be transmitted electronically and may be~~
1422 ~~signed by the registered interior designer, dated, and sealed~~
1423 ~~electronically with the seal in accordance with ss. 668.001-~~
1424 ~~668.006.~~

1425 ~~(5) No registered interior designer shall affix, or permit~~

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1426 | ~~to be affixed, her or his seal or signature to any plan,~~
1427 | ~~specification, drawing, or other document which depicts work~~
1428 | ~~which she or he is not competent or registered to perform.~~

1429 | ~~(7) No registered interior designer shall affix her or his~~
1430 | ~~signature or seal to any plans, specifications, or other~~
1431 | ~~documents which were not prepared by her or him or under her or~~
1432 | ~~his responsible supervising control or by another registered~~
1433 | ~~interior designer and reviewed, approved, or modified and~~
1434 | ~~adopted by her or him as her or his own work according to rules~~
1435 | ~~adopted by the board.~~

1436 | ~~(9) Studies, drawings, specifications, and other related~~
1437 | ~~documents prepared by a registered interior designer in~~
1438 | ~~providing interior design services shall be of a sufficiently~~
1439 | ~~high standard to clearly and accurately indicate all essential~~
1440 | ~~parts of the work to which they refer.~~

1441 | (7) ~~(11)~~ When the certificate of registration of a
1442 | registered architect or interior designer has been revoked or
1443 | suspended by the board, the registered architect ~~or interior~~
1444 | ~~designer~~ shall surrender her or his seal to the secretary of the
1445 | board within a period of 30 days after the revocation or
1446 | suspension has become effective. If the certificate of the
1447 | registered architect ~~or interior designer~~ has been suspended for
1448 | a period of time, her or his seal shall be returned to her or
1449 | him upon expiration of the suspension period.

1450 | (8) ~~(12)~~ A person may not sign and seal by any means any

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1451 final plan, specification, or report after her or his
1452 certificate of registration has expired or is suspended or
1453 revoked. A registered architect ~~or interior designer~~ whose
1454 certificate of registration is suspended or revoked shall,
1455 within 30 days after the effective date of the suspension or
1456 revocation, surrender her or his seal to the executive director
1457 of the board and confirm in writing to the executive director
1458 the cancellation of the registered architect's ~~or interior~~
1459 ~~designer's~~ electronic signature in accordance with ss. 668.001-
1460 668.006. When a registered architect's ~~or interior designer's~~
1461 certificate of registration is suspended for a period of time,
1462 her or his seal shall be returned upon expiration of the period
1463 of suspension.

1464 **Section 41. Section 481.222, Florida Statutes, is amended**
1465 **to read:**

1466 481.222 Architects performing building code inspection
1467 services.—Notwithstanding any other provision of law, a person
1468 who is currently licensed to practice as an architect under this
1469 part may provide building code inspection services described in
1470 s. 468.603(5) and (8) to a local government or state agency upon
1471 its request, without being certified by the Florida Building
1472 Code Administrators and Inspectors Board under part XII of
1473 chapter 468. With respect to the performance of such building
1474 code inspection services, the architect is subject to the
1475 disciplinary guidelines of this part and s. 468.621(1)(c)-(h).

1476 Any complaint processing, investigation, and discipline that
1477 arise out of an architect's performance of building code
1478 inspection services shall be conducted by the Board of
1479 Architecture and Landscape Architecture ~~Interior Design~~ rather
1480 than the Florida Building Code Administrators and Inspectors
1481 Board. An architect may not perform plans review as an employee
1482 of a local government upon any job that the architect or the
1483 architect's company designed.

1484 **Section 42. Paragraphs (b) and (e) of subsection (1) of**
1485 **section 481.223, Florida Statutes, are amended to read:**

1486 481.223 Prohibitions; penalties; injunctive relief.-

1487 (1) A person may not knowingly:

1488 (b) Use the name or title "architect~~7~~" or "registered
1489 architect~~7~~" ~~or "registered interior designer"~~ when the person is
1490 not then the holder of a valid license or certificate of
1491 registration issued pursuant to this part. ~~This paragraph does~~
1492 ~~not restrict the use of the name or title "interior designer" or~~
1493 ~~"interior design firm."~~

1494 (e) Use or attempt to use an architect license ~~or interior~~
1495 ~~design certificate of registration~~ that has been suspended,
1496 revoked, or placed on inactive or delinquent status.

1497 **Section 43. Subsections (5), (6), and (7) of section**
1498 **481.229, Florida Statutes, are amended to read:**

1499 481.229 Exceptions; exemptions from licensure.-

1500 ~~(5)(a) Nothing contained in this part shall prevent a~~

1501 ~~registered architect or a partnership, limited liability~~
1502 ~~company, or corporation holding a valid certificate of~~
1503 ~~authorization to provide architectural services from performing~~
1504 ~~any interior design service or from using the title "interior~~
1505 ~~designer" or "registered interior designer."~~

1506 ~~(b) Notwithstanding any other provision of this part, all~~
1507 ~~persons licensed as architects under this part shall be~~
1508 ~~qualified for interior design registration upon submission of a~~
1509 ~~completed application for such license and a fee not to exceed~~
1510 ~~\$30. Such persons shall be exempt from the requirements of s.~~
1511 ~~481.209(2). For architects licensed as interior designers,~~
1512 ~~satisfaction of the requirements for renewal of licensure as an~~
1513 ~~architect under s. 481.215 shall be deemed to satisfy the~~
1514 ~~requirements for renewal of registration as an interior designer~~
1515 ~~under that section. Complaint processing, investigation, or~~
1516 ~~other discipline-related legal costs related to persons licensed~~
1517 ~~as interior designers under this paragraph shall be assessed~~
1518 ~~against the architects' account of the Regulatory Trust Fund.~~

1519 ~~(c) Notwithstanding any other provision of this part, any~~
1520 ~~corporation, partnership, or person operating under a fictitious~~
1521 ~~name which holds a certificate of authorization to provide~~
1522 ~~architectural services shall be qualified, without fee, for a~~
1523 ~~certificate of authorization to provide interior design services~~
1524 ~~upon submission of a completed application therefor. For~~
1525 ~~corporations, partnerships, and persons operating under a~~

1526 ~~fictitious name which hold a certificate of authorization to~~
1527 ~~provide interior design services, satisfaction of the~~
1528 ~~requirements for renewal of the certificate of authorization to~~
1529 ~~provide architectural services under s. 481.219 shall be deemed~~
1530 ~~to satisfy the requirements for renewal of the certificate of~~
1531 ~~authorization to provide interior design services under that~~
1532 ~~section.~~

1533 ~~(6) This part shall not apply to:~~

1534 ~~(a) A person who performs interior design services or~~
1535 ~~interior decorator services for any residential application. For~~
1536 ~~purposes of this paragraph, "residential applications" includes~~
1537 ~~all types of residences, including, but not limited to,~~
1538 ~~residence buildings, single-family homes, multifamily homes,~~
1539 ~~townhouses, apartments, condominiums, and domestic outbuildings~~
1540 ~~appurtenant to one-family or two-family residences.~~

1541 ~~(b) An employee of a retail establishment providing~~
1542 ~~"interior decorator services" on the premises of the retail~~
1543 ~~establishment or in the furtherance of a retail sale or~~
1544 ~~prospective retail sale, provided that such employee does not~~
1545 ~~advertise as, or represent himself or herself as, a registered~~
1546 ~~interior designer.~~

1547 ~~(7) Nothing in this part shall be construed as authorizing~~
1548 ~~or permitting an interior designer to engage in the business of,~~
1549 ~~or to act as, a contractor within the meaning of chapter 489,~~
1550 ~~unless registered or certified as a contractor pursuant to~~

1551 ~~chapter 489.~~

1552 **Section 44. Subsection (1) of section 481.231, Florida**
 1553 **Statutes, is amended, and subsection (2) of that section is**
 1554 **reenacted, to read:**

1555 481.231 Effect of part locally.—

1556 (1) This part does not repeal, amend, limit, or otherwise
 1557 affect any specific provision of any local building code or
 1558 zoning law or ordinance that has been duly adopted, now or
 1559 hereafter enacted, which is more restrictive, with respect to
 1560 the services of registered architects ~~or registered interior~~
 1561 ~~designers, than this part; provided, however, that a licensed~~
 1562 ~~architect shall be deemed registered as an interior designer for~~
 1563 ~~purposes of offering or rendering interior design services to a~~
 1564 ~~county, municipality, or other local government or political~~
 1565 ~~subdivision.~~

1566 (2) Counties or municipalities which issue building
 1567 permits shall not issue permits if it is apparent from the
 1568 application for the building permit that the provisions of this
 1569 part have been violated; provided, however, that this subsection
 1570 shall not authorize the withholding of building permits in cases
 1571 involving the exceptions and exemptions set out in s. 481.229.

1572 **Section 45. Subsection (1) of section 481.303, Florida**
 1573 **Statutes, is amended to read:**

1574 481.303 Definitions.—As used in this chapter, the term:

1575 (1) "Board" means the Board of Architecture and Landscape

1576 | Architecture, as described in s. 481.203(3).

1577 | **Section 46. Subsection (5) of section 489.107, Florida**
 1578 | **Statutes, is amended to read:**

1579 | 489.107 Construction Industry Licensing Board.—

1580 | (5) Fifty-one percent or more of the appointed ~~Five~~
 1581 | members of Division I constitute a quorum, and 51 percent or
 1582 | more of the appointed ~~five~~ members of Division II constitute a
 1583 | quorum. The combined divisions shall meet together at such times
 1584 | as the board deems necessary, but neither division, nor any
 1585 | committee thereof, may ~~shall~~ take action on any matter under the
 1586 | jurisdiction of the other division. However, if either division
 1587 | is unable to obtain a quorum ~~for the purpose of conducting~~
 1588 | ~~disciplinary proceedings~~, it may request members of the other
 1589 | division, who are otherwise qualified to serve on the division
 1590 | unable to obtain a quorum, to join in its deliberations. Such
 1591 | additional members shall vote and count toward a quorum ~~only~~
 1592 | ~~during those disciplinary proceedings.~~

1593 | **Section 47. Subsection (4) of section 489.111, Florida**
 1594 | **Statutes, is amended to read:**

1595 | 489.111 Licensure by examination.—

1596 | ~~(4) The department shall ensure that a sensitivity review~~
 1597 | ~~committee has been established including representatives of~~
 1598 | ~~various ethnic/minority groups. No question found by this~~
 1599 | ~~committee to be discriminatory against any ethnic/minority group~~
 1600 | ~~shall be included in the examination.~~

1601 **Section 48. Paragraph (1) of subsection (8), paragraphs**
 1602 **(a) and (d) of subsection (9), and subsection (15) of section**
 1603 **499.012, Florida Statutes, are amended, and paragraph (a) of**
 1604 **subsection (5) and paragraph (a) of subsection (12) of that**
 1605 **section are reenacted, to read:**

1606 499.012 Permit application requirements.—

1607 (5) (a) The department shall adopt rules for the biennial
 1608 renewal of permits; however, the department may issue up to a 4-
 1609 year permit to selected permittees notwithstanding any other
 1610 provision of law. Fees for such renewal may not exceed the fee
 1611 caps set forth in s. 499.041 on an annualized basis as
 1612 authorized by law.

1613 (8) An application for a permit or to renew a permit for a
 1614 prescription drug wholesale distributor or an out-of-state
 1615 prescription drug wholesale distributor submitted to the
 1616 department must include:

1617 (1) ~~The name of each of the applicant's designated~~
 1618 ~~representatives as required by subsection (15), together with~~
 1619 The personal information statement and fingerprints required
 1620 pursuant to subsection (9) for each such person.

1621 (9) (a) Each person required by subsection (8) ~~or~~
 1622 ~~subsection (15)~~ to provide a personal information statement and
 1623 fingerprints shall provide the following information to the
 1624 department on forms prescribed by the department:

1625 1. The person's places of residence for the past 7 years.

1626 2. The person's date and place of birth.

1627 3. The person's occupations, positions of employment, and
1628 offices held during the past 7 years.

1629 4. The principal business and address of any business,
1630 corporation, or other organization in which each such office of
1631 the person was held or in which each such occupation or position
1632 of employment was carried on.

1633 5. Whether the person has been, during the past 7 years,
1634 the subject of any proceeding for the revocation of any license
1635 and, if so, the nature of the proceeding and the disposition of
1636 the proceeding.

1637 6. Whether, during the past 7 years, the person has been
1638 enjoined, temporarily or permanently, by a court of competent
1639 jurisdiction from violating any federal or state law regulating
1640 the possession, control, or distribution of prescription drugs,
1641 together with details concerning any such event.

1642 7. A description of any involvement by the person with any
1643 business, including any investments, other than the ownership of
1644 stock in a publicly traded company or mutual fund, during the
1645 past 4 years, which manufactured, administered, prescribed,
1646 distributed, or stored pharmaceutical products and any lawsuits
1647 in which such businesses were named as a party.

1648 8. A description of any felony criminal offense of which
1649 the person, as an adult, was found guilty, regardless of whether
1650 adjudication of guilt was withheld or whether the person pled

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1651 guilty or nolo contendere. A criminal offense committed in
1652 another jurisdiction which would have been a felony in this
1653 state must be reported. If the person indicates that a criminal
1654 conviction is under appeal and submits a copy of the notice of
1655 appeal of that criminal offense, the applicant must, within 15
1656 days after the disposition of the appeal, submit to the
1657 department a copy of the final written order of disposition.

1658 9. A photograph of the person taken in the previous 180
1659 days.

1660 10. A set of fingerprints for the person on a form and
1661 under procedures specified by the department, together with
1662 payment of an amount equal to the costs incurred by the
1663 department for the criminal record check of the person.

1664 11. The name, address, occupation, and date and place of
1665 birth for each member of the person's immediate family who is 18
1666 years of age or older. As used in this subparagraph, the term
1667 "member of the person's immediate family" includes the person's
1668 spouse, children, parents, siblings, the spouses of the person's
1669 children, and the spouses of the person's siblings.

1670 12. Any other relevant information that the department
1671 requires.

1672 (d) For purposes of applying for renewal of a permit under
1673 subsection (8) ~~or certification under subsection (15)~~, a person
1674 may submit the following in lieu of satisfying the requirements
1675 of paragraphs (a), (b), and (c):

1676 1. A photograph of the individual taken within 180 days;
 1677 and
 1678 2. A copy of the personal information statement form most
 1679 recently submitted to the department and a certification under
 1680 oath, on a form specified by the department, that the individual
 1681 has reviewed the previously submitted personal information
 1682 statement form and that the information contained therein
 1683 remains unchanged.

1684 (12) A person that engages in wholesale distribution of
 1685 prescription drugs in this state must have a wholesale
 1686 distributor's permit issued by the department, except as noted
 1687 in this section. Each establishment must be separately permitted
 1688 except as noted in this subsection.

1689 (a) A separate establishment permit is not required when a
 1690 permitted prescription drug wholesale distributor consigns a
 1691 prescription drug to a pharmacy that is permitted under chapter
 1692 465 and located in this state, provided that:

1693 1. The consignor wholesale distributor notifies the
 1694 department in writing of the contract to consign prescription
 1695 drugs to a pharmacy along with the identity and location of each
 1696 consignee pharmacy;

1697 2. The pharmacy maintains its permit under chapter 465;

1698 3. The consignor wholesale distributor, which has no legal
 1699 authority to dispense prescription drugs, complies with all
 1700 wholesale distribution requirements of s. 499.0121 with respect

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1701 to the consigned drugs and maintains records documenting the
1702 transfer of title or other completion of the wholesale
1703 distribution of the consigned prescription drugs;

1704 4. The distribution of the prescription drug is otherwise
1705 lawful under this chapter and other applicable law;

1706 5. Open packages containing prescription drugs within a
1707 pharmacy are the responsibility of the pharmacy, regardless of
1708 how the drugs are titled; and

1709 6. The pharmacy dispenses the consigned prescription drug
1710 in accordance with the limitations of its permit under chapter
1711 465 or returns the consigned prescription drug to the consignor
1712 wholesale distributor. In addition, a person who holds title to
1713 prescription drugs may transfer the drugs to a person permitted
1714 or licensed to handle the reverse distribution or destruction of
1715 drugs. Any other distribution by and means of the consigned
1716 prescription drug by any person, not limited to the consignor
1717 wholesale distributor or consignee pharmacy, to any other person
1718 is prohibited.

1719 ~~(15) (a) Each establishment that is issued an initial or~~
1720 ~~renewal permit as a prescription drug wholesale distributor or~~
1721 ~~an out-of-state prescription drug wholesale distributor must~~
1722 ~~designate in writing to the department at least one natural~~
1723 ~~person to serve as the designated representative of the~~
1724 ~~wholesale distributor. Such person must have an active~~
1725 ~~certification as a designated representative from the~~

1726 ~~department.~~

1727 ~~(b) To be certified as a designated representative, a~~

1728 ~~natural person must:~~

1729 ~~1. Submit an application on a form furnished by the~~

1730 ~~department and pay the appropriate fees.~~

1731 ~~2. Be at least 18 years of age.~~

1732 ~~3. Have at least 2 years of verifiable full-time:~~

1733 ~~a. Work experience in a pharmacy licensed in this state or~~

1734 ~~another state, where the person's responsibilities included, but~~

1735 ~~were not limited to, recordkeeping for prescription drugs;~~

1736 ~~b. Managerial experience with a prescription drug~~

1737 ~~wholesale distributor licensed in this state or in another~~

1738 ~~state;~~

1739 ~~c. Managerial experience with the United States Armed~~

1740 ~~Forces, where the person's responsibilities included, but were~~

1741 ~~not limited to, recordkeeping, warehousing, distributing, or~~

1742 ~~other logistics services pertaining to prescription drugs;~~

1743 ~~d. Managerial experience with a state or federal~~

1744 ~~organization responsible for regulating or permitting~~

1745 ~~establishments involved in the distribution of prescription~~

1746 ~~drugs, whether in an administrative or a sworn law enforcement~~

1747 ~~capacity; or~~

1748 ~~e. Work experience as a drug inspector or investigator~~

1749 ~~with a state or federal organization, whether in an~~

1750 ~~administrative or a sworn law enforcement capacity, where the~~

1751 ~~person's responsibilities related primarily to compliance with~~
1752 ~~state or federal requirements pertaining to the distribution of~~
1753 ~~prescription drugs.~~

1754 ~~4. Receive a passing score of at least 75 percent on an~~
1755 ~~examination given by the department regarding federal laws~~
1756 ~~governing distribution of prescription drugs and this part and~~
1757 ~~the rules adopted by the department governing the wholesale~~
1758 ~~distribution of prescription drugs. This requirement shall be~~
1759 ~~effective 1 year after the results of the initial examination~~
1760 ~~are mailed to the persons that took the examination. The~~
1761 ~~department shall offer such examinations at least four times~~
1762 ~~each calendar year.~~

1763 ~~5. Provide the department with a personal information~~
1764 ~~statement and fingerprints pursuant to subsection (9).~~

1765 ~~(c) The department may deny an application for~~
1766 ~~certification as a designated representative or may suspend or~~
1767 ~~revoke a certification of a designated representative pursuant~~
1768 ~~to s. 499.067.~~

1769 ~~(d) A designated representative:~~

1770 ~~1. Must be actively involved in and aware of the actual~~
1771 ~~daily operation of the wholesale distributor.~~

1772 ~~2. Must be employed full time in a managerial position by~~
1773 ~~the wholesale distributor.~~

1774 ~~3. Must be physically present at the establishment during~~
1775 ~~normal business hours, except for time periods when absent due~~

1776 ~~to illness, family illness or death, scheduled vacation, or~~
1777 ~~other authorized absence.~~

1778 ~~4. May serve as a designated representative for only one~~
1779 ~~wholesale distributor at any one time.~~

1780 ~~(c) A wholesale distributor must notify the department~~
1781 ~~when a designated representative leaves the employ of the~~
1782 ~~wholesale distributor. Such notice must be provided to the~~
1783 ~~department within 10 business days after the last day of~~
1784 ~~designated representative's employment with the wholesale~~
1785 ~~distributor.~~

1786 ~~(f) A wholesale distributor may not operate under a~~
1787 ~~prescription drug wholesale distributor permit or an out-of-~~
1788 ~~state prescription drug wholesale distributor permit for more~~
1789 ~~than 10 business days after the designated representative leaves~~
1790 ~~the employ of the wholesale distributor, unless the wholesale~~
1791 ~~distributor employs another designated representative and~~
1792 ~~notifies the department within 10 business days of the identity~~
1793 ~~of the new designated representative.~~

1794 **Section 49. Subsection (9) of section 499.0121, Florida**
1795 **Statutes, is amended to read:**

1796 499.0121 Storage and handling of prescription drugs;
1797 recordkeeping.—The department shall adopt rules to implement
1798 this section as necessary to protect the public health, safety,
1799 and welfare. Such rules shall include, but not be limited to,
1800 requirements for the storage and handling of prescription drugs

1801 and for the establishment and maintenance of prescription drug
1802 distribution records.

1803 (9) RESPONSIBLE PERSONS.—Wholesale distributors must
1804 establish and maintain lists of officers, directors, managers,
1805 ~~designated representatives,~~ and other persons in charge of
1806 wholesale drug distribution, storage, and handling, including a
1807 description of their duties and a summary of their
1808 qualifications.

1809 **Section 50. Subsection (9) of section 499.041, Florida**
1810 **Statutes, is amended to read:**

1811 499.041 Schedule of fees for drug, device, and cosmetic
1812 applications and permits, product registrations, and free-sale
1813 certificates.—

1814 ~~(9) The department shall assess each person applying for~~
1815 ~~certification as a designated representative a fee of \$150, plus~~
1816 ~~the cost of processing the criminal history record check.~~

1817 **Section 51. Section 509.098, Florida Statutes, is amended**
1818 **to read:**

1819 509.098 Rental for less than a one-night stay ~~Prohibition~~
1820 ~~of hourly rates.—~~

1821 (1) An operator of a public lodging establishment may not:
1822 ~~offer an hourly rate for an accommodation.~~

1823 (a) Offer or charge an hourly rate for a room intended for
1824 temporary lodging or sleeping purposes.

1825 (b) Offer or rent a room intended for temporary lodging or

1826 sleeping purposes on an hourly basis or for less than a one-
 1827 night stay.

1828 (c) Offer or provide a discount, rebate, or refund for
 1829 early checkout for a room intended for temporary lodging or
 1830 sleeping purposes.

1831 (2) Paragraph (1)(a) ~~This section~~ does not apply to an
 1832 hourly rate charged by an operator of a public lodging
 1833 establishment as a late checkout fee.

1834 **Section 52. Subsection (1) of section 509.261, Florida**
 1835 **Statutes, is amended to read:**

1836 509.261 Revocation or suspension of licenses; fines;
 1837 procedure.—

1838 (1) Any public lodging establishment or public food
 1839 service establishment that has operated or is operating in
 1840 violation of this chapter or the rules of the division,
 1841 operating in violation of s. 581.217(7), relating to the retail
 1842 sale of products containing hemp extract intended for human
 1843 ingestion or inhalation, operating without a license, or
 1844 operating with a suspended or revoked license may be subject by
 1845 the division to:

1846 (a) Fines not to exceed \$1,000 per offense;

1847 (b) Mandatory completion, at personal expense, of a
 1848 remedial educational program administered by a food safety
 1849 training program provider approved by the division, as provided
 1850 in s. 509.049; and

1851 (c) The suspension, revocation, or refusal of a license
 1852 issued pursuant to this chapter.

1853 **Section 53. Section 553.73, Florida Statutes, is amended**
 1854 **to read:**

1855 553.73 Florida Building Code.—

1856 (1) (a) The commission shall adopt, by rule pursuant to ss.
 1857 120.536(1) and 120.54, the Florida Building Code which shall
 1858 contain or incorporate by reference all laws and rules which
 1859 pertain to and govern the design, construction, erection,
 1860 alteration, modification, repair, and demolition of public and
 1861 private buildings, structures, and facilities and enforcement of
 1862 such laws and rules, except as otherwise provided in this
 1863 section.

1864 (b) The technical portions of the Florida Accessibility
 1865 Code for Building Construction shall be contained in their
 1866 entirety in the Florida Building Code. The civil rights portions
 1867 and the technical portions of the accessibility laws of this
 1868 state shall remain as currently provided by law. Any revision or
 1869 amendments to the Florida Accessibility Code for Building
 1870 Construction pursuant to part II shall be considered adopted by
 1871 the commission as part of the Florida Building Code. Neither the
 1872 commission nor any local government shall revise or amend any
 1873 standard of the Florida Accessibility Code for Building
 1874 Construction except as provided for in part II.

1875 (c) The Florida Fire Prevention Code and the Life Safety

1876 Code shall be referenced in the Florida Building Code, but shall
1877 be adopted, modified, revised, or amended, interpreted, and
1878 maintained by the Department of Financial Services by rule
1879 adopted pursuant to ss. 120.536(1) and 120.54. The Florida
1880 Building Commission may not adopt a fire prevention or
1881 lifesafety code, and nothing in the Florida Building Code shall
1882 affect the statutory powers, duties, and responsibilities of any
1883 fire official or the Department of Financial Services.

1884 (d) Conflicting requirements between the Florida Building
1885 Code and the Florida Fire Prevention Code and Life Safety Code
1886 of the state established pursuant to ss. 633.206 and 633.208
1887 shall be resolved by agreement between the commission and the
1888 State Fire Marshal in favor of the requirement that offers the
1889 greatest degree of lifesafety or alternatives that would provide
1890 an equivalent degree of lifesafety and an equivalent method of
1891 construction. If the commission and State Fire Marshal are
1892 unable to agree on a resolution, the question shall be referred
1893 to a mediator, mutually agreeable to both parties, to resolve
1894 the conflict in favor of the provision that offers the greatest
1895 lifesafety, or alternatives that would provide an equivalent
1896 degree of lifesafety and an equivalent method of construction.

1897 (e) Subject to ~~the provisions of~~ this act, responsibility
1898 for enforcement, interpretation, and regulation of the Florida
1899 Building Code are ~~shall be~~ vested in a specified local board or
1900 agency, and the words "local government" and "local governing

1901 body" as used in this part shall be construed to refer
1902 exclusively to such local board or agency.

1903 (2) The Florida Building Code shall contain provisions or
1904 requirements for public and private buildings, structures, and
1905 facilities relative to structural, mechanical, electrical,
1906 plumbing, energy, and gas systems, existing buildings,
1907 historical buildings, manufactured buildings, elevators, coastal
1908 construction, lodging facilities, food sales and food service
1909 facilities, health care facilities, including assisted living
1910 facilities, adult day care facilities, hospice residential and
1911 inpatient facilities and units, and facilities for the control
1912 of radiation hazards, public or private educational facilities,
1913 swimming pools, and correctional facilities and enforcement of
1914 and compliance with such provisions or requirements. Further,
1915 the Florida Building Code must provide for uniform
1916 implementation of ss. 515.25, 515.27, and 515.29 by including
1917 standards and criteria for residential swimming pool barriers,
1918 pool covers, latching devices, door and window exit alarms, and
1919 other equipment required therein, which are consistent with the
1920 intent of s. 515.23. Technical provisions to be contained within
1921 the Florida Building Code are restricted to requirements related
1922 to the types of materials used and construction methods and
1923 standards employed in order to meet criteria specified in the
1924 Florida Building Code. Provisions relating to the personnel,
1925 supervision or training of personnel, or any other professional

1926 qualification requirements relating to contractors or their
 1927 workforce may not be included within the Florida Building Code,
 1928 and subsections (4)-(10) ~~(4), (6), (7), (8), and (9)~~ are not to
 1929 be construed to allow the inclusion of such provisions within
 1930 the Florida Building Code by amendment. This restriction applies
 1931 to both initial development and amendment of the Florida
 1932 Building Code.

1933 (3) The commission shall use the International Codes
 1934 published by the International Code Council, the National
 1935 Electric Code (NFPA 70), or other nationally adopted model codes
 1936 and standards for updates to the Florida Building Code. The
 1937 commission may approve technical amendments to the code ~~as~~
 1938 ~~provided~~ in subsections (9) and (10) ~~(8) and (9)~~, subject to all
 1939 of the following conditions:

1940 (a) The proposed amendment must have been published on the
 1941 commission's website for a minimum of 45 days and all the
 1942 associated documentation must have been made available to any
 1943 interested party before consideration by a technical advisory
 1944 committee.

1945 (b) In order for a technical advisory committee to make a
 1946 favorable recommendation to the commission, the proposal must
 1947 receive a two-thirds vote of the members present at the meeting.
 1948 At least half of the regular members must be present in order to
 1949 conduct a meeting.

1950 (c) After the technical advisory committee has considered

1951 and recommended approval of any proposed amendment, the proposal
 1952 must be published on the commission's website for at least 45
 1953 days before consideration by the commission.

1954 (d) A proposal may be modified by the commission based on
 1955 public testimony and evidence from a public hearing held in
 1956 accordance with chapter 120.

1957
 1958 The commission shall incorporate within the Florida Building
 1959 Code provisions that address regional and local concerns and
 1960 variations. The commission shall make every effort to minimize
 1961 conflicts between the Florida Building Code, the Florida Fire
 1962 Prevention Code, and the Life Safety Code.

1963 (4) ~~(a)~~ All entities authorized to enforce the Florida
 1964 Building Code under s. 553.80 shall comply with applicable
 1965 standards for issuance of mandatory certificates of occupancy,
 1966 minimum types of inspections, and procedures for plans review
 1967 and inspections as established by the commission by rule. Local
 1968 governments may adopt amendments to the administrative
 1969 provisions of the Florida Building Code, subject to the
 1970 limitations in ~~this~~ subsection (5). Local amendments must be
 1971 more stringent than the minimum standards described in this
 1972 section and must be transmitted to the commission within 30 days
 1973 after enactment. The local government shall make such amendments
 1974 available to the general public in a usable format. The State
 1975 Fire Marshal is responsible for establishing the standards and

1976 | procedures required in this subsection for governmental entities
 1977 | with respect to applying the Florida Fire Prevention Code and
 1978 | the Life Safety Code.

1979 | (5) (a) ~~(b)~~ Local governments may, subject to the
 1980 | limitations in this section and not more than once every 6
 1981 | months, adopt amendments to the technical provisions of the
 1982 | Florida Building Code that apply solely within the jurisdiction
 1983 | of such government and that provide for more stringent
 1984 | requirements than those specified in the Florida Building Code.

1985 | (b) A local government may adopt technical amendments that
 1986 | address local needs if:

1987 | 1. The local governing body determines, following a public
 1988 | hearing which has been advertised in a newspaper of general
 1989 | circulation at least 10 days before the hearing, that there is a
 1990 | need to strengthen the requirements of the Florida Building
 1991 | Code. The determination must be based upon a review of local
 1992 | conditions by the local governing body, which review
 1993 | demonstrates by evidence or data that the geographical
 1994 | jurisdiction governed by the local governing body exhibits a
 1995 | local need to strengthen the Florida Building Code beyond the
 1996 | needs or regional variation addressed by the Florida Building
 1997 | Code, that the local need is addressed by the proposed local
 1998 | amendment, and that the amendment is no more stringent than
 1999 | necessary to address the local need.

2000 | 2. Such additional requirements are not discriminatory

2001 against materials, products, or construction techniques of
 2002 demonstrated capabilities.

2003 3. Such additional requirements may not introduce a new
 2004 subject not addressed in the Florida Building Code.

2005 (c) The enforcing agency shall make readily available, in
 2006 a usable format, all amendments adopted under this section.

2007 (d) Any amendment to the Florida Building Code shall be
 2008 transmitted within 30 days after adoption by the local
 2009 government to the commission. The commission shall maintain
 2010 copies of all such amendments in a format that is usable and
 2011 obtainable by the public. Local technical amendments are not
 2012 effective until 30 days after the amendment has been received
 2013 and published by the commission.

2014 (e) An amendment to the Florida Building Code adopted by a
 2015 local government under this subsection is effective only until
 2016 the adoption of the new edition of the Florida Building Code by
 2017 the commission every third year. At such time, the commission
 2018 shall review such amendment for consistency with the criteria in
 2019 paragraph (10) (a) ~~(9) (a)~~ and adopt such amendment as part of the
 2020 Florida Building Code or rescind the amendment. The commission
 2021 shall immediately notify the respective local government of the
 2022 rescission of any amendment. After receiving such notice, the
 2023 respective local government may readopt the rescinded amendment
 2024 under ~~the provisions of~~ this subsection.

2025 (f) Each county and municipality desiring to make local

2026 technical amendments to the Florida Building Code shall
2027 establish by interlocal agreement a countywide compliance review
2028 board to review any amendment to the Florida Building Code that
2029 is adopted by a local government within the county under this
2030 subsection and that is challenged by a substantially affected
2031 party for purposes of determining the amendment's compliance
2032 with this subsection. If challenged, the local technical
2033 amendments are not effective until the time for filing an appeal
2034 under paragraph (g) has expired or, if there is an appeal, until
2035 the commission issues its final order determining if the adopted
2036 amendment is in compliance with this subsection.

2037 (g) If the compliance review board determines such
2038 amendment is not in compliance with this subsection, the
2039 compliance review board shall notify such local government of
2040 the noncompliance and that the amendment is invalid and
2041 unenforceable until the local government corrects the amendment
2042 to bring it into compliance. The local government may appeal the
2043 decision of the compliance review board to the commission. If
2044 the compliance review board determines that such amendment is in
2045 compliance with this subsection, any substantially affected
2046 party may appeal such determination to the commission. Any such
2047 appeal must be filed with the commission within 14 days after
2048 the board's written determination. The commission shall promptly
2049 refer the appeal to the Division of Administrative Hearings by
2050 electronic means through the division's website for the

2051 assignment of an administrative law judge. The administrative
2052 law judge shall conduct the required hearing within 30 days
2053 after being assigned to the appeal, and shall enter a
2054 recommended order within 30 days after the conclusion of such
2055 hearing. The commission shall enter a final order within 30 days
2056 after an order is rendered. Chapter 120 and the uniform rules of
2057 procedure shall apply to such proceedings. The local government
2058 adopting the amendment that is subject to challenge has the
2059 burden of proving that the amendment complies with this
2060 subsection in proceedings before the compliance review board and
2061 the commission, as applicable. Actions of the commission are
2062 subject to judicial review under s. 120.68. The compliance
2063 review board shall determine whether its decisions apply to a
2064 respective local jurisdiction or apply countywide.

2065 (h) An amendment adopted under this subsection must
2066 include a fiscal impact statement that documents the costs and
2067 benefits of the proposed amendment. Criteria for the fiscal
2068 impact statement shall include the impact to local government
2069 relative to enforcement and the impact to property and building
2070 owners and industry relative to the cost of compliance. The
2071 fiscal impact statement may not be used as a basis for
2072 challenging the amendment for compliance.

2073 (i) In addition to paragraphs (f) and (g), the commission
2074 may review any amendments adopted under this subsection and make
2075 nonbinding recommendations related to compliance of such

2076 amendments with this subsection.

2077 (j) Any amendment adopted by a local enforcing agency
2078 under this subsection may not apply to state or school district
2079 owned buildings, manufactured buildings or factory-built school
2080 buildings approved by the commission, or prototype buildings
2081 approved under s. 553.77(3). The respective responsible entities
2082 shall consider the physical performance parameters
2083 substantiating such amendments when designing, specifying, and
2084 constructing such exempt buildings.

2085 (k) A technical amendment to the Florida Building Code
2086 related to water conservation practices or design criteria
2087 adopted by a local government under this subsection is not void
2088 when the code is updated if the technical amendment is necessary
2089 to protect or provide for more efficient use of water resources
2090 as provided in s. 373.621. However, any such technical amendment
2091 carried forward into the next edition of the code under this
2092 paragraph is subject to review or modification as provided in
2093 this part.

2094 (l) If a local government adopts a regulation, law,
2095 ordinance, policy, amendment, or land use or zoning provision
2096 without using the process established in this subsection, and a
2097 substantially affected person considers such regulation, law,
2098 ordinance, policy, amendment, or land use or zoning provision to
2099 be a technical amendment to the Florida Building Code, then the
2100 substantially affected person may submit a petition to the

2101 commission for a nonbinding advisory opinion. If a substantially
 2102 affected person submits a request in accordance with this
 2103 paragraph, the commission shall issue a nonbinding advisory
 2104 opinion stating whether or not the commission interprets the
 2105 regulation, law, ordinance, policy, amendment, or land use or
 2106 zoning provision as a technical amendment to the Florida
 2107 Building Code. As used in this paragraph, the term "local
 2108 government" means a county, municipality, special district, or
 2109 political subdivision of the state.

2110 1. Requests to review a local government regulation, law,
 2111 ordinance, policy, amendment, or land use or zoning provision
 2112 may be initiated by any substantially affected person. A
 2113 substantially affected person includes an owner or builder
 2114 subject to the regulation, law, ordinance, policy, amendment, or
 2115 land use or zoning provision, or an association of owners or
 2116 builders having members who are subject to the regulation, law,
 2117 ordinance, policy, amendment, or land use or zoning provision.

2118 2. In order to initiate a review, a substantially affected
 2119 person must file a petition with the commission. The commission
 2120 shall adopt a form for the petition and directions for filing,
 2121 which shall be published on the Building Code Information
 2122 System. The form must ~~shall~~, at a minimum, require the
 2123 following:

2124 a. The name of the local government that enacted the
 2125 regulation, law, ordinance, policy, amendment, or land use or

2126 zoning provision.

2127 b. The name and address of the local government's general
2128 counsel or administrator.

2129 c. The name, address, and telephone number of the
2130 petitioner; the name, address, and telephone number of the
2131 petitioner's representative, if any; and an explanation of how
2132 the petitioner's substantial interests are being affected by the
2133 regulation, law, ordinance, policy, amendment, or land use or
2134 zoning provision.

2135 d. A statement explaining why the regulation, law,
2136 ordinance, policy, amendment, or land use or zoning provision is
2137 a technical amendment to the Florida Building Code, and which
2138 provisions of the Florida Building Code, if any, are being
2139 amended by the regulation, law, ordinance, policy, amendment, or
2140 land use or zoning provision.

2141 3. The petitioner shall serve the petition on the local
2142 government's general counsel or administrator by certified mail,
2143 return receipt requested, and send a copy of the petition to the
2144 commission, in accordance with the commission's published
2145 directions. The local government shall respond to the petition
2146 in accordance with the form by certified mail, return receipt
2147 requested, and send a copy of its response to the commission,
2148 within 14 days after receipt of the petition, including
2149 Saturdays, Sundays, and legal holidays.

2150 4. Upon receipt of a petition that meets the requirements

2151 of this paragraph, the commission shall publish the petition,
2152 including any response submitted by the local government, on the
2153 Building Code Information System in a manner that allows
2154 interested persons to address the issues by posting comments.

2155 5. Before issuing an advisory opinion, the commission
2156 shall consider the petition, the response, and any comments
2157 posted on the Building Code Information System. The commission
2158 may also provide the petition, the response, and any comments
2159 posted on the Building Code Information System to a technical
2160 advisory committee, and may consider any recommendation provided
2161 by the technical advisory committee. The commission shall issue
2162 an advisory opinion stating whether the regulation, law,
2163 ordinance, policy, amendment, or land use or zoning provision is
2164 a technical amendment to the Florida Building Code within 30
2165 days after the filing of the petition, including Saturdays,
2166 Sundays, and legal holidays. The commission shall publish its
2167 advisory opinion on the Building Code Information System and in
2168 the Florida Administrative Register. The commission's advisory
2169 opinion is nonbinding and is not a declaratory statement under
2170 s. 120.565.

2171 (6)~~(5)~~ Notwithstanding subsection (5)~~(4)~~, counties and
2172 municipalities may adopt by ordinance an administrative or
2173 technical amendment to the Florida Building Code relating to
2174 flood resistance in order to implement the National Flood
2175 Insurance Program or incentives. Specifically, an administrative

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2176 amendment may assign the duty to enforce all or portions of
2177 flood-related code provisions to the appropriate agencies of the
2178 local government and adopt procedures for variances and
2179 exceptions from flood-related code provisions other than
2180 provisions for structures seaward of the coastal construction
2181 control line consistent with the requirements in 44 C.F.R. s.
2182 60.6. A technical amendment is authorized to the extent it is
2183 more stringent than the code. A technical amendment is not
2184 subject to the requirements of subsection (5) ~~(4)~~ and may not be
2185 rendered void when the code is updated if the amendment is
2186 adopted for the purpose of participating in the Community Rating
2187 System promulgated pursuant to 42 U.S.C. s. 4022, the amendment
2188 had already been adopted by local ordinance prior to July 1,
2189 2010, or the amendment requires a design flood elevation above
2190 the base flood elevation. Any amendment adopted under this
2191 subsection shall be transmitted to the commission within 30 days
2192 after being adopted. A municipality, county, or special district
2193 may not use preliminary maps issued by the Federal Emergency
2194 Management Agency for any law, ordinance, rule, or other measure
2195 that has the effect of imposing land use changes or permits.

2196 (7) ~~(6)~~ The initial adoption of, and any subsequent update
2197 or amendment to, the Florida Building Code by the commission is
2198 deemed adopted for use statewide without adoptions by local
2199 government. For a building permit for which an application is
2200 submitted prior to the effective date of the Florida Building

2201 Code, the state minimum building code in effect in the
2202 permitting jurisdiction on the date of the application governs
2203 the permitted work for the life of the permit and any extension
2204 granted to the permit.

2205 (8) (a) ~~(7) (a)~~ The commission shall adopt an updated Florida
2206 Building Code every 3 years through review of the most current
2207 updates of the International Building Code, the International
2208 Fuel Gas Code, the International Existing Building Code, the
2209 International Mechanical Code, the International Plumbing Code,
2210 and the International Residential Code, all of which are
2211 copyrighted and published by the International Code Council, and
2212 the National Electrical Code, which is copyrighted and published
2213 by the National Fire Protection Association. At a minimum, the
2214 commission shall adopt any updates to such codes or any other
2215 code necessary to maintain eligibility for federal funding and
2216 discounts from the National Flood Insurance Program, the Federal
2217 Emergency Management Agency, and the United States Department of
2218 Housing and Urban Development. The commission shall also review
2219 and adopt updates based on the International Energy Conservation
2220 Code (IECC); however, the commission shall maintain the
2221 efficiencies of the Florida Energy Efficiency Code for Building
2222 Construction adopted and amended pursuant to s. 553.901. Every 3
2223 years, the commission may approve updates to the Florida
2224 Building Code without a finding that the updates are needed in
2225 order to accommodate the specific needs of this state. The

2226 | commission shall adopt updated codes by rule.

2227 | (b) Codes regarding noise contour lines shall be reviewed
 2228 | annually, and the most current federal guidelines shall be
 2229 | adopted.

2230 | (c) The commission may also adopt as a technical amendment
 2231 | to the Florida Building Code any portion of the codes identified
 2232 | in paragraph (a), but only as needed to accommodate the specific
 2233 | needs of this state. Standards or criteria adopted from these
 2234 | codes shall be incorporated by reference to the specific
 2235 | provisions adopted. If a referenced standard or criterion
 2236 | requires amplification or modification to be appropriate for use
 2237 | in this state, only the amplification or modification shall be
 2238 | set forth in the Florida Building Code. The commission may
 2239 | approve technical amendments to the updated Florida Building
 2240 | Code after the amendments have been subject to the conditions
 2241 | set forth in paragraphs (3) (a)-(d). Amendments that are adopted
 2242 | in accordance with this subsection shall be clearly marked in
 2243 | printed versions of the Florida Building Code so that the fact
 2244 | that the provisions are amendments is readily apparent.

2245 | (d) The commission shall further consider the commission's
 2246 | own interpretations, declaratory statements, appellate
 2247 | decisions, and approved statewide and local technical amendments
 2248 | and shall incorporate such interpretations, statements,
 2249 | decisions, and amendments into the updated Florida Building Code
 2250 | only to the extent that they are needed to accommodate the

2251 specific needs of the state. A change made by an institute or
2252 standards organization to any standard or criterion that is
2253 adopted by reference in the Florida Building Code does not
2254 become effective statewide until it has been adopted by the
2255 commission. Furthermore, the edition of the Florida Building
2256 Code which is in effect on the date of application for any
2257 permit authorized by the code governs the permitted work for the
2258 life of the permit and any extension granted to the permit.

2259 (e) A rule updating the Florida Building Code in
2260 accordance with this subsection shall take effect no sooner than
2261 6 months after publication of the updated code. Any amendment to
2262 the Florida Building Code which is adopted upon a finding by the
2263 commission that the amendment is necessary to protect the public
2264 from immediate threat of harm takes effect immediately. If
2265 energy code compliance software is not approved by the
2266 commission at least 3 months before the effective date of the
2267 updated Florida Building Code, the commission may delay the
2268 effective date of the energy provisions of the Florida Building
2269 Code for up to 3 additional months.

2270 (f) Provisions of the Florida Building Code, including
2271 those contained in referenced standards and criteria, relating
2272 to wind resistance or the prevention of water intrusion may not
2273 be modified to diminish those construction requirements;
2274 however, the commission may, subject to conditions in this
2275 subsection, modify the provisions to enhance those construction

2276 requirements.

2277 (g) The commission shall modify the Florida Building Code
 2278 to state that sealed drawings by a design professional are not
 2279 required for the replacement of windows, doors, or garage doors
 2280 in an existing one-family or two-family dwelling or townhouse if
 2281 all of the following conditions are met:

2282 1. The replacement windows, doors, or garage doors are
 2283 installed in accordance with the manufacturer's instructions for
 2284 the appropriate wind zone.

2285 2. The replacement windows, doors, or garage doors meet
 2286 the design pressure requirements in the most recent version of
 2287 the Florida Building Code, Residential.

2288 3. A copy of the manufacturer's instructions is submitted
 2289 with the permit application in a printed or digital format.

2290 4. The replacement windows, doors, or garage doors are the
 2291 same size and are installed in the same opening as the existing
 2292 windows, doors, or garage doors.

2293 (9)~~(8)~~ Notwithstanding subsection (3) or subsection (8)
 2294 ~~(7)~~, the commission may address issues identified in this
 2295 subsection by amending the code under the rule adoption
 2296 procedures in chapter 120. Updates to the Florida Building Code,
 2297 including provisions contained in referenced standards and
 2298 criteria which relate to wind resistance or the prevention of
 2299 water intrusion, may not be amended under this subsection to
 2300 diminish those standards; however, the commission may amend the

2301 Florida Building Code to enhance such standards. Following the
 2302 approval of any amendments to the Florida Building Code by the
 2303 commission and publication of the amendments on the commission's
 2304 website, authorities having jurisdiction to enforce the Florida
 2305 Building Code may enforce the amendments.

2306 (a) The commission may approve amendments that are needed
 2307 to address:

- 2308 1. Conflicts within the updated code;
- 2309 2. Conflicts between the updated code and the Florida Fire
 2310 Prevention Code adopted under chapter 633;
- 2311 3. Unintended results from the integration of previously
 2312 adopted amendments with the model code;
- 2313 4. Equivalency of standards;
- 2314 5. Changes to or inconsistencies with federal or state
 2315 law; or
- 2316 6. Adoption of an updated edition of the National
 2317 Electrical Code if the commission finds that delay of
 2318 implementing the updated edition causes undue hardship to
 2319 stakeholders or otherwise threatens the public health, safety,
 2320 and welfare.

2321 (b) The commission may issue errata to the code pursuant
 2322 to the rule adoption procedures in chapter 120 to list
 2323 demonstrated errors in provisions contained within the Florida
 2324 Building Code. The determination of such errors and the issuance
 2325 of errata to the code must be approved by a 75-percent

2326 | supermajority vote of the commission. For purposes of this
 2327 | paragraph, "errata to the code" means a list of errors on
 2328 | current and previous editions of the Florida Building Code.

2329 | (10) (a) ~~(9) (a)~~ The commission may approve technical
 2330 | amendments to the Florida Building Code once each year for
 2331 | statewide or regional application upon a finding that the
 2332 | amendment:

2333 | 1. Is needed in order to accommodate the specific needs of
 2334 | this state.

2335 | 2. Has a reasonable and substantial connection with the
 2336 | health, safety, and welfare of the general public.

2337 | 3. Strengthens or improves the Florida Building Code, or
 2338 | in the case of innovation or new technology, will provide
 2339 | equivalent or better products or methods or systems of
 2340 | construction.

2341 | 4. Does not discriminate against materials, products,
 2342 | methods, or systems of construction of demonstrated
 2343 | capabilities.

2344 | 5. Does not degrade the effectiveness of the Florida
 2345 | Building Code.

2346 |

2347 | The Florida Building Commission may approve technical amendments
 2348 | to the code once each year to incorporate into the Florida
 2349 | Building Code its own interpretations of the code which are
 2350 | embodied in its opinions, final orders, declaratory statements,

2351 and interpretations of hearing officer panels under s.
2352 553.775(3)(c), but only to the extent that the incorporation of
2353 interpretations is needed to modify the code to accommodate the
2354 specific needs of this state. Amendments approved under this
2355 paragraph shall be adopted by rule after the amendments have
2356 been subjected to subsection (3).

2357 (b) A proposed amendment must include a fiscal impact
2358 statement that documents the costs and benefits of the proposed
2359 amendment. Criteria for the fiscal impact statement shall be
2360 established by rule by the commission and shall include the
2361 impact to local government relative to enforcement, the impact
2362 to property and building owners, and the impact to industry,
2363 relative to the cost of compliance. The amendment must
2364 demonstrate by evidence or data that the state's geographical
2365 jurisdiction exhibits a need to strengthen the code beyond the
2366 needs or regional variations addressed by the code and why the
2367 proposed amendment applies to this state.

2368 (c) The commission may not approve any proposed amendment
2369 that does not accurately and completely address all requirements
2370 for amendment which are set forth in this section. The
2371 commission shall require all proposed amendments and information
2372 submitted with proposed amendments to be reviewed by commission
2373 staff prior to consideration by any technical advisory
2374 committee. These reviews shall be for sufficiency only and are
2375 not intended to be qualitative in nature. Staff members shall

2376 reject any proposed amendment that fails to include a fiscal
 2377 impact statement. Proposed amendments rejected by members of the
 2378 staff may not be considered by the commission or any technical
 2379 advisory committee.

2380 (d) Provisions of the Florida Building Code, including
 2381 those contained in referenced standards and criteria, relating
 2382 to wind resistance or the prevention of water intrusion may not
 2383 be amended pursuant to this subsection to diminish those
 2384 construction requirements; however, the commission may, subject
 2385 to conditions in this subsection, amend the provisions to
 2386 enhance those construction requirements.

2387 (11)~~(10)~~ The following buildings, structures, and
 2388 facilities are exempt from the Florida Building Code as provided
 2389 by law, and any further exemptions shall be as determined by the
 2390 Legislature and provided by law:

2391 (a) Buildings and structures specifically regulated and
 2392 preempted by the Federal Government.

2393 (b) Railroads and ancillary facilities associated with the
 2394 railroad.

2395 (c) Nonresidential farm buildings on farms.

2396 (d) Temporary buildings or sheds used exclusively for
 2397 construction purposes.

2398 (e) Mobile or modular structures used as temporary
 2399 offices, except that the provisions of part II relating to
 2400 accessibility by persons with disabilities apply to such mobile

2401 or modular structures.

2402 (f) Those structures or facilities of electric utilities,
2403 as defined in s. 366.02, which are directly involved in the
2404 generation, transmission, or distribution of electricity.

2405 (g) Temporary sets, assemblies, or structures used in
2406 commercial motion picture or television production, or any
2407 sound-recording equipment used in such production, on or off the
2408 premises.

2409 (h) Storage sheds that are not designed for human
2410 habitation and that have a floor area of 720 square feet or less
2411 are not required to comply with the mandatory wind-borne-debris-
2412 impact standards of the Florida Building Code. In addition, such
2413 buildings that are 400 square feet or less and that are intended
2414 for use in conjunction with one- and two-family residences are
2415 not subject to the door height and width requirements of the
2416 Florida Building Code.

2417 (i) Chickees constructed by the Miccosukee Tribe of
2418 Indians of Florida or the Seminole Tribe of Florida. As used in
2419 this paragraph, the term "chickee" means an open-sided wooden
2420 hut that has a thatched roof of palm or palmetto or other
2421 traditional materials, and that does not incorporate any
2422 electrical, plumbing, or other nonwood features.

2423 (j) Family mausoleums not exceeding 250 square feet in
2424 area which are prefabricated and assembled on site or
2425 preassembled and delivered on site and have walls, roofs, and a

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2426 floor constructed of granite, marble, or reinforced concrete.

2427 (k) A building or structure having less than 1,000 square
2428 feet which is constructed and owned by a natural person for
2429 hunting and which is repaired or reconstructed to the same
2430 dimension and condition as existed on January 1, 2011, if the
2431 building or structure:

2432 1. Is not rented or leased or used as a principal
2433 residence;

2434 2. Is not located within the 100-year floodplain according
2435 to the Federal Emergency Management Agency's current Flood
2436 Insurance Rate Map; and

2437 3. Is not connected to an offsite electric power or water
2438 supply.

2439 (l) A drone port as defined in s. 330.41(2).
2440

2441 With the exception of paragraphs (a), (b), (c), and (f), in
2442 order to preserve the health, safety, and welfare of the public,
2443 the Florida Building Commission may, by rule adopted pursuant to
2444 chapter 120, provide for exceptions to the broad categories of
2445 buildings exempted in this section, including exceptions for
2446 application of specific sections of the code or standards
2447 adopted therein. The Department of Agriculture and Consumer
2448 Services shall have exclusive authority to adopt by rule,
2449 pursuant to chapter 120, exceptions to nonresidential farm
2450 buildings exempted in paragraph (c) when reasonably necessary to

2451 preserve public health, safety, and welfare. The exceptions must
 2452 be based upon specific criteria, such as under-roof floor area,
 2453 aggregate electrical service capacity, HVAC system capacity, or
 2454 other building requirements. Further, the commission may
 2455 recommend to the Legislature additional categories of buildings,
 2456 structures, or facilities which should be exempted from the
 2457 Florida Building Code, to be provided by law. The Florida
 2458 Building Code does not apply to temporary housing provided by
 2459 the Department of Corrections to any prisoner in the state
 2460 correctional system.

2461 (12) (a) ~~(11) (a)~~ In the event of a conflict between the
 2462 Florida Building Code and the Florida Fire Prevention Code and
 2463 the Life Safety Code as applied to a specific project, the
 2464 conflict shall be resolved by agreement between the local
 2465 building code enforcement official and the local fire code
 2466 enforcement official in favor of the requirement of the code
 2467 which offers the greatest degree of lifesafety or alternatives
 2468 which would provide an equivalent degree of lifesafety and an
 2469 equivalent method of construction. Local boards created to
 2470 address issues arising under the Florida Building Code or the
 2471 Florida Fire Prevention Code may combine the appeals boards to
 2472 create a single, local board having jurisdiction over matters
 2473 arising under either code or both codes. The combined local
 2474 appeals board may grant alternatives or modifications through
 2475 procedures outlined in NFPA 1, Section 1.4, but may not waive

2476 the requirements of the Florida Fire Prevention Code. To meet
2477 the quorum requirement for convening the combined local appeals
2478 board, at least one member of the board who is a fire protection
2479 contractor, a fire protection design professional, a fire
2480 department operations professional, or a fire code enforcement
2481 professional must be present.

2482 (b) Any decision made by the local fire official regarding
2483 application, interpretation, or enforcement of the Florida Fire
2484 Prevention Code or by the local building official regarding
2485 application, interpretation, or enforcement of the Florida
2486 Building Code, or the appropriate application of either code or
2487 both codes in the case of a conflict between the codes, may be
2488 appealed to a local administrative board designated by the
2489 municipality, county, or special district having firesafety
2490 responsibilities. If the decision of the local fire official and
2491 the local building official is to apply the provisions of either
2492 the Florida Building Code or the Florida Fire Prevention Code
2493 and the Life Safety Code, the board may not alter the decision
2494 unless the board determines that the application of such code is
2495 not reasonable. If the decision of the local fire official and
2496 the local building official is to adopt an alternative to the
2497 codes, the local administrative board shall give due regard to
2498 the decision rendered by the local officials and may modify that
2499 decision if the administrative board adopts a better
2500 alternative, taking into consideration all relevant

2501 | circumstances. In any case in which the local administrative
2502 | board adopts alternatives to the decision rendered by the local
2503 | fire official and the local building official, such alternatives
2504 | shall provide an equivalent degree of lifesafety and an
2505 | equivalent method of construction as the decision rendered by
2506 | the local officials.

2507 | (c) If the local building official and the local fire
2508 | official are unable to agree on a resolution of the conflict
2509 | between the Florida Building Code and the Florida Fire
2510 | Prevention Code and the Life Safety Code, the local
2511 | administrative board shall resolve the conflict in favor of the
2512 | code which offers the greatest degree of lifesafety or
2513 | alternatives which would provide an equivalent degree of
2514 | lifesafety and an equivalent method of construction.

2515 | (d) All decisions of the local administrative board or, if
2516 | none exists, the local building official and the local fire
2517 | official in regard to the application, enforcement, or
2518 | interpretation of the Florida Fire Prevention Code, or conflicts
2519 | between the Florida Fire Prevention Code and the Florida
2520 | Building Code, are subject to review by a joint committee
2521 | composed of members of the Florida Building Commission and the
2522 | Fire Code Advisory Council. If the joint committee is unable to
2523 | resolve conflicts between the codes as applied to a specific
2524 | project, the matter shall be resolved pursuant to paragraph
2525 | (1) (d). Decisions of the local administrative board related

2526 solely to the Florida Building Code are subject to review as set
 2527 forth in s. 553.775.

2528 (e) The local administrative board shall, to the greatest
 2529 extent possible, be composed of members with expertise in
 2530 building construction and firesafety standards.

2531 (f) All decisions of the local building official and local
 2532 fire official and all decisions of the administrative board
 2533 shall be in writing and shall be binding upon a person but do
 2534 not limit the authority of the State Fire Marshal or the Florida
 2535 Building Commission pursuant to paragraph (1) (d) and ss. 633.104
 2536 and 633.228. Decisions of general application shall be indexed
 2537 by building and fire code sections and shall be available for
 2538 inspection during normal business hours.

2539 (13)~~(12)~~ Except within coastal building zones as defined
 2540 in s. 161.54, specification standards developed by nationally
 2541 recognized code promulgation organizations to determine
 2542 compliance with engineering criteria of the Florida Building
 2543 Code for wind load design shall not apply to one or two family
 2544 dwellings which are two stories or less in height unless
 2545 approved by the commission for use or unless expressly made
 2546 subject to said standards and criteria by local ordinance
 2547 adopted in accordance with ~~the provisions of~~ subsection (5) ~~(4)~~.

2548 (14)~~(13)~~ The Florida Building Code does not apply to, and
 2549 no code enforcement action shall be brought with respect to,
 2550 zoning requirements, land use requirements, and owner

2551 specifications or programmatic requirements which do not pertain
2552 to and govern the design, construction, erection, alteration,
2553 modification, repair, or demolition of public or private
2554 buildings, structures, or facilities or to programmatic
2555 requirements that do not pertain to enforcement of the Florida
2556 Building Code. Additionally, a local code enforcement agency may
2557 not administer or enforce the Florida Building Code to prevent
2558 the siting of any publicly owned facility, including, but not
2559 limited to, correctional facilities, juvenile justice
2560 facilities, or state universities, community colleges, or public
2561 education facilities, as provided by law.

2562 (15)~~(14)~~ The general provisions of the Florida Building
2563 Code for buildings and other structures do ~~shall~~ not apply to
2564 commercial wireless communication towers when such general
2565 provisions are inconsistent with the ~~provisions of the code~~
2566 controlling radio and television towers. This subsection is
2567 intended to be remedial in nature and to clarify existing law.

2568 (16)~~(15)~~ An agency or local government may not require
2569 that existing mechanical equipment located on or above the
2570 surface of a roof be installed in compliance with the
2571 requirements of the Florida Building Code except during
2572 reroofing when the equipment is being replaced or moved and is
2573 not in compliance with the provisions of the Florida Building
2574 Code relating to roof-mounted mechanical units.

2575 (17)~~(16)~~ The Florida Building Code must require that the

2576 illumination in classroom units be designed to provide and
2577 maintain an average of 40 foot-candles of light at each desktop.
2578 Public educational facilities must consider using light-emitting
2579 diode lighting before considering other lighting sources.

2580 (18)~~(17)~~ A provision of the International Residential Code
2581 relating to mandated fire sprinklers may not be incorporated
2582 into the Florida Building Code as adopted by the Florida
2583 Building Commission and may not be adopted as a local amendment
2584 to the Florida Building Code. This subsection does not prohibit
2585 the application of cost-saving incentives for residential fire
2586 sprinklers that are authorized in the International Residential
2587 Code upon a mutual agreement between the builder and the code
2588 official. This subsection does not apply to a local government
2589 that has a lawfully adopted ordinance relating to fire
2590 sprinklers which has been in effect since January 1, 2010.

2591 (19)~~(18)~~ In a single-family dwelling, makeup air is not
2592 required for range hood exhaust systems capable of exhausting:
2593 (a) Four hundred cubic feet per minute or less; or
2594 (b) More than 400 cubic feet per minute but no more than
2595 800 cubic feet per minute if there are no gravity vent
2596 appliances within the conditioned living space of the structure.

2597 (20)~~(19)~~ The Florida Building Code shall require two fire
2598 service access elevators in all buildings with a height greater
2599 than 120 feet measured from the elevation of street-level access
2600 to the level of the highest occupiable floor. All remaining

2601 elevators, if any, shall be provided with Phase I and II
2602 emergency operations. Where a fire service access elevator is
2603 required, a 1-hour fire-rated fire service access elevator lobby
2604 with direct access from the fire service access elevator is not
2605 required if the fire service access elevator opens into an exit
2606 access corridor that is no less than 6 feet wide for its entire
2607 length and is at least 150 square feet with the exception of
2608 door openings, and has a minimum 1-hour fire rating with three-
2609 quarter hour fire and smoke rated openings; and during a fire
2610 event the fire service access elevator is pressurized and floor-
2611 to-floor smoke control is provided. However, where transient
2612 residential occupancies occur at floor levels more than 420 feet
2613 above the level of fire service access, a 1-hour fire-rated
2614 service access elevator lobby with direct access from the fire
2615 service access elevator is required. Standpipes in high-rise
2616 buildings of Florida Building Code—Building Occupancy Group R1
2617 or R2 must be located in stairwells and are subject only to the
2618 requirements of the Florida Fire Prevention Code and NFPA 14,
2619 Standard for the Installation of Standpipes and Hose Systems,
2620 adopted by the State Fire Marshal.

2621 (21) ~~(20)~~ The Florida Building Commission may not:

2622 (a) Adopt the 2016 version of the American Society of
2623 Heating, Refrigerating and Air-Conditioning Engineers Standard
2624 9.4.1.1(g).

2625 (b) Adopt any provision that requires a door located in

2626 the opening between a garage and a single-family residence to be
2627 equipped with a self-closing device.

2628 **Section 54. Section 569.002, Florida Statutes, is**
2629 **reordered, to read:**

2630 569.002 Definitions.—As used in this part, the term:

2631 (2)~~(1)~~ "Dealer" is synonymous with the term "retail
2632 tobacco products dealer."

2633 (3)~~(2)~~ "Division" means the Division of Alcoholic
2634 Beverages and Tobacco of the Department of Business and
2635 Professional Regulation.

2636 (5)~~(3)~~ "Nicotine product" has the same meaning as in s.
2637 569.31.

2638 (4) "Nicotine dispensing device" has the same meaning as
2639 in s. 569.31.

2640 (6)~~(5)~~ "Permit" is synonymous with the term "retail
2641 tobacco products dealer permit."

2642 (7)~~(6)~~ "Retail tobacco products dealer" means the holder
2643 of a retail tobacco products dealer permit.

2644 (8)~~(7)~~ "Retail tobacco products dealer permit" means a
2645 permit issued by the division pursuant to s. 569.003.

2646 (9)~~(8)~~ "Tobacco products" includes loose tobacco leaves,
2647 and products made from tobacco leaves, in whole or in part, and
2648 cigarette wrappers, which can be used for smoking, sniffing, or
2649 chewing.

2650 (1)~~(9)~~ "Any person under the age of 21" does not include

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2651 any person under the age of 21 who:

2652 (a) Is in the military reserve or on active duty in the
2653 Armed Forces of the United States; or

2654 (b) Is acting in his or her scope of lawful employment
2655 with an entity licensed under ~~the provisions of~~ chapter 210 or
2656 this part.

2657 **Section 55. Section 569.006, Florida Statutes, is amended**
2658 **to read:**

2659 569.006 Retail tobacco products dealers; administrative
2660 penalties.—The division may suspend or revoke the permit of the
2661 dealer upon sufficient cause appearing of the violation of ~~any~~
2662 ~~of the provisions of~~ this chapter, or any violation of the laws
2663 of this state or any state or territory of the United States
2664 ~~including part II of this chapter~~ if the dealer deals, at
2665 retail, in nicotine products within this ~~the~~ state or allows a
2666 nicotine products vending machine to be located on its premises
2667 within this ~~the~~ state, by a dealer or by a dealer's agent or
2668 employee. The division may also assess and accept administrative
2669 fines of up to \$1,000 against a dealer for each violation. The
2670 division shall deposit all fines collected into the General
2671 Revenue Fund as collected. An order imposing an administrative
2672 fine becomes effective 15 days after the date of the order. The
2673 division may suspend the imposition of a penalty against a
2674 dealer, conditioned upon the dealer's compliance with terms the
2675 division considers appropriate.

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2676 **Section 56. Present paragraphs (e), (f), and (g) of**
2677 **subsection (3) of section 581.217, Florida Statutes, are**
2678 **redesignated as paragraphs (f), (g), and (h), respectively, a**
2679 **new paragraph (e) is added to that subsection, and paragraphs**
2680 **(e) and (f) are added to subsection (11) of that section, to**
2681 **read:**

2682 581.217 State hemp program.—

2683 (3) DEFINITIONS.—As used in this section, the term:

2684 (e) "Division" means the Division of Alcoholic Beverages
2685 and Tobacco of the Department of Business and Professional
2686 Regulation.

2687 (11) ENFORCEMENT.—

2688 (e) The division may assist any agent of the department in
2689 enforcing subsection (7) and the rules adopted by the department
2690 relating to the retail sale of products containing hemp extract
2691 intended for human ingestion or inhalation.

2692 (f) The division is authorized to enter any public or
2693 private premises during regular business hours in the
2694 performance of its duties relating to the retail sale of
2695 products containing hemp extract intended for human ingestion or
2696 inhalation.

2697 **Section 57. Subsections (1) and (2) of section 713.03,**
2698 **Florida Statutes, are amended to read:**

2699 713.03 Liens for professional services.—

2700 (1) Any person who performs services as architect,

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2701 landscape architect, ~~interior designer~~, engineer, or surveyor
2702 and mapper, subject to compliance with and the limitations
2703 imposed by this part, has a lien on the real property improved
2704 for any money that is owing to him or her for his or her
2705 services used in connection with improving the real property or
2706 for his or her services in supervising any portion of the work
2707 of improving the real property, rendered in accordance with his
2708 or her contract and with the direct contract.

2709 (2) Any architect, landscape architect, ~~interior designer~~,
2710 engineer, or surveyor and mapper who has a direct contract and
2711 who in the practice of his or her profession shall perform
2712 services, by himself or herself or others, in connection with a
2713 specific parcel of real property and subject to such ~~said~~
2714 compliances and limitations, shall have a lien upon such real
2715 property for the money owing to him or her for his or her
2716 professional services, regardless of whether such real property
2717 is actually improved.

2718 **Section 58. Present subsections (3), (4), and (5) of**
2719 **section 326.002, Florida Statutes, are redesignated as**
2720 **subsections (4), (5), and (3) respectively, and subsection (2)**
2721 **of that section is amended, to read:**

2722 326.002 Definitions.—As used in ss. 326.001-326.006, the
2723 term:

2724 (2) "Division" means the Division of Professions Florida
2725 ~~Condominiums, Timeshares, and Mobile Homes~~ of the Department of

2726 Business and Professional Regulation.

2727 **Section 59. Subsection (3) of section 326.006, Florida**
 2728 **Statutes, is amended to read:**

2729 326.006 Powers and duties of division.—

2730 (3) All fees must be deposited in the Professional
 2731 Regulation Division of Florida Condominiums, Timeshares, and
 2732 Mobile Homes Trust Fund as provided by law.

2733 **Section 60. Section 468.384, Florida Statutes, is amended**
 2734 **to read:**

2735 468.384 Rulemaking authority ~~Florida Board of~~
 2736 ~~Auctioneers.—~~

2737 (1) ~~There is created in the department the Florida Board~~
 2738 ~~of Auctioneers. The board shall be composed of five members~~
 2739 ~~appointed by the Governor and confirmed by the Senate, two of~~
 2740 ~~whom shall have been actively and principally engaged as~~
 2741 ~~auctioneers for a period of not less than 5 years preceding~~
 2742 ~~their appointment, one of whom shall be a principal of an~~
 2743 ~~auction company, and two of whom shall be laypersons. Members~~
 2744 ~~shall serve for terms of 4 years.~~

2745 ~~(2) The department may board has authority to~~ adopt rules
 2746 pursuant to ss. 120.536(1) and 120.54 to implement the
 2747 provisions of this act conferring duties upon it.

2748 (2) ~~(3)~~ The department ~~board~~ shall receive and act upon
 2749 applications for auctioneer, apprentice, and auction business
 2750 licenses and shall have the power to issue, suspend, and revoke

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2751 such licenses and to take such other action as is necessary to
2752 carry out the provisions of this act.

2753 **Section 61. Subsections (1), (4), (5), (6) and paragraph**
2754 **(b) of subsection (7) of section 468.385, Florida Statutes, are**
2755 **amended, and subsection (3) of that section is reenacted, to**
2756 **read:**

2757 468.385 Licenses required; qualifications; examination.—

2758 (1) The department shall license any applicant who it ~~the~~
2759 ~~board~~ certifies is qualified to practice auctioneering.

2760 (3) No person shall be licensed as an auctioneer or
2761 apprentice if he or she:

2762 (a) Is under 18 years of age; or

2763 (b) Has committed any act or offense in this state or any
2764 other jurisdiction which would constitute a basis for
2765 disciplinary action under s. 468.389.

2766 (4) Any person seeking a license as an auctioneer must
2767 pass a written examination approved by the department ~~board~~
2768 which tests his or her general knowledge of the laws of this
2769 state relating to provisions of the Uniform Commercial Code that
2770 are relevant to auctions, the laws of agency, and ~~the provisions~~
2771 ~~of~~ this act.

2772 (5) Each apprentice application and license shall name a
2773 licensed auctioneer who has agreed to serve as the supervisor of
2774 the apprentice. An ~~No~~ apprentice may not conduct, or contract to
2775 conduct, an auction without the express approval of his or her

2776 supervisor. The supervisor shall regularly review the
 2777 apprentice's records, which are required by the department ~~board~~
 2778 to be maintained, to determine whether ~~if~~ such records are
 2779 accurate and current.

2780 (6) A ~~No~~ person may not ~~shall~~ be licensed as an auctioneer
 2781 unless he or she:

2782 (a) Has held an apprentice license and has served as an
 2783 apprentice for 1 year or more, or has completed a course of
 2784 study, consisting of not less than 80 classroom hours of
 2785 instruction, that meets standards adopted by the department; and
 2786 ~~board;~~

2787 (b) Has passed the required examination; ~~and~~

2788 ~~(c) Is approved by the board.~~

2789 (7)

2790 (b) A ~~No~~ business may not ~~shall~~ auction or offer to
 2791 auction any property in this state unless it is licensed as an
 2792 auction business by the department ~~board~~ or is exempt from
 2793 licensure under this act. An ~~Each~~ application for licensure must
 2794 ~~shall~~ include the names of the owner and the business, the
 2795 business mailing address and location, and any other information
 2796 which the department ~~board~~ may require. The owner of an auction
 2797 business shall report to the department ~~board~~ within 30 days
 2798 after ~~of~~ any change in this required information.

2799 **Section 62. Section 468.3852, Florida Statutes, is amended**
 2800 **to read:**

2801 468.3852 Reactivation of license; fee.—The department
2802 ~~board~~ shall prescribe a fee not to exceed \$250 for the
2803 reactivation of an inactive license. The fee is ~~shall be~~ in
2804 addition to the current biennial renewal fee.

2805 **Section 63. Subsections (2) through (5) and (8) of section**
2806 **468.3855, Florida Statutes, are amended to read:**

2807 468.3855 Apprenticeship training requirements.—

2808 (2) An ~~Any~~ auctioneer who undertakes the sponsorship of an
2809 apprentice shall ensure that the apprentice receives training as
2810 required by department ~~board~~ rule.

2811 (3) An apprentice must actively participate in auction
2812 sales as required by department ~~board~~ rule, and a record of each
2813 auction for which participation credit is claimed must be made
2814 as required by department ~~board~~ rule.

2815 (4) An apprentice is ~~Apprentices are~~ prohibited from
2816 conducting an ~~any~~ auction without the prior express written
2817 consent of the sponsor. The apprentice's sponsor must be present
2818 at the auction site at any time the apprentice is actively
2819 participating in the conduct of the auction. If the apprentice's
2820 sponsor cannot attend a particular auction, the sponsor may
2821 appoint a qualified auctioneer who meets the requirements of
2822 department ~~board~~ rule to attend the auction in his or her place.
2823 Prior written consent must be given by the apprentice's sponsor
2824 for each substitution.

2825 (5) Each apprentice and sponsor shall file reports as

2826 required by department ~~board~~ rule.

2827 (8) All apprentice applications shall be valid for a
 2828 period of 6 months after department ~~board~~ approval. Any
 2829 applicant who fails to complete the licensure process within
 2830 that time is ~~shall be~~ required to make application as a new
 2831 applicant.

2832 **Section 64. Subsection (1) of section 468.386, Florida**
 2833 **Statutes, is amended to read:**

2834 468.386 Fees; local licensing requirements.—

2835 (1) The department ~~board~~ by rule may establish
 2836 application, examination, licensure, renewal, and other
 2837 reasonable and necessary fees, based upon the department's
 2838 estimate of the costs ~~to the board~~ in administering this act.

2839 **Section 65. Section 468.387, Florida Statutes, is amended**
 2840 **to read:**

2841 468.387 Licensing of nonresidents; endorsement;
 2842 reciprocity.—The department shall issue a license by endorsement
 2843 to practice auctioneering to an applicant who, upon applying to
 2844 the department and remitting the required fee, set by the
 2845 department ~~board~~, demonstrates to the department ~~board~~ that he
 2846 or she satisfies the requirements of s. 468.385(3) and holds a
 2847 valid license to practice auctioneering in another state,
 2848 provided that the requirements for licensure in that state are
 2849 substantially equivalent to or more stringent than those
 2850 existing in this state. The endorsement and reciprocity

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2851 provisions of this section ~~shall~~ apply to auctioneers only and
2852 not to professions or occupations regulated by other statutes.

2853 **Section 66. Subsections (3) and (9) and paragraph (b) of**
2854 **subsection (10) of section 468.388, Florida Statutes, are**
2855 **amended to read:**

2856 468.388 Conduct of an auction.—

2857 (3) Each auctioneer or auction business shall maintain a
2858 record book of all sales. The record book must ~~shall~~ be open to
2859 inspection by the department ~~board~~ at reasonable times.

2860 (9) The auction business under which the auction is
2861 conducted is responsible for all other aspects of the auction as
2862 required by department ~~board~~ rule. The auction business may
2863 delegate in whole, or in part, different aspects of the auction
2864 only to the extent that such delegation is permitted by law and
2865 that such delegation will not impede the principal auctioneer's
2866 ability to ensure the proper conduct of his or her independent
2867 responsibility for the auction. The auction business under whose
2868 auspices the auction is conducted is responsible for ensuring
2869 compliance as required by department ~~board~~ rule.

2870 (10)

2871 (b) Each auction business shall maintain, for not less
2872 than 2 years, a separate ledger showing the funds held for
2873 another person deposited and disbursed by the auction business
2874 for each auction. The escrow or trust account must be reconciled
2875 monthly with the bank statement. A signed and dated record must

2876 ~~shall~~ be maintained for a 2-year period and be available for
 2877 inspection by the department ~~or at the request of the board.~~

2878 **Section 67. Subsections (1) and (2) and paragraph (a) of**
 2879 **subsection (3) of section 468.389, Florida Statutes, are amended**
 2880 **to read:**

2881 468.389 Prohibited acts; penalties.—

2882 (1) The following acts are ~~shall be~~ grounds for the
 2883 disciplinary activities provided in subsections (2) and (3):

2884 (a) A violation of any law relating to trade or commerce
 2885 of this state or of the state in which an auction is conducted.

2886 (b) Misrepresentation of property for sale at auction or
 2887 making false promises concerning the use, value, or condition of
 2888 such property by an auctioneer or auction business or by anyone
 2889 acting as an agent of or with the consent of the auctioneer or
 2890 auction business.

2891 (c) Failure to account for or to pay or return, within a
 2892 reasonable time not to exceed 30 days, money or property
 2893 belonging to another which has come into the control of an
 2894 auctioneer or auction business through an auction.

2895 (d) False, deceptive, misleading, or untruthful
 2896 advertising.

2897 (e) Any conduct in connection with a sales transaction
 2898 which demonstrates bad faith or dishonesty.

2899 (f) Using or permitting the use of false bidders, cappers,
 2900 or shills.

2901 (g) Making any material false statement on a license
 2902 application.

2903 (h) Commingling money or property of another person with
 2904 his or her own. Every auctioneer and auction business shall
 2905 maintain a separate trust or escrow account in an insured bank
 2906 or savings and loan association located in this state in which
 2907 shall be deposited all proceeds received for another person
 2908 through an auction sale.

2909 (i) Refusal or neglect of any auctioneer or other receiver
 2910 of public moneys to pay the moneys so received into the State
 2911 Treasury at the times and under the regulations prescribed by
 2912 law.

2913 (j) Violating a statute or an administrative rule
 2914 regulating practice under this part or a lawful disciplinary
 2915 order of the ~~board or the~~ department.

2916 (k) Having a license to practice a comparable profession
 2917 revoked, suspended, or otherwise acted against by another state,
 2918 territory, or country.

2919 (l) Being convicted or found guilty, regardless of
 2920 adjudication, of a crime in any jurisdiction which directly
 2921 relates to the practice or the ability to practice the
 2922 profession of auctioneering.

2923 (2) When the department ~~board~~ finds that any person
 2924 committed ~~guilty of~~ any of the prohibited acts set forth in
 2925 subsection (1), it may enter an order imposing one or more of

2926 | the following penalties:

2927 | (a) Refusal to certify to the department an application

2928 | for licensure.

2929 | (b) Revocation or suspension of a license.

2930 | (c) Imposition of an administrative fine not to exceed

2931 | \$1,000 for each count or separate offense.

2932 | (d) Issuance of a reprimand.

2933 | (e) Placement of the auctioneer on probation for a period

2934 | of time and subject to conditions as the department ~~board~~ may

2935 | specify, including requiring the auctioneer to successfully

2936 | complete the licensure examination.

2937 | (f) Requirement that the person in violation make

2938 | restitution to each consumer affected by that violation. Proof

2939 | of such restitution must ~~shall~~ be a signed and notarized release

2940 | executed by the consumer or the consumer's estate.

2941 | (3) (a) Failure to pay a fine within a reasonable time, as

2942 | prescribed by department ~~board~~ rule, may be grounds for

2943 | disciplinary action.

2944 | **Section 68. Section 468.392, Florida Statutes, is amended**

2945 | **to read:**

2946 | 468.392 Auctioneer Recovery Fund.—There is created the

2947 | Auctioneer Recovery Fund as a separate account in the

2948 | Professional Regulation Trust Fund. The department shall

2949 | administer the fund ~~shall be administered by the Florida Board~~

2950 | ~~of Auctioneers.~~

2951 (1) The Chief Financial Officer shall invest the money not
 2952 currently needed to meet the obligations of the fund in the same
 2953 manner as other public funds may be invested. Interest that
 2954 accrues from these investments shall be deposited to the credit
 2955 of the Auctioneer Recovery Fund and shall be available for the
 2956 same purposes as other moneys deposited in the Auctioneer
 2957 Recovery Fund.

2958 (2) The Chief Financial Officer shall, upon a voucher
 2959 signed by the Secretary of Business and Professional Regulation
 2960 or the secretary's designee, make all payments and disbursements
 2961 from the Auctioneer Recovery Fund ~~All payments and disbursements~~
 2962 ~~from the Auctioneer Recovery Fund shall be made by the Chief~~
 2963 ~~Financial Officer upon a voucher signed by the Secretary of~~
 2964 ~~Business and Professional Regulation or the secretary's~~
 2965 ~~designee.~~

2966 (3) If at any time the moneys in the Auctioneer Recovery
 2967 Fund are insufficient to satisfy any valid claim or portion
 2968 thereof, the department board shall satisfy such unpaid claim or
 2969 portion thereof as soon as a sufficient amount has been
 2970 deposited in or transferred to the fund. When there is more than
 2971 one unsatisfied claim outstanding, such claims shall be paid in
 2972 the order in which the claims were made.

2973 (4) Upon the payment of any amount from the Auctioneer
 2974 Recovery Fund in settlement of a claim in satisfaction of a
 2975 judgment against an auctioneer or auction business as described

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2976 in s. 468.395, the license of such auctioneer or auction
2977 business is ~~shall be~~ automatically suspended until the licensee
2978 has complied with s. 468.398. A discharge of bankruptcy does
2979 ~~shall~~ not relieve a person from the penalties and disabilities
2980 provided in this section.

2981 (5) Moneys in the fund at the end of a fiscal year shall
2982 be retained in the fund and shall accrue for the benefit of
2983 auctioneers and auction businesses. When the fund exceeds the
2984 amount as set forth in s. 468.393(2), all surcharges shall be
2985 suspended until such time as the fund is reduced below the
2986 amount as set forth in s. 468.393(3).

2987 **Section 69. Subsections (1), (3), and (4) of section**
2988 **468.393, Florida Statutes, are amended to read:**

2989 468.393 Surcharge to license fee; assessments.—

2990 (1) At the time of licensure under s. 468.385, s.
2991 468.3851, or s. 468.3852, each licensee shall pay, in addition
2992 to an application and license fee, a surcharge in an amount to
2993 be determined by the department board ~~board~~, not to exceed \$300, which
2994 shall be deposited in the Auctioneer Recovery Fund.

2995 (3) ~~After October 1, 1995,~~ If the total amount in the
2996 Auctioneer Recovery Fund, including principal and interest, is
2997 less than \$200,000 at the end of the fiscal year after the
2998 payment of all claims and expenses, the department board ~~board~~ shall
2999 assess, in addition to any other fees under s. 468.3852, a
3000 surcharge against a licensee at the time of initial licensure or

3001 at the time of license renewal, according to the following
 3002 formula in order to maintain the fund at \$500,000:

3003 (a) Determine the amount remaining in the fund at the end
 3004 of the state fiscal year after all expenses and claims have been
 3005 paid.

3006 (b) Subtract the amount determined under paragraph (a)
 3007 from \$500,000.

3008 (c) Determine the number of initial licenses and license
 3009 renewals in the fiscal year that precedes the current fiscal
 3010 year.

3011 (d) Divide the amount determined under paragraph (b) by
 3012 the number determined under paragraph (c).

3013 (4) The department ~~board~~ shall assess the surcharge
 3014 described in subsection (3) against each licensee who receives
 3015 an initial license or receives a renewal license during the
 3016 fiscal year that follows the year in which the amount remaining
 3017 in the fund was less than \$200,000.

3018 **Section 70. Subsections (1) and (4) of section 468.395,**
 3019 **Florida Statutes, are amended to read:**

3020 468.395 Conditions of recovery; eligibility.—

3021 (1) Recovery from the Auctioneer Recovery Fund may be
 3022 obtained as follows:

3023 (a) Any aggrieved person is eligible to receive recovery
 3024 from the Auctioneer Recovery Fund if the department ~~Florida~~
 3025 ~~Board of Auctioneers~~ has issued a final order directing an

3026 offending licensee to pay restitution to the claimant as the
3027 result of the licensee violating, within this state, any
3028 provision of s. 468.389 or any rule adopted by the department
3029 ~~board~~ and if the department ~~board~~ determined that the order of
3030 restitution cannot be enforced; or

3031 (b) Any aggrieved person who obtains a final judgment in
3032 any court against any licensee to recover damages for any actual
3033 loss that results from the violation, within this state, by a
3034 licensee of any provision of s. 468.389 or any rule adopted by
3035 the department ~~board~~ may, upon termination of all proceedings,
3036 including appeals and proceedings supplemental to judgment for
3037 collection purposes, file a verified application to the
3038 department ~~board~~ for an order directing payment out of the
3039 Auctioneer Recovery Fund of the amount of actual loss in the
3040 transaction that remains unpaid upon the judgment. The amount of
3041 actual loss may include court costs, but may ~~shall~~ not include
3042 attorney ~~attorney's~~ fees or punitive damages awarded.

3043 (4) The department ~~may~~ ~~board~~ ~~shall~~ not issue an order for
3044 payment of a claim from the Auctioneer Recovery Fund unless the
3045 claimant has reasonably established to the department ~~board~~ that
3046 she or he has taken proper and reasonable action to collect the
3047 amount of her or his claim from the licensee responsible for the
3048 loss and that any recovery made has been applied to reduce the
3049 amount of the claim on the Auctioneer Recovery Fund.

3050 **Section 71. Subsections (2) and (3) of section 468.396,**

3051 **Florida Statutes, are amended to read:**

3052 468.396 Claims against a single licensee in excess of
 3053 dollar limitation; joinder of claims, payment; insufficient
 3054 funds.—

3055 (2) Upon petition of the department ~~board~~, the court may
 3056 require all claimants and prospective claimants against one
 3057 licensee to be joined in one action, to the end that the
 3058 respective rights of all the claimants to the department ~~board~~
 3059 may be equitably adjudicated and settled.

3060 (3) On June 30 and December 31 of each year, the
 3061 department ~~board~~ shall identify each claim that the court orders
 3062 to be paid during the 6-month period that ended on that day. The
 3063 department ~~board~~ shall pay the part of each claim that is so
 3064 identified within 15 days after the end of the 6-month period in
 3065 which the claim is ordered paid. However, if the balance in the
 3066 fund is insufficient to pay the full payable amount of each
 3067 claim that is ordered to be paid during a 6-month period, the
 3068 department ~~board~~ shall pay a prorated portion of each claim that
 3069 is ordered to be paid during the period. Any part of the payable
 3070 amount of a claim left unpaid due to the prorating of payments
 3071 under this subsection must ~~shall~~ be paid, subject to the \$50,000
 3072 limit described in s. 468.395, before the payment of claims
 3073 ordered to be paid during the following 6 months.

3074 **Section 72. Section 468.397, Florida Statutes, is amended**
 3075 **to read:**

3076 468.397 Payment of claim.—Upon a final order of the court
 3077 directing that payment be made out of the Auctioneer Recovery
 3078 Fund, the department ~~board~~ shall, subject to the provisions of
 3079 this part, make the payment out of the Auctioneer Recovery Fund
 3080 as provided in s. 468.395.

3081 **Section 73. Section 468.398, Florida Statutes, is amended**
 3082 **to read:**

3083 468.398 Suspension of judgment debtor's license; repayment
 3084 by licensee; interest.—If the department ~~board~~ is required to
 3085 make any payment from the Auctioneer Recovery Fund in settlement
 3086 of a claim or toward the satisfaction of a judgment under this
 3087 part, the department ~~board~~ shall suspend the judgment debtor's
 3088 license. The licensee is not eligible to be licensed again as
 3089 either an auctioneer or auction business until the licensee has
 3090 repaid in full the amount paid from the Auctioneer Recovery
 3091 Fund, with interest at the current applicable rate.

3092 **Section 74. Section 468.522, Florida Statutes, is amended**
 3093 **to read:**

3094 468.522 Rulemaking authority ~~Rules of the board~~.—The
 3095 department ~~board~~ has authority to adopt rules pursuant to ss.
 3096 120.536(1) and 120.54 to implement the provisions of this part.
 3097 Every licensee shall be governed and controlled by this part and
 3098 the rules adopted by the department ~~board~~.

3099 **Section 75. Subsections (2) and (4) of section 468.524,**
 3100 **Florida Statutes, are amended to read:**

3101 468.524 Application for license.—

3102 (2) The department ~~board~~ may require information and
 3103 certifications necessary to determine that the applicant is of
 3104 good moral character and meets other licensure requirements of
 3105 this part.

3106 (4) An applicant or licensee is ineligible to reapply for
 3107 a license for a period of 1 year following final agency action
 3108 on the denial or revocation of a license applied for or issued
 3109 under this part. This time restriction does not apply to
 3110 administrative denials or revocations entered because:

3111 (a) The applicant or licensee has made an inadvertent
 3112 error or omission on the application;

3113 (b) The experience documented to the department ~~board~~ was
 3114 insufficient at the time of the previous application;

3115 (c) The department is unable to complete the criminal
 3116 background investigation because of insufficient information
 3117 from the Florida Department of Law Enforcement, the Federal
 3118 Bureau of Investigation, or any other applicable law enforcement
 3119 agency;

3120 (d) The applicant or licensee has failed to submit
 3121 required fees; or

3122 (e) An applicant or licensed employee leasing company has
 3123 been deemed ineligible for a license because of the lack of good
 3124 moral character of an individual or individuals when such
 3125 individual or individuals are no longer employed in a capacity

3126 that would require their licensing under this part.

3127 **Section 76. Section 468.5245, Florida Statutes, is amended**
 3128 **to read:**

3129 468.5245 Change of ownership.—

3130 (1) A license or registration issued to any entity under
 3131 this part may not be transferred or assigned. The department
 3132 ~~board~~ shall adopt rules to provide for a licensee's or
 3133 registrant's change of name or location.

3134 (2) A person or entity that seeks to purchase or acquire
 3135 control of an employee leasing company or group licensed or
 3136 registered under this part must first apply to the department
 3137 ~~board~~ for a certificate of approval for the proposed change of
 3138 ownership. However, prior approval is not required if, at the
 3139 time the purchase or acquisition occurs, a controlling person of
 3140 the employee leasing company or group maintains a controlling
 3141 person license under this part. Notification must be provided to
 3142 the department ~~board~~ within 30 days after the purchase or
 3143 acquisition of such company in the manner prescribed by the
 3144 department ~~board~~.

3145 (3) Any application that is submitted to the department
 3146 ~~board~~ under this section is ~~shall be~~ deemed approved if the
 3147 department ~~board~~ has not approved the application or rejected
 3148 the application, and provided the applicant with the basis for a
 3149 rejection, within 90 days after the receipt of the completed
 3150 application.

3151 (4) The department board shall establish filing fees for a
 3152 change-of-ownership application in accordance with s.
 3153 468.524(1).

3154 **Section 77. Subsection (2) and paragraphs (c) through (f)**
 3155 **of subsection (3) of section 468.525, Florida Statutes, are**
 3156 **amended to read:**

3157 468.525 License requirements.—

3158 (2) (a) As used in this part, "good moral character" means
 3159 a personal history of honesty, trustworthiness, fairness, a good
 3160 reputation for fair dealings, and respect for the rights of
 3161 others and for the laws of this state and nation. The department
 3162 shall institute a thorough background investigation of the
 3163 individual's good moral character ~~shall be instituted by the~~
 3164 ~~department~~. Such investigation shall require:

3165 1. The submission of fingerprints, for processing through
 3166 appropriate law enforcement agencies, by the applicant and the
 3167 examination of police records by the department board.

3168 2. Such other investigation of the individual as the
 3169 department board may deem necessary.

3170 (b) The department board may deny an application for
 3171 licensure or renewal citing lack of good moral character.
 3172 Conviction of a crime within the last 7 years may ~~shall~~ not
 3173 automatically bar any applicant or licensee from obtaining a
 3174 license or continuing as a licensee. The department board shall
 3175 consider the type of crime committed, the crime's relevancy to

3176 the employee leasing industry, the length of time since the
3177 conviction and any other factors deemed relevant by the
3178 department ~~board~~.

3179 (3) Each employee leasing company licensed by the
3180 department shall have a registered agent for service of process
3181 in this state and at least one licensed controlling person. In
3182 addition, each licensed employee leasing company shall comply
3183 with the following requirements:

3184 (c) An applicant for initial or renewal license of an
3185 employee leasing company license or employee leasing company
3186 group must ~~shall~~ have an accounting net worth or must ~~shall~~ have
3187 guaranties, letters of credit, or other security acceptable to
3188 the department ~~board~~ in sufficient amounts to offset any
3189 deficiency. A guaranty will not be acceptable to satisfy this
3190 requirement unless the applicant submits sufficient evidence to
3191 satisfy the department ~~board~~ that the guarantor has adequate
3192 resources to satisfy the obligation of the guaranty.

3193 (d) Each employee leasing company shall maintain an
3194 accounting net worth and positive working capital, as determined
3195 in accordance with generally accepted accounting principles, or
3196 shall have guaranties, letters of credit, or other security
3197 acceptable to the department ~~board~~ in sufficient amounts to
3198 offset any deficiency. A guaranty will not be acceptable to
3199 satisfy this requirement unless the licensee submits sufficient
3200 evidence, as defined by rule, that the guarantor has adequate

3201 resources to satisfy the obligation of the guaranty. In
 3202 determining the amount of working capital, a licensee shall
 3203 include adequate reserves for all taxes and insurance, including
 3204 plans of self-insurance or partial self-insurance for claims
 3205 incurred but not paid and for claims incurred but not reported.
 3206 Compliance with the requirements of this paragraph is subject to
 3207 verification by department ~~or board~~ audit.

3208 (e) Each employee leasing company or employee leasing
 3209 company group shall submit annual financial statements audited
 3210 by an independent certified public accountant, with the
 3211 application and within 120 days after the end of each fiscal
 3212 year, in a manner and time prescribed by the department ~~board~~,
 3213 provided however, that any employee leasing company or employee
 3214 leasing company group with gross Florida payroll of less than
 3215 \$2.5 million during any fiscal year may submit financial
 3216 statements reviewed by an independent certified public
 3217 accountant for that year.

3218 (f) The licensee shall notify the department ~~or board~~ in
 3219 writing within 30 days after any change in the application or
 3220 status of the license.

3221 **Section 78. Subsections (3) and (5) of section 468.526,**
 3222 **Florida Statutes, are amended to read:**

3223 468.526 License required; fees.—

3224 (3) Each employee leasing company and employee leasing
 3225 company group licensee shall pay to the department upon the

3226 | initial issuance of a license and upon each renewal thereafter a
 3227 | license fee not to exceed \$2,500 to be established by the
 3228 | department ~~board~~. In addition to the license fee, the department
 3229 | ~~board~~ shall establish an annual assessment for each employee
 3230 | leasing company and each employee leasing company group
 3231 | sufficient to cover all costs for regulation of the profession
 3232 | pursuant to this chapter, chapter 455, and any other applicable
 3233 | provisions of law. The annual assessment shall:

3234 | (a) Be due and payable upon initial licensure and
 3235 | subsequent renewals thereof and 1 year before the expiration of
 3236 | any licensure period; and

3237 | (b) Be based on a fixed percentage, variable classes, or a
 3238 | combination of both, as determined by the department ~~board~~, of
 3239 | gross Florida payroll for employees leased to clients by the
 3240 | applicant or licensee during the period beginning five quarters
 3241 | before and ending one quarter before each assessment. It is the
 3242 | intent of the Legislature that the greater weight of total fees
 3243 | for licensure and assessments should be on larger companies and
 3244 | groups.

3245 | (5) Each controlling person licensee shall pay to the
 3246 | department upon the initial issuance of a license and upon each
 3247 | renewal thereafter a license fee to be established by the
 3248 | department ~~board~~ in an amount not to exceed \$2,000.

3249 | **Section 79. Subsection (1) of section 468.527, Florida**
 3250 | **Statutes, is amended to read:**

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3251 468.527 Licensure and license renewal.—

3252 (1) The department shall license any applicant who it ~~the~~
3253 ~~board~~ certifies is qualified to practice employee leasing as an
3254 employee leasing company, employee leasing company group, or
3255 controlling person.

3256 **Section 80. Subsection (2) of section 468.5275, Florida**
3257 **Statutes, is amended to read:**

3258 468.5275 Registration and exemption of de minimis
3259 operations.—

3260 (2) A registration is valid for 1 year. Each registrant
3261 shall pay to the department upon initial registration, and upon
3262 each renewal thereafter, a registration fee to be established by
3263 the department ~~board~~ in an amount not to exceed:

3264 (a) Two hundred and fifty dollars for an employee leasing
3265 company.

3266 (b) Five hundred dollars for an employee leasing company
3267 group.

3268 **Section 81. Subsections (2), (4), and (5) of section**
3269 **468.529, Florida Statutes, are amended to read:**

3270 468.529 Licensee's insurance; employment tax; benefit
3271 plans.—

3272 (2) An initial or renewal license may not be issued to any
3273 employee leasing company unless the employee leasing company
3274 first files with the department ~~board~~ evidence of workers'
3275 compensation coverage for all leased employees in this state.

3276 Each employee leasing company shall maintain and make available
 3277 to its workers' compensation carrier the following information:

3278 (a) The correct name and federal identification number of
 3279 each client company.

3280 (b) A listing of all covered employees provided to each
 3281 client company, by classification code.

3282 (c) The total eligible wages by classification code and
 3283 the premiums due to the carrier for the employees provided to
 3284 each client company.

3285 (4) An initial or renewal license may not be issued to any
 3286 employee leasing company unless the employee leasing company
 3287 first provides evidence to the department ~~board~~, as required by
 3288 department ~~board~~ rule, that the employee leasing company has
 3289 paid all of the employee leasing company's obligations for
 3290 payroll, payroll-related taxes, workers' compensation insurance,
 3291 and employee benefits. All disputed amounts must be disclosed in
 3292 the application.

3293 (5) The provisions of this section are subject to
 3294 verification by department ~~or board~~ audit.

3295 **Section 82. Subsections (3) and (4) of section 468.530,**
 3296 **Florida Statutes, are amended to read:**

3297 468.530 License, contents; posting.—

3298 (3) A ~~No~~ license may not ~~shall~~ be valid for any person or
 3299 entity who engages in the business under any name other than
 3300 that specified in the license. A license issued under this part

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3301 may ~~shall~~ not be assignable, and a ~~no~~ licensee may not conduct a
3302 business under a fictitious name without prior written
3303 authorization of the department ~~board~~ to do so. The department
3304 ~~board~~ may not authorize the use of a name which is so similar to
3305 that of a public officer or agency, or of that used by another
3306 licensee, that the public may be confused or misled thereby. A
3307 ~~No~~ licensee may not ~~shall~~ be permitted to conduct business under
3308 more than one name unless it has obtained a separate license. A
3309 licensee desiring to change its licensed name at any time except
3310 upon license renewal shall notify the department ~~board~~ and pay a
3311 fee not to exceed \$50 for each authorized change of name.

3312 (4) Each employee leasing company or employee leasing
3313 company group licensed under this part shall be properly
3314 identified in all advertisements, which must include the license
3315 number, licensed business name, and other appropriate
3316 information in accordance with rules established by the
3317 department ~~board~~.

3318 **Section 83. Subsection (1) of section 468.531, Florida**
3319 **Statutes, is amended to read:**

3320 468.531 Prohibitions; penalties.—

3321 (1) A ~~No~~ person or entity may not ~~shall~~:

3322 (a) Practice or offer to practice as an employee leasing
3323 company, an employee leasing company group, or a controlling
3324 person unless such person or entity is licensed pursuant to this
3325 part;

3326 (b) Practice or offer to practice as an employee leasing
 3327 company or employee leasing company group unless all controlling
 3328 persons thereof are licensed pursuant to this part;

3329 (c) Use the name or title "licensed employee leasing
 3330 company," "employee leasing company," "employee leasing company
 3331 group," "professional employer," "professional employer
 3332 organization," "controlling person," or words that would tend to
 3333 lead one to believe that such person or entity is registered
 3334 pursuant to this part, when such person or entity has not
 3335 registered pursuant to this part;

3336 (d) Present as his or her own or his or her entity's own
 3337 the license of another;

3338 (e) Knowingly give false or forged evidence to the
 3339 department board or an employee a member thereof; or

3340 (f) Use or attempt to use a license that has been
 3341 suspended or revoked.

3342 **Section 84. Subsections (1), (2), and (4) of section**
 3343 **468.532, Florida Statutes, are amended to read:**

3344 468.532 Discipline.—

3345 (1) The following constitute grounds for which
 3346 disciplinary action against a licensee may be taken by the
 3347 department board:

3348 (a) Being convicted or found guilty of, or entering a plea
 3349 of nolo contendere to, regardless of adjudication, bribery,
 3350 fraud, or willful misrepresentation in obtaining, attempting to

3351 obtain, or renewing a license.

3352 (b) Being convicted or found guilty of, or entering a plea
 3353 of nolo contendere to, regardless of adjudication, a crime in
 3354 any jurisdiction which relates to the operation of an employee
 3355 leasing business or the ability to engage in business as an
 3356 employee leasing company.

3357 (c) Being convicted or found guilty of, or entering a plea
 3358 of nolo contendere to, regardless of adjudication, fraud,
 3359 deceit, or misconduct in the classification of employees
 3360 pursuant to chapter 440.

3361 (d) Being convicted or found guilty of, or entering a plea
 3362 of nolo contendere to, regardless of adjudication, fraud,
 3363 deceit, or misconduct in the establishment or maintenance of
 3364 self-insurance, be it health insurance or workers' compensation
 3365 insurance.

3366 (e) Being convicted or found guilty of, or entering a plea
 3367 of nolo contendere to, regardless of adjudication, fraud,
 3368 deceit, or misconduct in the operation of an employee leasing
 3369 company.

3370 (f) Conducting business without an active license.

3371 (g) Failing to maintain workers' compensation insurance as
 3372 required in s. 468.529.

3373 (h) Transferring or attempting to transfer a license
 3374 issued pursuant to this part.

3375 (i) Violating any provision of this part or any lawful

3376 order or rule issued under the provisions of this part or
3377 chapter 455.

3378 (j) Failing to notify the department ~~board~~, in writing, of
3379 any change of the primary business address or the addresses of
3380 any of the licensee's offices in this ~~the~~ state.

3381 (k) Having been confined in any county jail,
3382 postadjudication, or being confined in any state or federal
3383 prison or mental institution, or when through mental disease or
3384 deterioration, the licensee can no longer safely be entrusted to
3385 deal with the public or in a confidential capacity.

3386 (l) Having been found guilty for a second time of any
3387 misconduct that warrants suspension or being found guilty of a
3388 course of conduct or practices which shows that the licensee is
3389 so incompetent, negligent, dishonest, or untruthful that the
3390 money, property, transactions, and rights of investors, or those
3391 with whom the licensee may sustain a confidential relationship,
3392 may not safely be entrusted to the licensee.

3393 (m) Failing to inform the department ~~board~~ in writing
3394 within 30 days after being convicted or found guilty of, or
3395 entering a plea of nolo contendere to, any felony, regardless of
3396 adjudication.

3397 (n) Failing to conform to any lawful order of the
3398 department ~~board~~.

3399 (o) Being determined liable for civil fraud by a court in
3400 any jurisdiction.

3401 (p) Having adverse material final action taken by any
3402 state or federal regulatory agency for violations within the
3403 scope of control of the licensee.

3404 (q) Failing to inform the department ~~board~~ in writing
3405 within 30 days after any adverse material final action by a
3406 state or federal regulatory agency.

3407 (r) Failing to meet or maintain the requirements for
3408 licensure as an employee leasing company or controlling person.

3409 (s) Engaging as a controlling person any person who is not
3410 licensed as a controlling person by the department ~~board~~.

3411 (t) Attempting to obtain, obtaining, or renewing a license
3412 to practice employee leasing by bribery, misrepresentation, or
3413 fraud.

3414 (2) When the department ~~board~~ finds any violation of
3415 subsection (1), it may do one or more of the following:

3416 (a) Deny an application for licensure.

3417 (b) Permanently revoke, suspend, restrict, or not renew a
3418 license.

3419 (c) Impose an administrative fine not to exceed \$5,000 for
3420 every count or separate offense.

3421 (d) Issue a reprimand.

3422 (e) Place the licensee on probation for a period of time
3423 and subject the licensee to such conditions as the department
3424 ~~board~~ may specify.

3425 (f) Assess costs associated with investigation and

3426 prosecution.

3427 (4) The department ~~board~~ shall specify the penalties for
 3428 any violation of this part.

3429 **Section 85. Subsection (2) of section 476.074, Florida**
 3430 **Statutes, is amended to read:**

3431 476.074 Legal, investigative, and inspection services.—

3432 (2) The department shall provide all investigative
 3433 services required by the ~~board or the~~ department in carrying out
 3434 ~~the provisions of~~ this act.

3435 **Section 86. Subsections (2) and (3) of section 476.114,**
 3436 **Florida Statutes, are amended to read:**

3437 476.114 Examination; prerequisites.—

3438 (2) An applicant is eligible for licensure by examination
 3439 to practice barbering if the applicant:

3440 (a) Is at least 16 years of age;

3441 (b) Pays the required application fee; and

3442 (c) Has received a minimum of 900 hours of training in
 3443 sanitation, safety, and laws and rules, as established by the
 3444 department ~~board~~, which must include, but is not limited to, the
 3445 equivalent of completion of services directly related to the
 3446 practice of barbering at one of the following:

3447 1. A school of barbering licensed pursuant to chapter
 3448 1005;

3449 2. A barbering program within the public school system; or

3450 3. A government-operated barbering program in this state.

3451
 3452 The department ~~board~~ shall establish by rule procedures whereby
 3453 the school or program may certify that a person is qualified to
 3454 take the required examination after the completion of a minimum
 3455 of 600 actual school hours. If the person passes the
 3456 examination, she or he has satisfied this requirement; but if
 3457 the person fails the examination, she or he may not be qualified
 3458 to take the examination again until the completion of the full
 3459 requirements provided by this section.

3460 (3) An applicant who meets the requirements set forth in
 3461 paragraph (2)(c) who fails to pass the examination may take
 3462 subsequent examinations as many times as necessary to pass,
 3463 except that the department ~~board~~ may specify by rule reasonable
 3464 timeframes for rescheduling the examination and additional
 3465 training requirements for applicants who, after the third
 3466 attempt, fail to pass the examination. Before ~~Prior to~~
 3467 reexamination, the applicant must file the appropriate form and
 3468 pay the reexamination fee as required by rule.

3469 **Section 87. Subsections (1) and (2) of section 476.134,**
 3470 **Florida Statutes, are amended to read:**

3471 476.134 Examinations.—

3472 (1) Examinations of applicants for licenses as barbers
 3473 shall be offered not less than four times each year. The
 3474 examination of applicants for licenses as barbers must ~~shall~~
 3475 include a written test. The department has ~~board shall have~~ the

3476 authority to adopt rules with respect to the examination of
3477 applicants for licensure. The department ~~board~~ may provide rules
3478 with respect to written examinations in such manner as the
3479 department ~~board~~ may deem fit.

3480 (2) The department ~~board~~ shall adopt rules specifying the
3481 areas of competency to be covered by the examination. Such rules
3482 must ~~shall~~ include the relative weight assigned in grading each
3483 area. All areas tested must ~~shall~~ be reasonably related to the
3484 protection of the public and the applicant's competency to
3485 practice barbering in a manner which will not endanger the
3486 public.

3487 **Section 88. Subsections (1), (2), (5), and (6) of section**
3488 **476.144, Florida Statutes, are amended to read:**

3489 476.144 Licensure.—

3490 (1) The department shall license any applicant who it ~~the~~
3491 ~~board~~ certifies is qualified to practice barbering in this
3492 state.

3493 (2) The department ~~board~~ shall certify for licensure any
3494 applicant who satisfies the requirements of s. 476.114, and who
3495 passes the required examination, achieving a passing grade as
3496 established by department ~~board~~ rule.

3497 (5) The department ~~board~~ shall certify as qualified for
3498 licensure by endorsement as a barber in this state an applicant
3499 who holds a current active license to practice barbering in
3500 another state. The department ~~board~~ shall adopt rules specifying

3501 procedures for the licensure by endorsement of practitioners
 3502 desiring to be licensed in this state who hold a current active
 3503 license in another country and who have met qualifications
 3504 substantially similar to, equivalent to, or greater than the
 3505 qualifications required of applicants from this state.

3506 (6) A person may apply for a restricted license to
 3507 practice barbering. The department ~~board~~ shall adopt rules
 3508 specifying procedures for an applicant to obtain a restricted
 3509 license if the applicant:

3510 (a)1. Has successfully completed a restricted barber
 3511 course, as established by rule of the department ~~board~~, at a
 3512 school of barbering licensed pursuant to chapter 1005, a
 3513 barbering program within the public school system, or a
 3514 government-operated barbering program in this state; or

3515 2.a. Holds or has within the previous 5 years held an
 3516 active valid license to practice barbering in another state or
 3517 country or has held a Florida barbering license which has been
 3518 declared null and void for failure to renew the license, and the
 3519 applicant fulfilled the requirements of s. 476.114(2)(c) for
 3520 initial licensure; and

3521 b. Has not been disciplined relating to the practice of
 3522 barbering in the previous 5 years; and

3523 (b) Passes a written examination on the laws and rules
 3524 governing the practice of barbering in Florida, as established
 3525 by the department ~~board~~.

3526
 3527 The restricted license shall limit the licensee's practice to
 3528 those specific areas in which the applicant has demonstrated
 3529 competence pursuant to rules adopted by the department ~~board~~.

3530 **Section 89. Subsection (2) of section 476.154, Florida**
 3531 **Statutes, is amended to read:**

3532 476.154 Biennial renewal of licenses.—

3533 (2) Any license or certificate of registration issued
 3534 pursuant to this act for a period less than the established
 3535 biennial issuance period may be issued for that lesser period of
 3536 time, and the department shall adjust the required fee
 3537 accordingly. The department ~~board~~ shall adopt rules providing
 3538 for such partial period fee adjustments.

3539 **Section 90. Subsection (2) of section 476.155, Florida**
 3540 **Statutes, is amended, and subsection (1) of that section is**
 3541 **reenacted, to read:**

3542 476.155 Inactive status; reactivation of inactive
 3543 license.—

3544 (1) A barber's license that has become inactive may be
 3545 reactivated under s. 476.154 upon application to the department.

3546 (2) The department ~~board~~ shall adopt ~~promulgate~~ rules
 3547 relating to licenses which have become inactive and for the
 3548 renewal of inactive licenses. The department ~~board~~ shall
 3549 prescribe by rule a fee not to exceed \$100 for the reactivation
 3550 of an inactive license and a fee not to exceed \$50 for the

3551 renewal of an inactive license.

3552 **Section 91. Subsection (1) of section 476.192, Florida**
 3553 **Statutes, is amended to read:**

3554 476.192 Fees; disposition.—

3555 (1) The department ~~board~~ shall set by rule fees according
 3556 to the following schedule:

3557 (a) For barbers, fees for original licensing, license
 3558 renewal, and delinquent renewal may ~~shall~~ not exceed \$100.

3559 (b) For barbers, fees for endorsement application,
 3560 examination, and reexamination may ~~shall~~ not exceed \$150.

3561 (c) For barbershops, fees for license application,
 3562 original licensing, license renewal, and delinquent renewal may
 3563 ~~shall~~ not exceed \$150.

3564 (d) For duplicate licenses and certificates, fees may
 3565 ~~shall~~ not exceed \$25.

3566 **Section 92. Paragraphs (h) and (i) of subsection (1) and**
 3567 **subsection (2) of section 476.204, Florida Statutes, are**
 3568 **amended, to read:**

3569 476.204 Penalties.—

3570 (1) It is unlawful for any person to:

3571 (h) Violate ~~any provision of~~ s. 455.227(1), s. 476.194, or
 3572 s. 476.214.

3573 (i) Violate or refuse to comply with any provision of this
 3574 chapter or chapter 455 or a rule or final order of the
 3575 department ~~board~~.

3576 (2) Any person who violates any provision of this section
 3577 shall be subject to one or more of the following penalties, as
 3578 determined by the department ~~board~~:

3579 (a) Revocation or suspension of any license or
 3580 registration issued pursuant to this chapter.

3581 (b) Issuance of a reprimand or censure.

3582 (c) Imposition of an administrative fine not to exceed
 3583 \$500 for each count or separate offense.

3584 (d) Placement on probation for a period of time and
 3585 subject to such reasonable conditions as the department ~~board~~
 3586 may specify.

3587 (e) Refusal to certify to the department an applicant for
 3588 licensure.

3589 **Section 93. Section 476.214, Florida Statutes, is amended**
 3590 **to read:**

3591 476.214 Grounds for suspending, revoking, or refusing to
 3592 grant license or certificate.—

3593 (1) The department ~~board~~ shall have the power to revoke or
 3594 suspend any license, registration card, or certificate of
 3595 registration issued pursuant to this act, or to reprimand,
 3596 censure, deny subsequent licensure of, or otherwise discipline
 3597 any holder of a license, registration card, or certificate of
 3598 registration issued pursuant to this act, for any of the
 3599 following causes:

3600 (a) Gross malpractice or gross incompetency in the

3601 practice of barbering;

3602 (b) Practice by a person knowingly having an infectious or
3603 contagious disease; or

3604 (c) Commission of any of the offenses described in s.
3605 476.194.

3606 (2) The department ~~board~~ shall keep a record of its
3607 disciplinary proceedings against holders of licenses or
3608 certificates of registration issued pursuant to this act.

3609 (3) The department may ~~shall~~ not issue or renew a license
3610 or certificate of registration under this chapter to any person
3611 against whom or barbershop against which it ~~the board~~ has
3612 assessed a fine, interest, or costs associated with
3613 investigation and prosecution until the person or barbershop has
3614 paid in full such fine, interest, or costs associated with
3615 investigation and prosecution or until the person or barbershop
3616 complies with or satisfies all terms and conditions of the final
3617 order.

3618 **Section 94. Section 476.234, Florida Statutes, is amended**
3619 **to read:**

3620 476.234 Civil proceedings.—In addition to any other
3621 remedy, the department may file a proceeding in the name of the
3622 state seeking issuance of a restraining order, injunction, or
3623 writ of mandamus against any person who is or has been violating
3624 any of the provisions of this act or the lawful rules or orders
3625 of the ~~board, commission, or~~ department.

3626 **Section 95. Section 477.016, Florida Statutes, is amended**
 3627 **to read:**

3628 477.016 Rulemaking.—

3629 (1) The department ~~board~~ may adopt rules pursuant to ss.
 3630 120.536(1) and 120.54 to implement the provisions of this
 3631 chapter conferring duties upon it.

3632 (2) The department ~~board~~ may by rule adopt any restriction
 3633 established by a regulation of the United States Food and Drug
 3634 Administration related to the use of a cosmetic product or any
 3635 substance used in the practice of cosmetology if the department
 3636 ~~board~~ finds that the product or substance poses a risk to the
 3637 health, safety, and welfare of clients or persons providing
 3638 cosmetology services.

3639 **Section 96. Section 477.018, Florida Statutes, is amended**
 3640 **to read:**

3641 477.018 Investigative services.—The department shall
 3642 provide all investigative services ~~required by the board or the~~
 3643 ~~department~~ in carrying out ~~the provisions of~~ this act.

3644 **Section 97. Subsection (2) of section 477.0212, Florida**
 3645 **Statutes, is amended to read:**

3646 477.0212 Inactive status.—

3647 (2) The department ~~board~~ shall adopt rules relating to
 3648 licenses that become inactive and for the renewal of inactive
 3649 licenses. The rules may not require more than one renewal cycle
 3650 of continuing education to reactivate a license. The department

3651 ~~board~~ shall prescribe by rule a fee not to exceed \$50 for the
3652 reactivation of an inactive license and a fee not to exceed \$50
3653 for the renewal of an inactive license.

3654 **Section 98. Subsections (1) and (2) of section 477.022,**
3655 **Florida Statutes, are amended to read:**

3656 477.022 Examinations.—

3657 (1) The department ~~board~~ shall ensure that examinations
3658 adequately measure both an applicant's competency and her or his
3659 knowledge of related statutory requirements. Professional
3660 testing services may be utilized to formulate the examinations.
3661 The department ~~board~~ may offer a written clinical examination or
3662 a performance examination, or both, in addition to a written
3663 theory examination.

3664 (2) The department ~~board~~ shall ensure that examinations
3665 comply with state and federal equal employment opportunity
3666 guidelines.

3667 **Section 99. Subsections (2), (8), and (9) and paragraphs**
3668 **(a), (b), (d), and (e) of subsection (10) of section 477.025,**
3669 **Florida Statutes, are amended, and subsection (11) of that**
3670 **section is reenacted, to read:**

3671 477.025 Cosmetology salons; specialty salons; requisites;
3672 licensure; inspection; mobile cosmetology salons.—

3673 (2) The department ~~board~~ shall adopt rules governing the
3674 licensure and operation of salons and specialty salons and their
3675 facilities, personnel, safety and sanitary requirements, and the

3676 | license application and granting process.

3677 | (8) Renewal of license registration for cosmetology salons
 3678 | or specialty salons shall be accomplished pursuant to rules
 3679 | adopted by the department ~~board~~. The department ~~board~~ is further
 3680 | authorized to adopt rules governing delinquent renewal of
 3681 | licenses and may impose penalty fees for delinquent renewal.

3682 | (9) The department ~~board~~ is authorized to adopt rules
 3683 | governing the periodic inspection of cosmetology salons and
 3684 | specialty salons licensed under this chapter.

3685 | (10) (a) The department ~~board~~ shall adopt rules governing
 3686 | the licensure, operation, and inspection of mobile cosmetology
 3687 | salons, including their facilities, personnel, and safety and
 3688 | sanitary requirements.

3689 | (b) Each mobile salon must comply with all licensure and
 3690 | operating requirements specified in this chapter or chapter 455
 3691 | or rules of the ~~board or~~ department that apply to cosmetology
 3692 | salons at fixed locations, except to the extent that such
 3693 | requirements conflict with this subsection or rules adopted
 3694 | pursuant to this subsection.

3695 | (d) To facilitate periodic inspections of mobile
 3696 | cosmetology salons, prior to the beginning of each month each
 3697 | mobile salon licenseholder must file with the department ~~board~~ a
 3698 | written monthly itinerary listing the locations where and the
 3699 | dates and hours when the mobile salon will be operating.

3700 | (e) The department ~~board~~ shall establish fees for mobile

3701 cosmetology salons, not to exceed the fees for cosmetology
 3702 salons at fixed locations.

3703 (11) Facilities licensed under part II of chapter 400 or
 3704 under part I of chapter 429 are exempt from this section, and a
 3705 cosmetologist licensed pursuant to s. 477.019 may provide salon
 3706 services exclusively for facility residents.

3707 **Section 100. Subsections (1) and (3) of section 477.026,**
 3708 **Florida Statutes, are amended to read:**

3709 477.026 Fees; disposition.—

3710 (1) The department ~~board~~ shall set fees according to the
 3711 following schedule:

3712 (a) For cosmetologists, fees for original licensing,
 3713 license renewal, and delinquent renewal may ~~shall~~ not exceed
 3714 \$50.

3715 (b) For cosmetologists, fees for endorsement application,
 3716 examination, and reexamination may ~~shall~~ not exceed \$50.

3717 (c) For cosmetology and specialty salons, fees for license
 3718 application, original licensing, license renewal, and delinquent
 3719 renewal may ~~shall~~ not exceed \$50.

3720 (d) For specialists, fees for application and endorsement
 3721 registration may ~~shall~~ not exceed \$30.

3722 (e) For specialists, fees for initial registration,
 3723 registration renewal, and delinquent renewal may ~~shall~~ not
 3724 exceed \$50.

3725 (3) The department, ~~with the advice of the board,~~ shall

3726 | prepare and submit a proposed budget in accordance with law.

3727 | **Section 101. Subsections (2) and (4) of section 477.0263,**
 3728 | **Florida Statutes, are amended to read:**

3729 | 477.0263 Cosmetology services to be performed in licensed
 3730 | salon; exceptions.—

3731 | (2) Pursuant to rules established by the department ~~board~~,
 3732 | cosmetology services may be performed by a licensed
 3733 | cosmetologist in a location other than a licensed salon,
 3734 | including, but not limited to, a nursing home, hospital, or
 3735 | residence, when a client for reasons of ill health is unable to
 3736 | go to a licensed salon. Arrangements for the performance of such
 3737 | cosmetology services in a location other than a licensed salon
 3738 | shall be made only through a licensed salon.

3739 | (4) Pursuant to rules adopted by the department ~~board~~, any
 3740 | cosmetology or specialty service may be performed in a location
 3741 | other than a licensed salon when the service is performed in
 3742 | connection with a special event and is performed by a person who
 3743 | holds the proper license or specialty registration.

3744 | **Section 102. Subsections (1), (2), and (4) of section**
 3745 | **477.028, Florida Statutes, are amended to read:**

3746 | 477.028 Disciplinary proceedings.—

3747 | (1) The department ~~board~~ shall have the power to revoke or
 3748 | suspend the license of a cosmetologist licensed under this
 3749 | chapter, or the registration of a specialist registered under
 3750 | this chapter, and to reprimand, censure, deny subsequent

3751 licensure or registration of, or otherwise discipline a
 3752 cosmetologist or a specialist licensed or registered under this
 3753 chapter in any of the following cases:

3754 (a) Upon proof that a license or registration has been
 3755 obtained by fraud or misrepresentation.

3756 (b) Upon proof that the holder of a license or
 3757 registration is guilty of fraud or deceit or of gross
 3758 negligence, incompetency, or misconduct in the practice or
 3759 instruction of cosmetology or a specialty.

3760 (c) Upon proof that the holder of a license or
 3761 registration is guilty of aiding, assisting, procuring, or
 3762 advising any unlicensed person to practice as a cosmetologist.

3763 (2) The department ~~board~~ shall have the power to revoke or
 3764 suspend the license of a cosmetology salon or a specialty salon
 3765 licensed under this chapter, to deny subsequent licensure of
 3766 such salon, or to reprimand, censure, or otherwise discipline
 3767 the owner of such salon in either of the following cases:

3768 (a) Upon proof that a license has been obtained by fraud
 3769 or misrepresentation.

3770 (b) Upon proof that the holder of a license is guilty of
 3771 fraud or deceit or of gross negligence, incompetency, or
 3772 misconduct in the operation of the salon so licensed.

3773 (4) The department may ~~shall~~ not issue or renew a license
 3774 or certificate of registration under this chapter to any person
 3775 against whom or salon against which the department ~~board~~ has

3776 assessed a fine, interest, or costs associated with
 3777 investigation and prosecution until the person or salon has paid
 3778 in full such fine, interest, or costs associated with
 3779 investigation and prosecution or until the person or salon
 3780 complies with or satisfies all terms and conditions of the final
 3781 order.

3782 **Section 103. Paragraph (i) of subsection (1) and**
 3783 **subsection (2) of section 477.029, Florida Statutes, are amended**
 3784 **to read:**

3785 477.029 Penalty.—

3786 (1) It is unlawful for any person to:

3787 (i) Violate or refuse to comply with any provision of this
 3788 chapter or chapter 455 or a rule or final order of the
 3789 department board or the department.

3790 (2) Any person who violates ~~the provisions of~~ this section
 3791 is shall be subject to one or more of the following penalties,
 3792 as determined by the department board:

3793 (a) Revocation or suspension of any license or
 3794 registration issued pursuant to this chapter.

3795 (b) Issuance of a reprimand or censure.

3796 (c) Imposition of an administrative fine not to exceed
 3797 \$500 for each count or separate offense.

3798 (d) Placement on probation for a period of time and
 3799 subject to such reasonable conditions as the department board
 3800 may specify.

3801 (e) Refusal to certify to the department an applicant for
 3802 licensure.

3803 **Section 104. Section 492.104, Florida Statutes, is amended**
 3804 **to read:**

3805 492.104 Rulemaking authority.—The department ~~Board of~~
 3806 ~~Professional Geologists~~ has authority to adopt rules pursuant to
 3807 ss. 120.536(1) and 120.54 to implement this chapter. Every
 3808 licensee shall be governed and controlled by this chapter and
 3809 the rules adopted by the department ~~board~~. The department ~~board~~
 3810 is authorized to set, by rule, fees for application,
 3811 examination, late renewal, initial licensure, and license
 3812 renewal. These fees may not exceed the cost of implementing the
 3813 application, examination, initial licensure, and license renewal
 3814 or other administrative process and shall be established as
 3815 follows:

3816 (1) The application fee may ~~shall~~ not exceed \$150 and is
 3817 ~~shall be~~ nonrefundable.

3818 (2) The examination fee may ~~shall~~ not exceed \$250, and the
 3819 fee may be apportioned to each part of a multipart examination.
 3820 The examination fee is ~~shall be~~ refundable in whole or part if
 3821 the applicant is found to be ineligible to take any portion of
 3822 the licensure examination.

3823 (3) The initial license fee may ~~shall~~ not exceed \$100.

3824 (4) The biennial renewal fee may ~~shall~~ not exceed \$150.

3825 (5) The fee for reactivation of an inactive license may

3826 | not exceed \$50.

3827 | (6) The fee for a provisional license may not exceed \$400.

3828 | (7) The fee for application, examination, and licensure
 3829 | for a license by endorsement is as provided in this section for
 3830 | licenses in general.

3831 | **Section 105. Subsections (1) and (2) of section 492.105,**
 3832 | **Florida Statutes, are amended to read:**

3833 | 492.105 Licensure by examination; requirements; fees.—

3834 | (1) Any person desiring to be licensed as a professional
 3835 | geologist shall apply to the department to take the licensure
 3836 | examination. The written licensure examination shall be designed
 3837 | to test an applicant's qualifications to practice professional
 3838 | geology, and shall include such subjects as will tend to
 3839 | ascertain the applicant's knowledge of the fundamentals, theory,
 3840 | and practice of professional geology and may include such
 3841 | subjects as are taught in curricula of accredited colleges and
 3842 | universities. The written licensure examination may be a
 3843 | multipart examination. The department shall examine each
 3844 | applicant who the department ~~board~~ certifies:

3845 | (a) Has completed the application form and remitted a
 3846 | nonrefundable application fee and an examination fee which is
 3847 | refundable if the applicant is found to be ineligible to take
 3848 | the examination.

3849 | (b) Is at least 18 years of age.

3850 | (c) Has not committed any act or offense in any

3851 jurisdiction which would constitute the basis for disciplining a
3852 professional geologist licensed pursuant to this chapter.

3853 (d) Has fulfilled the following educational requirements
3854 at a college or university, the geological curricula of which
3855 meet the criteria established by an accrediting agency
3856 recognized by the United States Department of Education:

3857 1. Graduation from such college or university with a major
3858 in geology or other related science acceptable to the department
3859 ~~board~~; and

3860 2. Satisfactory completion of at least 30 semester hours
3861 or 45 quarter hours of geological coursework.

3862 (e) Has at least 5 years of verified professional
3863 geological work experience, which includes a minimum of 3 years
3864 of professional geological work under the supervision of a
3865 licensed or qualified geologist or professional engineer
3866 registered under chapter 471 as qualified in the field or
3867 discipline of professional engineering work performed; or has a
3868 minimum of 5 accumulative years of verified geological work
3869 experience in responsible charge of geological work as
3870 determined by the department ~~board~~.

3871 (2) The department shall issue a license to practice
3872 professional geology to any person who has:

3873 (a) Paid the appropriate license fee;

3874 (b) Been certified by the department ~~board~~ as qualified to
3875 practice professional geology; and

3876 (c) Passed the written licensure examination; ~~provided~~
 3877 ~~that applicants meeting the other requirements of this section~~
 3878 ~~may be licensed without written examination if application is~~
 3879 ~~made in proper form within 1 calendar year of October 1, 1987.~~

3880 **Section 106. Section 492.106, Florida Statutes, is amended**
 3881 **to read:**

3882 492.106 Provisional licenses.—The department may provide a
 3883 provisional license to any person who is not a resident of and
 3884 has not established a place of business in this state, and who
 3885 is duly licensed in another state, territory, or possession of
 3886 the United States, or in the District of Columbia, and who has
 3887 qualifications which the department board, ~~upon advice of a~~
 3888 ~~committee of the board~~, deems comparable to those required of
 3889 professional geologists in this state, upon written application
 3890 accompanied by the proper application fee, offered prior to the
 3891 practice of professional geology in this state, under the
 3892 following restrictions:

3893 (1) Satisfactory proof of licensure as required above
 3894 shall include the name, residence address, business address, and
 3895 certification of the license of the applicant from the issuing
 3896 state, together with the name and address of the authority
 3897 issuing such license.

3898 (2) The practice of professional geology under a
 3899 provisional license may ~~shall~~ not exceed 1 year.

3900 (3) The practice of professional geology under a

3901 provisional license shall be confined to one specified project.
 3902 Such license may not be renewed or reissued for 5 years from the
 3903 date of original issuance.

3904 (4) A written statement shall be furnished to the
 3905 department within 60 days after ~~of~~ completion of the work,
 3906 indicating the time engaged and the nature of the work. A person
 3907 holding a provisional license shall exhibit such provisional
 3908 license each time and on each occasion that an indication of
 3909 licensure is required.

3910 **Section 107. Subsection (1) of section 492.107, Florida**
 3911 **Statutes, is amended to read:**

3912 492.107 Seals.—

3913 (1) The department ~~board~~ shall prescribe^r by rule^r a form
 3914 of seal, including its electronic form, to be used by persons
 3915 holding valid licenses. All geological papers, reports, and
 3916 documents prepared or issued by the licensee shall be signed,
 3917 dated, and sealed by the licensee who performed or is
 3918 responsible for the supervision, direction, or control of the
 3919 work contained in the papers, reports, or documents. Such
 3920 signature, date, and seal shall be evidence of the authenticity
 3921 of that to which they are affixed. Geological papers, reports,
 3922 and documents prepared or issued by the licensee may be
 3923 transmitted electronically provided they have been signed by the
 3924 licensee, dated, and electronically sealed. It is unlawful for
 3925 any person to sign or seal any document as a professional

3926 geologist unless that person holds a current, active license as
 3927 a professional geologist which has not expired or been revoked
 3928 or suspended, unless reinstated or reissued.

3929 **Section 108. Subsection (1) of section 492.108, Florida**
 3930 **Statutes, is amended to read:**

3931 492.108 Licensure by endorsement; requirements; fees.—

3932 (1) The department shall issue a license by endorsement to
 3933 any applicant who, upon applying to the department and remitting
 3934 an application fee, has been certified by the department ~~board~~
 3935 that he or she:

3936 (a) Has met the qualifications for licensure in s.

3937 492.105(1)(b)-(e) and:

3938 1. Is the holder of an active license in good standing in
 3939 a state, trust, territory, or possession of the United States.

3940 2. Was licensed through written examination in at least
 3941 one state, trust, territory, or possession of the United States,
 3942 the examination requirements of which have been approved by the
 3943 department ~~board~~ as substantially equivalent to or more
 3944 stringent than those of this state, and has received a score on
 3945 such examination which is equal to or greater than the score
 3946 required by this state for licensure by examination.

3947 3. Has taken and successfully passed the laws and rules
 3948 portion of the examination required for licensure as a
 3949 professional geologist in this state.

3950 (b) Has held a valid license to practice geology in

3951 another state, trust, territory, or possession of the United
 3952 States for at least 10 years before the date of application and
 3953 has successfully completed a state, regional, national, or other
 3954 examination that is equivalent to or more stringent than the
 3955 examination required by the department. If such applicant has
 3956 met the requirements for a license by endorsement except
 3957 successful completion of an examination that is equivalent to or
 3958 more stringent than the examination required by the department
 3959 ~~board~~, such applicant may take the examination required by the
 3960 department ~~board~~. Such application must be submitted to the
 3961 department ~~board~~ while the applicant holds a valid license in
 3962 another state or territory or within 2 years after the
 3963 expiration of such license.

3964 **Section 109. Subsection (2) of section 492.1101, Florida**
 3965 **Statutes, is amended to read:**

3966 492.1101 Inactive status.—
 3967 (2) The department ~~board~~ shall adopt ~~promulgate~~ rules
 3968 relating to the reactivation of inactive licenses and shall
 3969 prescribe by rule a fee for the reactivation of inactive
 3970 licenses.

3971 **Section 110. Subsection (1) of section 492.111, Florida**
 3972 **Statutes, is amended to read:**

3973 492.111 Practice of professional geology by a firm,
 3974 corporation, or partnership.—The practice of, or offer to
 3975 practice, professional geology by individual professional

3976 geologists licensed under the provisions of this chapter through
3977 a firm, corporation, or partnership offering geological services
3978 to the public through individually licensed professional
3979 geologists as agents, employees, officers, or partners thereof
3980 is permitted subject to the provisions of this chapter, if:

3981 (1) At all times that it offers geological services to the
3982 public, the firm, corporation, or partnership is qualified by
3983 one or more individuals who hold a current, active license as a
3984 professional geologist in this ~~the~~ state and are serving as a
3985 geologist of record for the firm, corporation, or partnership. A
3986 geologist of record may be any principal officer or employee of
3987 such firm or corporation, or any partner or employee of such
3988 partnership, who holds a current, active license as a
3989 professional geologist in this state, or any other Florida-
3990 licensed professional geologist with whom the firm, corporation,
3991 or partnership has entered into a long-term, ongoing
3992 relationship, as defined by rule of the department ~~board~~, to
3993 serve as one of its geologists of record. The geologist of
3994 record shall notify the department of any changes in the
3995 relationship or identity of that geologist of record within 30
3996 days after such change.

3997 **Section 111. Paragraph (k) of subsection (1) and**
3998 **subsections (2), (3), and (4) of section 492.113, Florida**
3999 **Statutes, are amended to read:**

4000 492.113 Disciplinary proceedings.—

4001 (1) The following acts constitute grounds for which the
 4002 disciplinary actions in subsection (3) may be taken:

4003 (k) Violating a rule of the department ~~or board~~ or any
 4004 order of the department ~~or board~~ previously entered in a
 4005 disciplinary hearing.

4006 (2) The department ~~board~~ shall specify, by rule, what acts
 4007 or omissions constitute a violation of subsection (1).

4008 (3) When the department ~~board~~ finds any person guilty of
 4009 any of the grounds set forth in subsection (1), it may enter an
 4010 order imposing one or more of the following penalties:

4011 (a) Denial of an application for licensure.

4012 (b) Revocation or suspension of a license.

4013 (c) Imposition of an administrative fine not to exceed
 4014 \$1,000 for each count or separate offense.

4015 (d) Issuance of a reprimand.

4016 (e) Placement of the licensee on probation for a period of
 4017 time and subject to such conditions as the department ~~board~~ may
 4018 specify.

4019 (f) Restriction of the authorized scope of practice by the
 4020 licensee.

4021 (4) The department shall reissue the license of a
 4022 disciplined professional geologist upon verification
 4023 ~~certification by the board~~ that the disciplined person has
 4024 complied with the terms and conditions set forth in the final
 4025 order.

4026 **Section 112. Subsection (7) of section 558.002, Florida**
 4027 **Statutes, is amended to read:**

4028 558.002 Definitions.—As used in this chapter, the term:

4029 (7) "Design professional" means a person, as defined in s.
 4030 1.01, who is licensed in this state as an architect, a landscape
 4031 architect, an engineer, a surveyor, or a geologist ~~or who is a~~
 4032 ~~registered interior designer, as defined in s. 481.203.~~

4033 **Section 113. Paragraph (bb) of subsection (1) of section**
 4034 **125.01, Florida Statutes, is amended to read:**

4035 125.01 Powers and duties.—

4036 (1) The legislative and governing body of a county shall
 4037 have the power to carry on county government. To the extent not
 4038 inconsistent with general or special law, this power includes,
 4039 but is not restricted to, the power to:

4040 (bb) Enforce the Florida Building Code as provided in s.
 4041 553.80 and adopt and enforce local technical amendments to the
 4042 Florida Building Code as provided in s. 553.73(5) ~~s. 553.73(4)~~.

4043 **Section 114. Subsection (1) of section 125.56, Florida**
 4044 **Statutes, is amended to read:**

4045 125.56 Enforcement and amendment of the Florida Building
 4046 Code and the Florida Fire Prevention Code; inspection fees;
 4047 inspectors; etc.—

4048 (1) The board of county commissioners of each of the
 4049 several counties of the state may enforce the Florida Building
 4050 Code and the Florida Fire Prevention Code as provided in ss.

4051 553.80, 633.206, and 633.208 and, at its discretion, adopt local
 4052 technical amendments to the Florida Building Code as provided in
 4053 s. 553.73(5) ~~s. 553.73(4)~~ and local technical amendments to the
 4054 Florida Fire Prevention Code as provided in s. 633.202 to
 4055 provide for the safe construction, erection, alteration, repair,
 4056 securing, and demolition of any building within its territory
 4057 outside the corporate limits of any municipality. Upon a
 4058 determination to consider amending the Florida Building Code or
 4059 the Florida Fire Prevention Code by a majority of the members of
 4060 the board of county commissioners of such county, the board
 4061 shall call a public hearing and comply with the public notice
 4062 requirements of s. 125.66(2). The board shall hear all
 4063 interested parties at the public hearing and may then amend the
 4064 building code or the fire code consistent with the terms and
 4065 purposes of this act. Upon adoption, an amendment to the code
 4066 shall be in full force and effect throughout the unincorporated
 4067 area of such county until otherwise notified by the Florida
 4068 Building Commission under s. 553.73 or the State Fire Marshal
 4069 under s. 633.202. This subsection does not prevent the board of
 4070 county commissioners from repealing such amendment to the
 4071 building code or the fire code at any regular meeting of such
 4072 board.

4073 **Section 115. Paragraph (uuu) of subsection (7) of section**
 4074 **212.08, Florida Statutes, is amended to read:**

4075 212.08 Sales, rental, use, consumption, distribution, and

4076 storage tax; specified exemptions.—The sale at retail, the
4077 rental, the use, the consumption, the distribution, and the
4078 storage to be used or consumed in this state of the following
4079 are hereby specifically exempt from the tax imposed by this
4080 chapter.

4081 (7) MISCELLANEOUS EXEMPTIONS.—Exemptions provided to any
4082 entity by this chapter do not inure to any transaction that is
4083 otherwise taxable under this chapter when payment is made by a
4084 representative or employee of the entity by any means,
4085 including, but not limited to, cash, check, or credit card, even
4086 when that representative or employee is subsequently reimbursed
4087 by the entity. In addition, exemptions provided to any entity by
4088 this subsection do not inure to any transaction that is
4089 otherwise taxable under this chapter unless the entity has
4090 obtained a sales tax exemption certificate from the department
4091 or the entity obtains or provides other documentation as
4092 required by the department. Eligible purchases or leases made
4093 with such a certificate must be in strict compliance with this
4094 subsection and departmental rules, and any person who makes an
4095 exempt purchase with a certificate that is not in strict
4096 compliance with this subsection and the rules is liable for and
4097 shall pay the tax. The department may adopt rules to administer
4098 this subsection.

4099 (uuu) *Small private investigative agencies.*—

4100 1. As used in this paragraph, the term:

4101 a. "Private investigation services" has the same meaning
 4102 as "private investigation," as defined in s. 493.6101(17).

4103 b. "Small private investigative agency" means a private
 4104 investigator licensed under s. 493.6201 which:

4105 (I) Employs three or fewer full-time or part-time
 4106 employees, including those performing services pursuant to an
 4107 employee leasing arrangement as defined in s. 468.520 ~~s.~~
 4108 ~~468.520(4)~~, in total; and

4109 (II) During the previous calendar year, performed private
 4110 investigation services otherwise taxable under this chapter in
 4111 which the charges for the services performed were less than
 4112 \$150,000 for all its businesses related through common
 4113 ownership.

4114 2. The sale of private investigation services by a small
 4115 private investigative agency to a client is exempt from the tax
 4116 imposed by this chapter.

4117 3. The exemption provided by this paragraph may not apply
 4118 in the first calendar year a small private investigative agency
 4119 conducts sales of private investigation services taxable under
 4120 this chapter.

4121 **Section 116. Paragraph (a) of subsection (19) of section**
 4122 **440.02, Florida Statutes, is amended to read:**

4123 440.02 Definitions.—When used in this chapter, unless the
 4124 context clearly requires otherwise, the following terms shall
 4125 have the following meanings:

4126 (19) (a) "Employer" means the state and all political
 4127 subdivisions thereof, all public and quasi-public corporations
 4128 therein, every person carrying on any employment, and the legal
 4129 representative of a deceased person or the receiver or trustees
 4130 of any person. The term also includes employee leasing
 4131 companies, as defined in s. 468.520 ~~s. 468.520(5)~~, and
 4132 employment agencies that provide their own employees to other
 4133 persons. If the employer is a corporation, parties in actual
 4134 control of the corporation, including, but not limited to, the
 4135 president, officers who exercise broad corporate powers,
 4136 directors, and all shareholders who directly or indirectly own a
 4137 controlling interest in the corporation, are considered the
 4138 employer for the purposes of ss. 440.105, 440.106, and 440.107.

4139 **Section 117. Subsections (7), (8), and (9) of section**
 4140 **477.0135, Florida Statutes, are amended to read:**

4141 477.0135 Exemptions.—

4142 (7) A license or registration is not required for a person
 4143 whose occupation or practice is confined solely to hair braiding
 4144 as defined in s. 477.013 ~~s. 477.013(9)~~.

4145 (8) A license or registration is not required for a person
 4146 whose occupation or practice is confined solely to hair wrapping
 4147 as defined in s. 477.013 ~~s. 477.013(10)~~.

4148 (9) A license or registration is not required for a person
 4149 whose occupation or practice is confined solely to body wrapping
 4150 as defined in s. 477.013 ~~s. 477.013(12)~~.

4151 **Section 118. Section 448.26, Florida Statutes, is amended**
4152 **to read:**

4153 448.26 Application.—Nothing in this part shall exempt any
4154 client of any labor pool or temporary help arrangement entity as
4155 defined in s. 468.520(5)(a) ~~s. 468.520(4)(a)~~ or any assigned
4156 employee from any other license requirements of state, local, or
4157 federal law. Any employee assigned to a client who is licensed,
4158 registered, or certified pursuant to law shall be deemed an
4159 employee of the client for such licensure purposes but shall
4160 remain an employee of the labor pool or temporary help
4161 arrangement entity for purposes of chapters 440 and 443.

4162 **Section 119. Subsection (24) of section 489.103, Florida**
4163 **Statutes, is amended to read:**

4164 489.103 Exemptions.—This part does not apply to:
4165 (24) A member of the Miccosukee Tribe of Indians of
4166 Florida or the Seminole Tribe of Florida when constructing
4167 chickees as described in s. 553.73(11)(i) ~~s. 553.73(10)(i)~~.

4168 **Section 120. Subsection (2) of section 553.775, Florida**
4169 **Statutes, is amended to read:**

4170 553.775 Interpretations.—
4171 (2) Local enforcement agencies, local building officials,
4172 state agencies, and the commission shall interpret provisions of
4173 the Florida Building Code and the Florida Accessibility Code for
4174 Building Construction in a manner that is consistent with
4175 declaratory statements and interpretations entered by the

4176 commission, except that conflicts between the Florida Fire
 4177 Prevention Code and the Florida Building Code shall be resolved
 4178 in accordance with s. 553.73(12)(c) and (d) ~~s. 553.73(11)(c) and~~
 4179 ~~(d)~~.

4180 **Section 121. Subsection (4) of section 553.79, Florida**
 4181 **Statutes, is amended to read:**

4182 553.79 Permits; applications; issuance; inspections.—

4183 (4) The Florida Building Code, after the effective date of
 4184 adoption pursuant to the provisions of this part, may be
 4185 modified by local governments to require more stringent
 4186 standards than those specified in the Florida Building Code,
 4187 provided the conditions of s. 553.73(5) ~~s. 553.73(4)~~ are met.

4188 **Section 122. Subsection (5) of section 553.844, Florida**
 4189 **Statutes, is amended to read:**

4190 553.844 Windstorm loss mitigation; requirements for roofs
 4191 and opening protection.—

4192 (5) Notwithstanding any provision in the Florida Building
 4193 Code to the contrary, if an existing roofing system or roof
 4194 section was built, repaired, or replaced in compliance with the
 4195 requirements of the 2007 Florida Building Code, or any
 4196 subsequent editions of the Florida Building Code, and 25 percent
 4197 or more of such roofing system or roof section is being
 4198 repaired, replaced, or recovered, only the repaired, replaced,
 4199 or recovered portion is required to be constructed in accordance
 4200 with the Florida Building Code in effect, as applicable. The

4201 Florida Building Commission shall adopt this exception by rule
 4202 and incorporate it in the Florida Building Code. Notwithstanding
 4203 s. 553.73(5) ~~s. 553.73(4)~~, a local government may not adopt by
 4204 ordinance an administrative or technical amendment to this
 4205 exception.

4206 **Section 123. Subsection (2) of section 569.34, Florida**
 4207 **Statutes, is amended to read:**

4208 569.34 Operating without a retail nicotine products dealer
 4209 permit; penalty.—

4210 (2) A retail tobacco products dealer, as defined in s.
 4211 569.002 ~~s. 569.002(4)~~, is not required to have a separate or
 4212 additional retail nicotine products dealer permit to deal, at
 4213 retail, in nicotine products within this ~~the~~ state, or allow a
 4214 nicotine products vending machine to be located on its premises
 4215 in this ~~the~~ state. Any retail tobacco products dealer that
 4216 deals, at retail, in nicotine products or allows a nicotine
 4217 products vending machine to be located on its premises in this
 4218 ~~the~~ state, is subject to, and must be in compliance with, this
 4219 part.

4220 **Section 124. Section 569.35, Florida Statutes, is amended**
 4221 **to read:**

4222 569.35 Retail nicotine product dealers; administrative
 4223 penalties.—The division may suspend or revoke the permit of a
 4224 dealer, including the retail tobacco products dealer permit of a
 4225 retail tobacco products dealer as defined in s. 569.002 ~~s.~~

4226 ~~569.002(4)~~, upon sufficient cause appearing of the violation of
 4227 any of the provisions of this part or any violation of the laws
 4228 of this state or any state or territory of the United States, by
 4229 a dealer, or by a dealer's agent or employee. The division may
 4230 also assess and accept an administrative fine of up to \$1,000
 4231 against a dealer for each violation. The division shall deposit
 4232 all fines collected into the General Revenue Fund as collected.
 4233 An order imposing an administrative fine becomes effective 15
 4234 days after the date of the order. The division may suspend the
 4235 imposition of a penalty against a dealer, conditioned upon the
 4236 dealer's compliance with terms the division considers
 4237 appropriate.

4238 **Section 125. Paragraph (d) of subsection (2) of section**
 4239 **604.50, Florida Statutes, is amended to read:**

4240 604.50 Nonresidential farm buildings; farm fences; farm
 4241 signs.—

4242 (2) As used in this section, the term:

4243 (d) "Nonresidential farm building" means any temporary or
 4244 permanent building or support structure that is classified as a
 4245 nonresidential farm building on a farm under s. 553.73(11)(c) ~~s.~~
 4246 ~~553.73(10)(c)~~ or that is used primarily for agricultural
 4247 purposes, is located on land that is an integral part of a farm
 4248 operation or is classified as agricultural land under s.
 4249 193.461, and is not intended to be used as a residential
 4250 dwelling. The term may include, but is not limited to, a barn,

4251 greenhouse, shade house, farm office, storage building, or
4252 poultry house.

4253 **Section 126. Paragraph (a) of subsection (2) of section**
4254 **627.192, Florida Statutes, is amended to read:**

4255 627.192 Workers' compensation insurance; employee leasing
4256 arrangements.—

4257 (2) For purposes of the Florida Insurance Code:

4258 (a) "Employee leasing" shall have the same meaning as set
4259 forth in s. 468.520 ~~s. 468.520(4)~~.

4260 **Section 127. For the purpose of incorporating the**
4261 **amendment made by this act to section 20.165, Florida Statutes,**
4262 **in a reference thereto, paragraph (c) of subsection (3) of**
4263 **section 120.54, Florida Statutes, is reenacted to read:**

4264 120.54 Rulemaking.—

4265 (3) ADOPTION PROCEDURES.—

4266 (c) *Hearings*.—

4267 1. If the intended action concerns any rule other than one
4268 relating exclusively to procedure or practice, the agency shall,
4269 on the request of any affected person received within 21 days
4270 after the date of publication of the notice of intended agency
4271 action, give affected persons an opportunity to present evidence
4272 and argument on all issues under consideration. The agency may
4273 schedule a public hearing on the rule and, if requested by any
4274 affected person, shall schedule a public hearing on the rule.
4275 When a public hearing is held, the agency must ensure that staff

4276 are available to explain the agency's proposal and to respond to
4277 questions or comments regarding the rule. If the agency head is
4278 a board or other collegial body created under s. 20.165(4) or s.
4279 20.43(3)(g), and one or more requested public hearings is
4280 scheduled, the board or other collegial body shall conduct at
4281 least one of the public hearings itself and may not delegate
4282 this responsibility without the consent of those persons
4283 requesting the public hearing. Any material pertinent to the
4284 issues under consideration submitted to the agency within 21
4285 days after the date of publication of the notice or submitted to
4286 the agency between the date of publication of the notice and the
4287 end of the final public hearing shall be considered by the
4288 agency and made a part of the record of the rulemaking
4289 proceeding.

4290 2. Rulemaking proceedings shall be governed solely by the
4291 provisions of this section unless a person timely asserts that
4292 the person's substantial interests will be affected in the
4293 proceeding and affirmatively demonstrates to the agency that the
4294 proceeding does not provide adequate opportunity to protect
4295 those interests. If the agency determines that the rulemaking
4296 proceeding is not adequate to protect the person's interests, it
4297 shall suspend the rulemaking proceeding and convene a separate
4298 proceeding under the provisions of ss. 120.569 and 120.57.
4299 Similarly situated persons may be requested to join and
4300 participate in the separate proceeding. Upon conclusion of the

4301 separate proceeding, the rulemaking proceeding shall be resumed.

4302 **Section 128. For the purpose of incorporating the**
 4303 **amendment made by this act to section 20.165, Florida Statutes,**
 4304 **in references thereto, paragraph (b) of subsection (2) and**
 4305 **paragraph (a) of subsection (3) of section 120.74, Florida**
 4306 **Statutes, are reenacted to read:**

4307 120.74 Agency annual rulemaking and regulatory plans;
 4308 reports.—

4309 (2) PUBLICATION AND DELIVERY TO THE COMMITTEE.—

4310 (b) To satisfy the requirements of paragraph (a), a board
 4311 established under s. 20.165(4), and any other board or
 4312 commission receiving administrative support from the Department
 4313 of Business and Professional Regulation, may coordinate with the
 4314 Department of Business and Professional Regulation, and a board
 4315 established under s. 20.43(3)(g) may coordinate with the
 4316 Department of Health, for inclusion of the board's or
 4317 commission's plan and notice of publication in the coordinating
 4318 department's plan and notice and for the delivery of the
 4319 required documentation to the committee.

4320 (3) DEPARTMENT REVIEW OF BOARD PLAN.—By October 15 of each
 4321 year:

4322 (a) For each board established under s. 20.165(4) and any
 4323 other board or commission receiving administrative support from
 4324 the Department of Business and Professional Regulation, the
 4325 Department of Business and Professional Regulation shall file

4326 with the committee a certification that the department has
4327 reviewed each board's and commission's regulatory plan. A
4328 certification may relate to more than one board or commission.

4329 **Section 129. For the purpose of incorporating the**
4330 **amendment made by this act to section 20.165, Florida Statutes,**
4331 **in a reference thereto, subsection (3) of section 468.4315,**
4332 **Florida Statutes, is reenacted to read:**

4333 468.4315 Regulatory Council of Community Association
4334 Managers.—

4335 (3) To the extent the council is authorized to exercise
4336 functions otherwise exercised by a board pursuant to chapter
4337 455, the provisions of chapter 455 and s. 20.165 relating to
4338 regulatory boards shall apply, including, but not limited to,
4339 provisions relating to board rules and the accountability and
4340 liability of board members. All proceedings and actions of the
4341 council are subject to the provisions of chapter 120. In
4342 addition, the provisions of chapter 455 and s. 20.165 shall
4343 apply to the department in carrying out the duties and
4344 authorities conferred upon the department by this part.

4345 **Section 130. For the purpose of incorporating the**
4346 **amendment made by this act to section 20.165, Florida Statutes,**
4347 **in a reference thereto, section 468.523, Florida Statutes, is**
4348 **reenacted to read:**

4349 468.523 Applicability of s. 20.165 and ch. 455.—All
4350 provisions of s. 20.165 and chapter 455 relating to activities

4351 of regulatory boards shall apply.

4352 **Section 131. For the purpose of incorporating the**
4353 **amendment made by this act to section 448.095, Florida Statutes,**
4354 **in a reference thereto, subsection (2) of section 448.09,**
4355 **Florida Statutes, is reenacted to read:**

4356 448.09 Unauthorized aliens; employment prohibited.—

4357 (2) If the Department of Commerce finds or is notified by
4358 an entity specified in s. 448.095(3)(a) that an employer has
4359 knowingly employed an unauthorized alien without verifying the
4360 employment eligibility of such person, the department must enter
4361 an order pursuant to chapter 120 making such determination and
4362 require repayment of any economic development incentive pursuant
4363 to s. 288.061(6).

4364 **Section 132. For the purpose of incorporating the**
4365 **amendment made by this act to section 481.219, Florida Statutes,**
4366 **in a reference thereto, paragraph (h) of subsection (2) of**
4367 **section 287.055, Florida Statutes, is reenacted to read:**

4368 287.055 Acquisition of professional architectural,
4369 engineering, landscape architectural, or surveying and mapping
4370 services; definitions; procedures; contingent fees prohibited;
4371 penalties.—

4372 (2) DEFINITIONS.—For purposes of this section:

4373 (h) A "design-build firm" means a partnership,
4374 corporation, or other legal entity that:

4375 1. Is certified under s. 489.119 to engage in contracting

4376 through a certified or registered general contractor or a
 4377 certified or registered building contractor as the qualifying
 4378 agent; or

4379 2. Is qualified under s. 471.023 to practice or to offer
 4380 to practice engineering; qualified under s. 481.219 to practice
 4381 or to offer to practice architecture; or qualified under s.
 4382 481.319 to practice or to offer to practice landscape
 4383 architecture.

4384 **Section 133. For the purpose of incorporating the**
 4385 **amendment made by this act to sections 481.221 and 481.223,**
 4386 **Florida Statutes, in references thereto, paragraph (a) of**
 4387 **subsection (1) of section 481.225, Florida Statutes, is**
 4388 **reenacted to read:**

4389 481.225 Disciplinary proceedings against registered
 4390 architects.—

4391 (1) The following acts constitute grounds for which the
 4392 disciplinary actions in subsection (3) may be taken:

4393 (a) Violating any provision of s. 455.227(1), s. 481.221,
 4394 or s. 481.223, or any rule of the board or department lawfully
 4395 adopted pursuant to this part or chapter 455.

4396 **Section 134. For the purpose of incorporating the**
 4397 **amendment made by this act to section 481.229, Florida Statutes,**
 4398 **in a reference thereto, subsection (4) of section 1013.45,**
 4399 **Florida Statutes, is reenacted to read:**

4400 1013.45 Educational facilities contracting and

4401 construction techniques for school districts and Florida College
4402 System institutions.—

4403 (4) Except as otherwise provided in this section and s.
4404 481.229, the services of a registered architect must be used for
4405 the development of plans for the erection, enlargement, or
4406 alteration of any educational facility. The services of a
4407 registered architect are not required for a minor renovation
4408 project for which the construction cost is less than \$50,000 or
4409 for the placement or hookup of relocatable educational
4410 facilities that conform to standards adopted under s. 1013.37.
4411 However, boards must provide compliance with building code
4412 requirements and ensure that these structures are adequately
4413 anchored for wind resistance as required by law. A district
4414 school board shall reuse existing construction documents or
4415 design criteria packages if such reuse is feasible and
4416 practical. If a school district's 5-year educational facilities
4417 work plan includes the construction of two or more new schools
4418 for students in the same grade group and program, such as
4419 elementary, middle, or high school, the district school board
4420 must require that prototype design and construction be used for
4421 the construction of these schools. Notwithstanding s. 287.055, a
4422 board may purchase the architectural services for the design of
4423 educational or ancillary facilities under an existing contract
4424 agreement for professional services held by a district school
4425 board in the State of Florida, provided that the purchase is to

4426 the economic advantage of the purchasing board, the services
4427 conform to the standards prescribed by rules of the State Board
4428 of Education, and such reuse is not without notice to, and
4429 permission from, the architect of record whose plans or design
4430 criteria are being reused. Plans must be reviewed for compliance
4431 with the State Requirements for Educational Facilities. Rules
4432 adopted under this section must establish uniform
4433 prequalification, selection, bidding, and negotiation procedures
4434 applicable to construction management contracts and the design-
4435 build process. This section does not supersede any small, woman-
4436 owned, or minority-owned business enterprise preference program
4437 adopted by a board. Except as otherwise provided in this
4438 section, the negotiation procedures applicable to construction
4439 management contracts and the design-build process must conform
4440 to the requirements of s. 287.055. A board may not modify any
4441 rules regarding construction management contracts or the design-
4442 build process.

4443 **Section 135. For the purpose of incorporating the**
4444 **amendment made by this act to section 499.012, Florida Statutes,**
4445 **in a reference thereto, paragraph (b) of subsection (1) of**
4446 **section 499.067, Florida Statutes, is reenacted to read:**

4447 499.067 Denial, suspension, or revocation of permit,
4448 certification, or registration.—

4449 (1)

4450 (b) The department may deny an application for a permit or

4451 certification, or suspend or revoke a permit or certification,
 4452 if the department finds that:

4453 1. The applicant is not of good moral character or that it
 4454 would be a danger or not in the best interest of the public
 4455 health, safety, and welfare if the applicant were issued a
 4456 permit or certification.

4457 2. The applicant has not met the requirements for the
 4458 permit or certification.

4459 3. The applicant is not eligible for a permit or
 4460 certification for any of the reasons enumerated in s. 499.012.

4461 4. The applicant, permittee, or person certified under s.
 4462 499.012(15) demonstrates any of the conditions enumerated in s.
 4463 499.012.

4464 5. The applicant, permittee, or person certified under s.
 4465 499.012(15) has committed any violation of this chapter.

4466 **Section 136. For the purpose of incorporating the**
 4467 **amendment made by this act to section 499.0121, Florida**
 4468 **Statutes, in a reference thereto, paragraph (f) of subsection**
 4469 **(3) of section 458.3265, Florida Statutes, is reenacted to read:**

4470 458.3265 Pain-management clinics.—

4471 (3) PHYSICIAN RESPONSIBILITIES.—These responsibilities
 4472 apply to any physician who provides professional services in a
 4473 pain-management clinic that is required to be registered in
 4474 subsection (1).

4475 (f) Each physician practicing in a pain-management clinic

4476 is responsible for ensuring compliance with the following
4477 facility and physical operations requirements:

4478 1. A pain-management clinic shall be located and operated
4479 at a publicly accessible fixed location and must:

4480 a. Display a sign that can be viewed by the public that
4481 contains the clinic name, hours of operations, and a street
4482 address.

4483 b. Have a publicly listed telephone number and a dedicated
4484 phone number to send and receive faxes with a fax machine that
4485 shall be operational 24 hours per day.

4486 c. Have emergency lighting and communications.

4487 d. Have a reception and waiting area.

4488 e. Provide a restroom.

4489 f. Have an administrative area, including room for storage
4490 of medical records, supplies, and equipment.

4491 g. Have private patient examination rooms.

4492 h. Have treatment rooms, if treatment is being provided to
4493 the patients.

4494 i. Display a printed sign located in a conspicuous place
4495 in the waiting room viewable by the public with the name and
4496 contact information of the clinic's designated physician and the
4497 names of all physicians practicing in the clinic.

4498 j. If the clinic stores and dispenses prescription drugs,
4499 comply with ss. 499.0121 and 893.07.

4500 2. This section does not excuse a physician from providing

4501 any treatment or performing any medical duty without the proper
 4502 equipment and materials as required by the standard of care.
 4503 This section does not supersede the level of care, skill, and
 4504 treatment recognized in general law related to health care
 4505 licensure.

4506 **Section 137. For the purpose of incorporating the**
 4507 **amendment made by this act to section 499.0121, Florida**
 4508 **Statutes, in a reference thereto, paragraph (f) of subsection**
 4509 **(3) of section 459.0137, Florida Statutes, is reenacted to read:**

4510 459.0137 Pain-management clinics.—

4511 (3) PHYSICIAN RESPONSIBILITIES.—These responsibilities
 4512 apply to any osteopathic physician who provides professional
 4513 services in a pain-management clinic that is required to be
 4514 registered in subsection (1).

4515 (f) Each osteopathic physician practicing in a pain-
 4516 management clinic is responsible for ensuring compliance with
 4517 the following facility and physical operations requirements:

4518 1. A pain-management clinic shall be located and operated
 4519 at a publicly accessible fixed location and must:

4520 a. Display a sign that can be viewed by the public that
 4521 contains the clinic name, hours of operations, and a street
 4522 address.

4523 b. Have a publicly listed telephone number and a dedicated
 4524 phone number to send and receive faxes with a fax machine that
 4525 shall be operational 24 hours per day.

- 4526 c. Have emergency lighting and communications.
- 4527 d. Have a reception and waiting area.
- 4528 e. Provide a restroom.
- 4529 f. Have an administrative area including room for storage
4530 of medical records, supplies, and equipment.
- 4531 g. Have private patient examination rooms.
- 4532 h. Have treatment rooms, if treatment is being provided to
4533 the patient.
- 4534 i. Display a printed sign located in a conspicuous place
4535 in the waiting room viewable by the public with the name and
4536 contact information of the clinic-designated physician and the
4537 names of all physicians practicing in the clinic.
- 4538 j. If the clinic stores and dispenses prescription drugs,
4539 comply with ss. 499.0121 and 893.07.
- 4540 2. This section does not excuse an osteopathic physician
4541 from providing any treatment or performing any medical duty
4542 without the proper equipment and materials as required by the
4543 standard of care. This section does not supersede the level of
4544 care, skill, and treatment recognized in general law related to
4545 health care licensure.
- 4546 **Section 138. For the purpose of incorporating the**
4547 **amendment made by this act to section 499.0121, Florida**
4548 **Statutes, in references thereto, paragraphs (a), (c), (h), (j)**
4549 **through (m), and (q) of subsection (2) of section 499.01,**
4550 **Florida Statutes, are reenacted to read:**

4551 499.01 Permits.—

4552 (2) The following permits are established:

4553 (a) *Prescription drug manufacturer permit.*—A prescription
 4554 drug manufacturer permit is required for any person that is a
 4555 manufacturer of a prescription drug and that manufactures or
 4556 distributes such prescription drugs in this state.

4557 1. A person that operates an establishment permitted as a
 4558 prescription drug manufacturer may engage in distribution of
 4559 prescription drugs for which the person is the manufacturer and
 4560 must comply with s. 499.0121 and all other provisions of this
 4561 part and rules adopted under this part. The department shall
 4562 adopt rules for issuing a virtual prescription drug manufacturer
 4563 permit to a person who engages in the manufacture of
 4564 prescription drugs but does not make or take physical possession
 4565 of any prescription drugs. The rules adopted by the department
 4566 under this section may exempt virtual manufacturers from certain
 4567 establishment, security, and storage requirements set forth in
 4568 s. 499.0121.

4569 2. A prescription drug manufacturer must comply with all
 4570 appropriate state and federal good manufacturing practices.

4571 3. A blood establishment, as defined in s. 381.06014,
 4572 operating in a manner consistent with the provisions of 21
 4573 C.F.R. parts 211 and 600-640, and manufacturing only the
 4574 prescription drugs described in s. 499.003(48)(j) is not
 4575 required to be permitted as a prescription drug manufacturer

4576 | under this paragraph or to register products under s. 499.015.

4577 | (c) *Nonresident prescription drug manufacturer permit.*—A
4578 | nonresident prescription drug manufacturer permit is required
4579 | for any person that is a manufacturer of prescription drugs,
4580 | unless permitted as a third party logistics provider, located
4581 | outside of this state or outside the United States and that
4582 | engages in the distribution in this state of such prescription
4583 | drugs. Each such manufacturer must be permitted by the
4584 | department and comply with all of the provisions required of a
4585 | prescription drug manufacturer under this part. The department
4586 | shall adopt rules for issuing a virtual nonresident prescription
4587 | drug manufacturer permit to a person who engages in the
4588 | manufacture of prescription drugs but does not make or take
4589 | physical possession of any prescription drugs. The rules adopted
4590 | by the department under this section may exempt virtual
4591 | nonresident manufacturers from certain establishment, security,
4592 | and storage requirements set forth in s. 499.0121.

4593 | 1. A person that distributes prescription drugs for which
4594 | the person is not the manufacturer must also obtain an out-of-
4595 | state prescription drug wholesale distributor permit or third
4596 | party logistics provider permit pursuant to this section to
4597 | engage in the distribution of such prescription drugs when
4598 | required by this part. This subparagraph does not apply to a
4599 | manufacturer that distributes prescription drugs only for the
4600 | manufacturer of the prescription drugs where both manufacturers

4601 are affiliates.

4602 2. Any such person must comply with the licensing or
 4603 permitting requirements of the jurisdiction in which the
 4604 establishment is located and the federal act, and any
 4605 prescription drug distributed into this state must comply with
 4606 this part. If a person intends to import prescription drugs from
 4607 a foreign country into this state, the nonresident prescription
 4608 drug manufacturer must provide to the department a list
 4609 identifying each prescription drug it intends to import and
 4610 document approval by the United States Food and Drug
 4611 Administration for such importation.

4612 (h) *Restricted prescription drug distributor permit.*—

4613 1. A restricted prescription drug distributor permit is
 4614 required for:

4615 a. Any person located in this state who engages in the
 4616 distribution of a prescription drug, which distribution is not
 4617 considered "wholesale distribution" under s. 499.003(48)(a).

4618 b. Any person located in this state who engages in the
 4619 receipt or distribution of a prescription drug in this state for
 4620 the purpose of processing its return or its destruction if such
 4621 person is not the person initiating the return, the prescription
 4622 drug wholesale supplier of the person initiating the return, or
 4623 the manufacturer of the drug.

4624 c. A blood establishment located in this state which
 4625 collects blood and blood components only from volunteer donors

4626 as defined in s. 381.06014 or pursuant to an authorized
4627 practitioner's order for medical treatment or therapy and
4628 engages in the wholesale distribution of a prescription drug not
4629 described in s. 499.003(48)(j) to a health care entity. A mobile
4630 blood unit operated by a blood establishment permitted under
4631 this sub-subparagraph is not required to be separately
4632 permitted. The health care entity receiving a prescription drug
4633 distributed under this sub-subparagraph must be licensed as a
4634 closed pharmacy or provide health care services at that
4635 establishment. The blood establishment must operate in
4636 accordance with s. 381.06014 and may distribute only:

4637 (I) Prescription drugs indicated for a bleeding or
4638 clotting disorder or anemia;

4639 (II) Blood-collection containers approved under s. 505 of
4640 the federal act;

4641 (III) Drugs that are blood derivatives, or a recombinant
4642 or synthetic form of a blood derivative;

4643 (IV) Prescription drugs that are identified in rules
4644 adopted by the department and that are essential to services
4645 performed or provided by blood establishments and authorized for
4646 distribution by blood establishments under federal law; or

4647 (V) To the extent authorized by federal law, drugs
4648 necessary to collect blood or blood components from volunteer
4649 blood donors; for blood establishment personnel to perform
4650 therapeutic procedures under the direction and supervision of a

4651 licensed physician; and to diagnose, treat, manage, and prevent
 4652 any reaction of a volunteer blood donor or a patient undergoing
 4653 a therapeutic procedure performed under the direction and
 4654 supervision of a licensed physician,
 4655
 4656 as long as all of the health care services provided by the blood
 4657 establishment are related to its activities as a registered
 4658 blood establishment or the health care services consist of
 4659 collecting, processing, storing, or administering human
 4660 hematopoietic stem cells or progenitor cells or performing
 4661 diagnostic testing of specimens if such specimens are tested
 4662 together with specimens undergoing routine donor testing. The
 4663 blood establishment may purchase and possess the drugs described
 4664 in this sub-subparagraph without a health care clinic
 4665 establishment permit.

4666 2. Storage, handling, and recordkeeping of these
 4667 distributions by a person required to be permitted as a
 4668 restricted prescription drug distributor must be in accordance
 4669 with the requirements for wholesale distributors under s.
 4670 499.0121.

4671 3. A person who applies for a permit as a restricted
 4672 prescription drug distributor, or for the renewal of such a
 4673 permit, must provide to the department the information required
 4674 under s. 499.012.

4675 4. The department may adopt rules regarding the

4676 distribution of prescription drugs by hospitals, health care
4677 entities, charitable organizations, other persons not involved
4678 in wholesale distribution, and blood establishments, which rules
4679 are necessary for the protection of the public health, safety,
4680 and welfare.

4681 5. A restricted prescription drug distributor permit is
4682 not required for distributions between pharmacies that each hold
4683 an active permit under chapter 465, have a common ownership, and
4684 are operating in a freestanding end-stage renal dialysis clinic,
4685 if such distributions are made to meet the immediate emergency
4686 medical needs of specifically identified patients and do not
4687 occur with such frequency as to amount to the regular and
4688 systematic supplying of that drug between the pharmacies. The
4689 department shall adopt rules establishing when the distribution
4690 of a prescription drug under this subparagraph amounts to the
4691 regular and systematic supplying of that drug.

4692 6. A restricted prescription drug distributor permit is
4693 not required for distributing medicinal drugs or prepackaged
4694 drug products between entities under common control that each
4695 hold either an active Class III institutional pharmacy permit
4696 under chapter 465 or an active health care clinic establishment
4697 permit under paragraph (r). For purposes of this subparagraph,
4698 the term "common control" has the same meaning as in s.
4699 499.003(48)(a)3.

4700 (j) *Freight forwarder permit.*—A freight forwarder permit

4701 is required for any person that engages in the distribution of a
4702 prescription drug as a freight forwarder unless the person is a
4703 common carrier. The storage, handling, and recordkeeping of such
4704 distributions must comply with the requirements for wholesale
4705 distributors under s. 499.0121. A freight forwarder must provide
4706 the source of the prescription drugs with a validated airway
4707 bill, bill of lading, or other appropriate documentation to
4708 evidence the exportation of the product.

4709 (k) *Veterinary prescription drug retail establishment*
4710 *permit.*—A veterinary prescription drug retail establishment
4711 permit is required for any person that sells veterinary
4712 prescription drugs to the public but does not include a pharmacy
4713 licensed under chapter 465.

4714 1. The sale to the public must be based on a valid written
4715 order from a veterinarian licensed in this state who has a valid
4716 client-veterinarian relationship with the purchaser's animal.

4717 2. Veterinary prescription drugs may not be sold in excess
4718 of the amount clearly indicated on the order or beyond the date
4719 indicated on the order.

4720 3. An order may not be valid for more than 1 year.

4721 4. A veterinary prescription drug retail establishment may
4722 not purchase, sell, trade, or possess human prescription drugs
4723 or any controlled substance as defined in chapter 893.

4724 5. A veterinary prescription drug retail establishment
4725 must sell a veterinary prescription drug in the original, sealed

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4726 manufacturer's container with all labeling intact and legible.
4727 The department may adopt by rule additional labeling
4728 requirements for the sale of a veterinary prescription drug.

4729 6. A veterinary prescription drug retail establishment
4730 must comply with all of the wholesale distribution requirements
4731 of s. 499.0121.

4732 7. Prescription drugs sold by a veterinary prescription
4733 drug retail establishment pursuant to a practitioner's order may
4734 not be returned into the retail establishment's inventory.

4735 (1) *Veterinary prescription drug wholesale distributor*
4736 *permit.*—A veterinary prescription drug wholesale distributor
4737 permit is required for any person that engages in the
4738 distribution of veterinary prescription drugs in or into this
4739 state. A veterinary prescription drug wholesale distributor that
4740 also distributes prescription drugs subject to, defined by, or
4741 described by s. 503(b) of the Federal Food, Drug, and Cosmetic
4742 Act which it did not manufacture must obtain a permit as a
4743 prescription drug wholesale distributor, an out-of-state
4744 prescription drug wholesale distributor, or a limited
4745 prescription drug veterinary wholesale distributor in lieu of
4746 the veterinary prescription drug wholesale distributor permit. A
4747 veterinary prescription drug wholesale distributor must comply
4748 with the requirements for wholesale distributors under s.
4749 499.0121.

4750 (m) *Limited prescription drug veterinary wholesale*

4751 *distributor permit.*—Unless engaging in the activities of and
4752 permitted as a prescription drug manufacturer, nonresident
4753 prescription drug manufacturer, prescription drug wholesale
4754 distributor, or out-of-state prescription drug wholesale
4755 distributor, a limited prescription drug veterinary wholesale
4756 distributor permit is required for any person that engages in
4757 the distribution in or into this state of veterinary
4758 prescription drugs and prescription drugs subject to, defined
4759 by, or described by s. 503(b) of the Federal Food, Drug, and
4760 Cosmetic Act under the following conditions:

- 4761 1. The person is engaged in the business of wholesaling
4762 prescription and veterinary prescription drugs to persons:
- 4763 a. Licensed as veterinarians practicing on a full-time
4764 basis;
 - 4765 b. Regularly and lawfully engaged in instruction in
4766 veterinary medicine;
 - 4767 c. Regularly and lawfully engaged in law enforcement
4768 activities;
 - 4769 d. For use in research not involving clinical use; or
 - 4770 e. For use in chemical analysis or physical testing or for
4771 purposes of instruction in law enforcement activities, research,
4772 or testing.
- 4773 2. No more than 30 percent of total annual prescription
4774 drug sales may be prescription drugs approved for human use
4775 which are subject to, defined by, or described by s. 503(b) of

4776 the Federal Food, Drug, and Cosmetic Act.

4777 3. The person does not distribute in any jurisdiction
4778 prescription drugs subject to, defined by, or described by s.
4779 503(b) of the Federal Food, Drug, and Cosmetic Act to any person
4780 who is authorized to sell, distribute, purchase, trade, or use
4781 these drugs on or for humans.

4782 4. A limited prescription drug veterinary wholesale
4783 distributor that applies to the department for a new permit or
4784 the renewal of a permit must submit a bond of \$20,000, or other
4785 equivalent means of security acceptable to the department, such
4786 as an irrevocable letter of credit or a deposit in a trust
4787 account or financial institution, payable to the Professional
4788 Regulation Trust Fund. The purpose of the bond is to secure
4789 payment of any administrative penalties imposed by the
4790 department and any fees and costs incurred by the department
4791 regarding that permit which are authorized under state law and
4792 which the permittee fails to pay 30 days after the fine or costs
4793 become final. The department may make a claim against such bond
4794 or security until 1 year after the permittee's license ceases to
4795 be valid or until 60 days after any administrative or legal
4796 proceeding authorized in this part which involves the permittee
4797 is concluded, including any appeal, whichever occurs later.

4798 5. A limited prescription drug veterinary wholesale
4799 distributor must maintain at all times a license or permit to
4800 engage in the wholesale distribution of prescription drugs in

4801 compliance with laws of the state in which it is a resident.

4802 6. A limited prescription drug veterinary wholesale
4803 distributor must comply with the requirements for wholesale
4804 distributors under s. 499.0121.

4805 7. A limited prescription drug veterinary wholesale
4806 distributor may not return to inventory for subsequent wholesale
4807 distribution any prescription drug subject to, defined by, or
4808 described by s. 503(b) of the Federal Food, Drug, and Cosmetic
4809 Act which has been returned by a veterinarian.

4810 8. A limited prescription drug veterinary wholesale
4811 distributor permit is not required for an intracompany sale or
4812 transfer of a prescription drug from an out-of-state
4813 establishment that is duly licensed to engage in the wholesale
4814 distribution of prescription drugs in its state of residence to
4815 a licensed limited prescription drug veterinary wholesale
4816 distributor in this state if both wholesale distributors conduct
4817 wholesale distributions of prescription drugs under the same
4818 business name. The recordkeeping requirements of s. 499.0121(6)
4819 must be followed for this transaction.

4820 (q) *Third party logistics provider permit.*—A third party
4821 logistics provider permit is required for any person that
4822 contracts with a prescription drug wholesale distributor or
4823 prescription drug manufacturer to provide warehousing,
4824 distribution, or other logistics services on behalf of a
4825 manufacturer, wholesale distributor, or dispenser, but who does

4826 | not take title to the prescription drug or have responsibility
 4827 | to direct the sale or disposition of the prescription drug. A
 4828 | third party logistics provider located outside of this state
 4829 | must be licensed in the state or territory from which the
 4830 | prescription drug is distributed by the third party logistics
 4831 | provider. If the state or territory from which the third party
 4832 | logistics provider originates does not require a license to
 4833 | operate as a third party logistics provider, the third party
 4834 | logistics provider must be licensed as a third party logistics
 4835 | provider as required by the federal act. Each third party
 4836 | logistics provider permittee shall comply with s. 499.0121 and
 4837 | other rules that the department requires.

4838 | **Section 139. For the purpose of incorporating the**
 4839 | **amendment made by this act to section 499.041, Florida Statutes,**
 4840 | **in a reference thereto, paragraph (a) of subsection (1) of**
 4841 | **section 499.015, Florida Statutes, is reenacted to read:**

4842 | 499.015 Registration of drugs and devices; issuance of
 4843 | certificates of free sale.—

4844 | (1)(a) Except for those persons exempted from the
 4845 | definition of manufacturer in s. 499.003, any person who
 4846 | manufactures, packages, repackages, labels, or relabels a drug
 4847 | or device in this state must register such drug or device
 4848 | biennially with the department; pay a fee in accordance with the
 4849 | fee schedule provided by s. 499.041; and comply with this
 4850 | section. The registrant must list each separate and distinct

4851 drug or device at the time of registration.

4852 **Section 140. For the purpose of incorporating the**
 4853 **amendment made by this act to section 713.03, Florida Statutes,**
 4854 **in a reference thereto, subsection (19) of section 713.01,**
 4855 **Florida Statutes, is reenacted to read:**

4856 713.01 Definitions.—As used in this part, the term:

4857 (19) "Lienor" means a person who is:

4858 (a) A contractor;

4859 (b) A subcontractor;

4860 (c) A sub-subcontractor;

4861 (d) A laborer;

4862 (e) A materialman who contracts with the owner, a
 4863 contractor, a subcontractor, or a sub-subcontractor; or

4864 (f) A professional lienor under s. 713.03;

4865

4866 and who has a lien or prospective lien upon real property under
 4867 this part, and includes his or her successor in interest. No
 4868 other person may have a lien under this part.

4869 **Section 141. For the purpose of incorporating the**
 4870 **amendment made by this act to section 713.03, Florida Statutes,**
 4871 **in a reference thereto, subsection (1) of section 713.02,**
 4872 **Florida Statutes, is reenacted to read:**

4873 713.02 Types of lienors and exemptions.—

4874 (1) Persons performing the services described in s. 713.03
 4875 shall have rights to a lien on real property as provided in that

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4876 | section.

4877 | **Section 142.** This act shall take effect July 1, 2025.