

1 A bill to be entitled
2 An act relating to industries and professional
3 activities; amending s. 20.165, F.S.; renaming,
4 removing, and redesignating specified boards,
5 commissions, and councils established within the
6 Department of Business and Professional Regulation;
7 changing the office locations of certain divisions;
8 requiring the department to provide to the Division of
9 Professions a summary of changes to statutory law
10 within a specified time period after adjournment of
11 session; repealing ss. 310.011, 310.032, 310.042,
12 455.2124, 455.2228, 468.384, 468.399, 468.4315,
13 468.4337, 468.4338, 468.521, 468.522, 468.523,
14 468.605, 468.8316, 468.8416, 471.007, 471.008,
15 471.009, 471.019, 471.0195, 471.038, 472.007, 472.008,
16 472.009, 472.018, 472.019, 473.303, 473.312, 474.204,
17 474.206, 475.02, 475.03, 475.04, 475.045, 475.05,
18 475.10, 476.054, 476.064, 477.015, 481.205, 481.2055,
19 481.305, 482.243, 489.107, 489.507, 492.103, 493.6116,
20 499.01211, 559.9221, and 570.81, F.S., relating to
21 Board of Pilot Commissioners; oath of members of the
22 Board of Pilot Commissioners; organization and
23 meetings of the board; proration of continuing
24 education; barbers and cosmetologists and instruction
25 on HIV and AIDS; Florida Board of Auctioneers;

26 expenditure of excess funds; Regulatory Council of
27 Community Association Managers; continuing education;
28 reactivation and continuing education; the Board of
29 Employee Leasing Companies, membership, appointments,
30 and terms; rules of the board; applicability of s.
31 20.165 and chapter 455; Florida Building Code
32 Administrators and Inspectors Board; continuing
33 education; Board of Professional Engineers; rulemaking
34 authority of the board; board headquarters;
35 reactivation; Florida Building Code training for
36 engineers; Florida Engineers Management Corporation;
37 Board of Professional Surveyors and Mappers; rules of
38 the board; board headquarters; continuing education;
39 continuing education for reactivating a license; Board
40 of Veterinary Medicine; renewal of license; Board of
41 Accountancy; continuing education; Barbers' Board;
42 organization, headquarters, personnel, and meetings of
43 the board; Board of Cosmetology; Board of Architecture
44 and Interior Design; authority of the board to make
45 rules; Florida Real Estate Commission; delegation of
46 powers and duties; legal services; duty of commission
47 to educate members of profession; Florida Real Estate
48 Commission Education and Research Foundation; power of
49 commission to enact bylaws and rules and decide
50 questions of practice; seal; Board of Landscape

51 Architecture; Pest Control Enforcement Advisory
52 Council; Construction Industry Licensing Board;
53 Electrical Contractors' Licensing Board; Board of
54 Professional Geologists; sponsorship of interns; Drug
55 Wholesale Distributor Advisory Council; Motor Vehicle
56 Repair Advisory Council; and Agricultural Economic
57 Development Project Review Committee, respectively;
58 requiring the department to conduct a specified study;
59 amending ss. 212.08, 215.5586, 215.55871, 309.01,
60 310.0015, 310.002, 310.051, 310.061, 310.071, 310.073,
61 310.075, 310.081, 310.101, 310.102, 310.111, 310.1115,
62 310.121, 310.131, 310.142, 310.151, 310.183, 310.185,
63 319.28, 326.002, 326.006, 376.303, 381.0065, 403.868,
64 403.9329, 440.02, 448.26, 468.382, 468.385, 468.3852,
65 468.3855, 468.387, 468.388, 468.389, 468.392, 468.393,
66 468.395, 468.396, 468.397, 468.398, 468.431, 468.433,
67 468.4336, 468.435, 468.436, 468.520, 468.522, 468.524,
68 468.5245, 468.525, 468.526, 468.527, 468.5275,
69 468.529, 468.530, 468.531, 468.532, 468.603, 468.606,
70 468.607, 468.613, 468.619, 468.621, 468.627, 468.629,
71 468.631, 468.8312, 468.8315, 468.8415, 468.8417,
72 468.8419, 469.004, 469.012, 469.013, 471.003,
73 471.0035, 471.005, 471.011, 471.013, 471.017, 471.021,
74 471.023, 471.025, 471.031, 471.033, 471.045, 471.055,
75 472.003, 472.005, 473.302, 473.3035, 473.304, 473.305,

76 473.306, 473.309, 473.3101, 473.311, 473.3125,
77 473.313, 473.314, 473.315, 473.316, 473.319, 473.3205,
78 473.321, 473.322, 473.323, 474.202, 474.2021,
79 474.2065, 474.207, 474.211, 474.2125, 474.213,
80 474.214, 474.215, 474.216, 474.2165, 474.217, 474.221,
81 476.034, 476.074, 476.114, 476.134, 476.144, 476.154,
82 476.155, 476.192, 476.204, 476.214, 476.234, 477.013,
83 477.0135, 477.016, 477.018, 477.019, 477.0201,
84 477.0212, 477.022, 477.025, 477.026, 477.0263,
85 477.028, 477.029, 481.203, 481.207, 481.209, 481.211,
86 481.215, 481.217, 481.219, 481.221, 481.222, 481.223,
87 481.225, 481.2251, 481.303, 481.306, 481.307, 481.309,
88 481.310, 481.311, 481.313, 481.315, 481.317, 481.319,
89 481.321, 481.323, 481.325, 489.103, 489.105, 489.108,
90 489.109, 489.113, 489.1131, 489.1136, 489.114,
91 489.115, 489.116, 489.117, 489.118, 489.119, 489.1195,
92 489.121, 489.126, 489.127, 489.129, 489.131, 489.132,
93 489.133, 489.1401, 489.1402, 489.141, 489.142,
94 489.1425, 489.143, 489.1455, 489.146, 489.509,
95 489.510, 489.511, 489.513, 489.514, 489.515, 489.516,
96 489.5161, 489.517, 489.518, 489.5185, 489.519,
97 489.520, 489.521, 489.522, 489.523, 489.525, 489.533,
98 489.5335, 489.537, 489.552, 492.102, 492.104, 492.105,
99 492.1051, 492.106, 492.107, 492.108, 492.1101,
100 492.111, 492.113, 493.6101, 493.6105, 493.6106,

493.6111, 493.6113, 493.6118, 493.6120, 493.6123,
493.6201, 493.6202, 493.6203, 493.6301, 493.6302,
493.6303, 493.6304, 493.631, 493.6401, 493.6402,
493.6403, 493.6406, 514.0315, 514.075, 533.791,
553.998, 569.34, 627.192, 633.216, 713.01, and
1006.12, F.S.; providing licensing authority to the
department rather than licensing boards; removing
continuing education requirements; conforming
provisions to changes made by the act; amending s.
259.1053, F.S.; removing the Babcock Ranch Advisory
Group; amending s. 399.035, F.S.; revising the
requirements for accessibility of elevators for the
physically handicapped; amending s. 373.219, F.S.;
providing an exception to the permit requirement for
certain landscape irrigation water users; amending s.
455.02, F.S.; specifying that certain license
application requirements apply only to certain
professions; amending s. 455.213, F.S.; providing
regulation authority to the department to regulate a
cosmetologist or cosmetology specialist review an
applicant's criminal record; amending s. 468.386,
F.S.; requiring the department to reduce fees by a
specified percentage on a certain date; amending s.
468.609, F.S.; revising the standards for
certification as a building code inspector or plans

126 examiner; amending s. 471.015, F.S.; revising who the
127 department must certify as qualified for a license by
128 endorsement for the practice of engineering; amending
129 s. 473.308, F.S.; revising the education and work
130 experience requirements for a certified public
131 accountant license; directing the department to
132 prescribe specified coursework for licensure; revising
133 requirements for licensure by endorsement; removing
134 provisions relating to licensure of applicants with
135 work experience in foreign countries; providing
136 applicability; creating s. 473.3085, F.S.; requiring
137 an international applicant who seeks licensure as a
138 certified public accountant in this state to meet
139 specified criteria prescribed by the department;
140 requiring such applicants to apply to the department;
141 requiring such applicants to create and maintain an
142 online account with the department; providing that the
143 applicant's e-mail address serves as the primary means
144 of communication from the department; requiring an
145 applicant to submit any change in certain information
146 within a specified timeframe through the department's
147 online system; requiring the department to certify an
148 applicant who meets certain requirements; requiring
149 the department to adopt rules; amending s. 473.3141,
150 F.S.; revising requirements for certified public

151 accountants licensed in another state or a territory
152 of the United States to practice in this state without
153 obtaining a license; amending s. 476.184, F.S.;
154 requiring the department to adopt rules; requiring a
155 mobile barbershop to comply with all licensure and
156 operating requirements that apply to a barbershop at a
157 fixed location; providing an exception; requiring a
158 mobile barbershop to have a permanent business address
159 in a specified location; requiring that certain
160 records be kept at the permanent business address;
161 requiring a mobile barbershop licenseholder to file
162 with the department a written monthly itinerary that
163 provides certain information; requiring that a
164 licenseholder comply with certain laws and ordinances;
165 amending s. 476.188, F.S.; providing that a barbershop
166 must be licensed with the department, rather than
167 registered; authorizing the practice of barbering to
168 be performed in a location other than a licensed
169 barbershop under certain circumstances; amending s.
170 481.213, F.S.; revising who the department shall
171 certify as qualified for a license by endorsement in
172 the practice of architecture; amending s. 499.012,
173 F.S.; revising permit application requirements for
174 sale, transfer, assignment, or lease; removing permit
175 application requirements for a prescription drug

176 wholesale distributor to include a designated
177 representative; amending s. 499.0121, F.S.; removing a
178 designated representative as a responsible person who
179 must be listed by a wholesale distributor; amending s.
180 499.041, F.S.; removing a requirement that the
181 department assess each person applying for
182 certification as a designated representative a fee,
183 plus the cost of processing a criminal history record
184 check; amending s. 509.261, F.S.; prohibiting a
185 lodging establishment or a public food service
186 establishment from selling hemp in violation of the
187 state hemp program; amending s. 553.79, F.S.;
188 prohibiting a local enforcement agency from denying
189 the issuance of a certificate of occupancy to an owner
190 of residential or commercial property based on
191 noncompliance with Florida-friendly landscaping
192 ordinances in certain circumstances; prohibiting a
193 local enforcement agency from denying the issuance of
194 a building permit for the alteration, modification, or
195 repair of a single-family residential structure in
196 certain circumstances; prohibiting a local enforcement
197 agency from requiring a building permit for the
198 construction of playground equipment or a fence on
199 certain property; reordering and amending s. 569.002,
200 F.S.; making technical changes; amending s. 569.006,

F.S.; revising the violations for which retail tobacco products dealers are penalized; amending 569.35, F.S.; revising retail nicotine product dealer administrative penalties; amending s. 581.217, F.S.; defining the term "division"; authorizing the Division of Alcoholic Beverages and Tobacco to assist any agent of the Department of Agriculture and Consumer Services in enforcing the state hemp program; authorizing the division to enter any public or private premises during a specified timeframe in the performance of its duties; providing effective dates.

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

Section 1. Section 20.165, Florida Statutes, is amended to read:

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

(1) The head of the Department of Business and Professional Regulation is the Secretary of Business and Professional Regulation. The secretary shall be appointed by the Governor, subject to confirmation by the Senate. The secretary shall serve at the pleasure of the Governor.

(2) The following divisions of the Department of Business

226 and Professional Regulation are established:

227 (a) Division of Administration.

228 (b) Division of Alcoholic Beverages and Tobacco.

229 (c) Division of Certified Public Accounting.

230 1. The director of the division shall be appointed by the
231 secretary of the department, ~~subject to approval by a majority~~
232 ~~of the Board of Accountancy.~~

233 2. The offices of the division shall be located in
234 Tallahassee ~~Gainesville~~.

235 (d) Division of Drugs, Devices, and Cosmetics.

236 (e) Division of Florida Condominiums, Timeshares, and
237 Mobile Homes.

238 (f) Division of Hotels and Restaurants.

239 (g) Division of Professions.

240 (h) Division of Real Estate.

241 1. The director of the division shall be appointed by the
242 secretary of the department, ~~subject to approval by a majority~~
243 ~~of the Florida Real Estate Commission.~~

244 2. The offices of the division shall be located in
245 Tallahassee ~~Orlando~~.

246 (i) Division of Regulation.

247 (j) Division of Technology.

248 (k) Division of Service Operations.

249 (3) The secretary shall appoint a director for each
250 division established within this section. Each division director

shall directly administer the division and shall be responsible to the secretary. The secretary may appoint deputy and assistant secretaries as necessary to aid the secretary in fulfilling the secretary's statutory obligations.

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

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

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

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

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

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

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

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

8. ~~Board of~~ Employee Leasing Companies licensing program, created under part XI of chapter 468.

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

10. ~~Board of~~ Pilot Commissioners licensing program,

created under chapter 310.

11. ~~Board of~~ Professional Engineers licensing program,
created under chapter 471.

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

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

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

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

16. Talent agency licensing program, created under part
VII of chapter 468.

17. The Florida Building Commission, created under chapter
553.

18. The Community Association Managers Licensing Program,
created under part VIII of chapter 468.

19. Yacht and ship brokers licensing program, created
under chapter 326.

(b) The Florida Real Estate Appraisal Board, created under
part II of chapter 475 is following board and commission are
established within the Division of Real Estate.÷

~~1. Florida Real Estate Appraisal Board, created under part
II of chapter 475.~~

~~2. Florida Real Estate Commission, created under part I of~~

~~chapter 475.~~

~~(c) The following board is established within the Division of Certified Public Accounting: Board of Accountancy, created under chapter 473.~~

~~(5) The members of each board established pursuant to subsection (4) shall be appointed by the Governor, subject to confirmation by the Senate. Consumer members on the board shall be appointed pursuant to subsection (6). Members shall be appointed for 4 year terms, and such terms shall expire on October 31. However, a term of less than 4 years may be utilized to ensure that:~~

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

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

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

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

326 ~~(6) Each board with five or more members shall have at~~
327 ~~least two consumer members who are not, and have never been,~~
328 ~~members or practitioners of the profession regulated by such~~
329 ~~board or of any closely related profession. Each board with~~
330 ~~fewer than five members shall have at least one consumer member~~
331 ~~who is not, and has never been, a member or practitioner of the~~
332 ~~profession regulated by such board or of any closely related~~
333 ~~profession.~~

334 ~~(7) No board, with the exception of joint~~
335 ~~coordinatorships, shall be transferred from its present location~~
336 ~~unless authorized by the Legislature in the General~~
337 ~~Appropriations Act.~~

338 (5)~~(8)~~ Notwithstanding any other provision of law, the
339 department shall ~~is authorized to~~ establish uniform application
340 forms and certificates of licensure for use by the divisions
341 within the department. However, ~~Nothing in~~ this subsection does
342 not authorize ~~authorizes~~ the department to vary any substantive
343 requirements, duties, or eligibilities for licensure or
344 certification as provided by law.

345 (6)~~(9)~~

346 (a) All employees authorized by the Division of Alcoholic
347 Beverages and Tobacco shall have access to, and shall have the
348 right to inspect, premises licensed by the division, to collect
349 taxes and remit them to the officers entitled to them, and to
350 examine the books and records of all licensees. The authorized

employees shall require of each licensee strict compliance with the laws of this state relating to the transaction of such business.

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

1. The primary responsibility of each officer appointed under this section is to investigate, enforce, and prosecute, throughout this ~~the~~ state, violations and violators of parts I and II of chapter 210; chapter 310; chapter 326; parts I and III of chapter 450; chapter 455; parts VI-IX, XI, XII, XV, and XVI of chapter 468; chapter 469; chapter 471; chapters 473-477; chapter 481; parts I and II of chapter 489; chapter 499; chapter 509; chapter 548; chapter 553; ~~7~~ part VII of chapter 559; ~~7~~ and

376 chapters 561-569; chapters 718-719; chapter 721; and chapter
377 723;~~7~~ and the rules adopted thereunder, as well as other state
378 laws that the division, all state law enforcement officers, or
379 beverage enforcement agents are specifically authorized to
380 enforce.

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

390 (7) The Department of Business and Professional Regulation
391 shall provide, via email, to each person licensed by the
392 department, as promptly after the adjournment of the legislative
393 session as possible, a summary of changes to existing law
394 relating to each business and profession, and the effective date
395 of each change.

396 **Section 2.** Sections 310.011, 310.032, 310.042, 455.2124,
397 455.2228, 468.384, 468.399, 468.4315, 468.4337, 468.4338,
398 468.521, 468.522, 468.523, 468.605, 468.8316, 468.8416, 471.007,
399 471.008, 471.009, 471.019, 471.0195, 471.038, 472.007, 472.008,
400 472.009, 472.018, 472.019, 473.303, 473.312, 474.204, 474.206,

401 475.02, 475.03, 475.04, 475.045, 475.05, 475.10, 476.054,
402 476.064, 477.015, 481.205, 481.2055, 481.305, 482.243, 489.107,
403 489.507, 492.103, 493.6116, 499.01211, 559.9221, and 570.81,
404 Florida Statutes, are repealed.

405 **Section 3.** (1) The Department of Business and
406 Professional Regulation created under s. 20.165, Florida
407 Statutes, shall conduct a study to evaluate and make
408 recommendations regarding:

409 (a) The department's recommendations for creating a
410 uniform process for permit inspections, including a uniform
411 process for virtual inspections. The department's
412 recommendations shall include how building officials can most
413 efficiently perform the most common building inspections and how
414 to reduce the number of inspections performed by such officials.

415 (b) The creation of a uniform permitting process in this
416 state for common building permits issued pursuant to chapter
417 553, Florida Statutes.

418 (2) The department, created under s. 20.165, Florida
419 Statutes, and the Department of Agriculture and Consumer
420 Services, created under s. 20.14, Florida Statutes, shall
421 conduct a study to evaluate and make recommendations regarding
422 the inclusion of a pathway to licensure for all professions,
423 regulated and licensed by the respective departments, that
424 includes work experience only or work experience plus an
425 examination and submit a report to the Legislature on or before

January 1, 2026.

Section 4. Paragraph (uuu) of subsection (7) of section 212.08, Florida Statutes, is amended to read:

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

(7) MISCELLANEOUS EXEMPTIONS.—Exemptions provided to any entity by this chapter do not inure to any transaction that is otherwise taxable under this chapter when payment is made by a representative or employee of the entity by any means, including, but not limited to, cash, check, or credit card, even when that representative or employee is subsequently reimbursed by the entity. In addition, exemptions provided to any entity by this subsection do not inure to any transaction that is otherwise taxable under this chapter unless the entity has obtained a sales tax exemption certificate from the department or the entity obtains or provides other documentation as required by the department. Eligible purchases or leases made with such a certificate must be in strict compliance with this subsection and departmental rules, and any person who makes an exempt purchase with a certificate that is not in strict compliance with this subsection and the rules is liable for and

451 shall pay the tax. The department may adopt rules to administer
452 this subsection.

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

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

455 a. "Private investigation services" has the same meaning
456 as "private investigation," as defined in s. 493.6101(14) ~~s.~~
457 ~~493.6101(17)~~.

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

460 (I) Employs three or fewer full-time or part-time
461 employees, including those performing services pursuant to an
462 employee leasing arrangement as defined in s. 468.520 ~~s.~~
463 ~~468.520(4)~~, in total; and

464 (II) During the previous calendar year, performed private
465 investigation services otherwise taxable under this chapter in
466 which the charges for the services performed were less than
467 \$150,000 for all its businesses related through common
468 ownership.

469 2. The sale of private investigation services by a small
470 private investigative agency to a client is exempt from the tax
471 imposed by this chapter.

472 3. The exemption provided by this paragraph may not apply
473 in the first calendar year a small private investigative agency
474 conducts sales of private investigation services taxable under
475 this chapter.

Section 5. Paragraph (f) of subsection (1) of section 215.5586, Florida Statutes, is amended to read:

215.5586 My Safe Florida Home Program.—There is established within the Department of Financial Services the My Safe Florida Home Program. The department shall provide fiscal accountability, contract management, and strategic leadership for the program, consistent with this section. This section does not create an entitlement for property owners or obligate the state in any way to fund the inspection or retrofitting of residential property in this state. Implementation of this program is subject to annual legislative appropriations. It is the intent of the Legislature that, subject to the availability of funds, the My Safe Florida Home Program provide licensed inspectors to perform hurricane mitigation inspections of eligible homes and grants to fund hurricane mitigation projects on those homes. The department shall implement the program in such a manner that the total amount of funding requested by accepted applications, whether for inspections, grants, or other services or assistance, does not exceed the total amount of available funds. If, after applications are processed and approved, funds remain available, the department may accept applications up to the available amount. The program shall develop and implement a comprehensive and coordinated approach for hurricane damage mitigation pursuant to the requirements provided in this section.

(1) HURRICANE MITIGATION INSPECTIONS.—

(f) To qualify for selection by the department as a wind certification entity to provide hurricane mitigation inspections, the entity must, at a minimum, meet the following requirements:

1. Use hurricane mitigation inspectors who are licensed or certified as:

- a. A building inspector under s. 468.607;
- b. A general, building, or residential contractor under s. 489.111;
- c. A professional engineer under s. 471.015;
- d. A professional architect under s. 481.213; or
- e. A home inspector under s. 468.8314 and who have completed at least 3 hours of hurricane mitigation training approved by the department ~~Construction Industry Licensing Board~~, which training must include hurricane mitigation techniques, compliance with the uniform mitigation verification form, and completion of a proficiency exam.

2. Use hurricane mitigation inspectors who also have undergone drug testing and a background screening. The department may conduct criminal record checks of inspectors used by wind certification entities. Inspectors must submit a set of fingerprints to the department for state and national criminal history checks and must pay the fingerprint processing fee set forth in s. 624.501. The fingerprints must be sent by the

department to the Department of Law Enforcement and forwarded to the Federal Bureau of Investigation for processing. The results must be returned to the department for screening. The fingerprints must be taken by a law enforcement agency, designated examination center, or other department-approved entity.

3. Provide a quality assurance program including a reinspection component.

Section 6. Paragraph (b) of subsection (3) of section 215.55871, Florida Statutes, is amended to read:

215.55871 My Safe Florida Condominium Pilot Program.—There is established within the Department of Financial Services the My Safe Florida Condominium Pilot Program to be implemented pursuant to appropriations. The department shall provide fiscal accountability, contract management, and strategic leadership for the pilot program, consistent with this section. This section does not create an entitlement for associations or unit owners or obligate the state in any way to fund the inspection or retrofitting of condominiums in the state. Implementation of this pilot program is subject to annual legislative appropriations. It is the intent of the Legislature that the My Safe Florida Condominium Pilot Program provide licensed inspectors to perform inspections for and grants to eligible associations as funding allows.

(3) HURRICANE MITIGATION INSPECTORS.—

551 (b) The department shall contract with wind certification
552 entities to provide hurricane mitigation inspections. To qualify
553 for selection by the department as a wind certification entity
554 to provide hurricane mitigation inspections, the entity must, at
555 a minimum, meet all of the following requirements:

556 1. Use hurricane mitigation inspectors who are licensed or
557 certified as:

- 558 a. A building inspector under s. 468.607;
559 b. A general, building, or residential contractor under s.
560 489.111;
561 c. A professional engineer under s. 471.015;
562 d. A professional architect under s. 481.213; or
563 e. A home inspector under s. 468.8314 who has completed at
564 least 3 hours of hurricane mitigation training approved by the
565 department ~~Construction Industry Licensing Board~~, which must
566 include hurricane mitigation techniques, compliance with the
567 uniform mitigation verification form, and completion of a
568 proficiency exam.

569 2. Use hurricane mitigation inspectors who have undergone
570 drug testing and a background screening. The department may
571 conduct criminal record checks of inspectors used by wind
572 certification entities. Inspectors must submit a full set of
573 fingerprints to the department or to a vendor, an entity, or an
574 agency authorized under s. 943.053(13). The department, vendor,
575 entity, or agency shall forward the fingerprints to the

Department of Law Enforcement for state processing, and the Department of Law Enforcement shall forward the fingerprints to the Federal Bureau of Investigation for national processing. Fees for state and federal fingerprint processing shall be borne by the inspector. The state cost for fingerprint processing shall be as provided in s. 943.053(3)(e). The results must be returned to the department for screening. The fingerprints must be taken by a law enforcement agency, designated examination center, or other department-approved entity.

3. Provide a quality assurance program including a reinspection component.

Section 7. Subsection (1) of section 309.01, Florida Statutes, is amended to read:

309.01 Deposit of material in tidewater regulated.—

(1) It is not lawful for any person to discharge or cause to be discharged or deposit or cause to be deposited, in the tide or salt waters of any bay, port, harbor, or river of this state, any ballast or material of any kind other than clear stone or rock, free from gravel or pebbles, which said clear stone or rock shall be deposited or discharged only in the construction of enclosures in connection with wharves, piers, quays, jetties, or in the construction of permanent bulkheads connecting the solid and permanent portion of wharves. It is lawful to construct three characters of bulkheads for retention of material in solid wharves. First, clear stone or rock

enclosures, or bulkheads, may be built upon all sides to a height not less than 2 1/2 feet above high watermark; and after the enclosures have been made so solid, tight, and permanent as to prevent any sand, mud, gravel, or other material that may be discharged or deposited in them from drifting or escaping through such enclosures, any kind of ballast may be discharged or deposited within the enclosures. The enclosures may be constructed of wood, stone, and rock combined, the stone and rocks to be placed on the outside of the wood to a height not less at any point than 2 1/2 feet above high watermark. Second, a bulkhead may be built by a permanent wharf consisting of thoroughly creosoted piles not less than 12 inches in diameter at the butt end, to be driven close together and to be capped with timber not less than 10 or 14 inches drift, bolted to each pile, and one or more longitudinal stringers to be placed on the outside of the bulkhead and securely anchored by means of iron rods to piles driven within the bulkheads, clear rock to be on the inside of the bulkhead, to a height of not less than 2 1/2 feet above high water; and after this is done, ballast or other material may be deposited within the permanent enclosure so constructed. Third, a bulkhead may be constructed to consist of creosoted piles, as described herein, driven not exceeding 4 feet apart from center to center, inside of which two or more longitudinal stringers may be placed and securely bolted to the piles. Inside of these longitudinal pieces, two thicknesses of

626 creosoted sheet piling are to be driven, each course of the
627 sheet piling to make a joint with the other so as to form an
628 impenetrable wharf; and within this permanent bulkhead so
629 constructed, any ballast or other material may be deposited. No
630 such enclosure, pier, quay, or jetty may not begin ~~shall be~~
631 ~~begin~~ until the point at which ~~whereat~~ it is to be built shall
632 have been connected by a substantial wharf with a shore or with
633 a permanent wharf; except that the owners of wharves may at any
634 time, with the consent of the ~~Board of Pilot Commissioners of~~
635 ~~the Division of Professions of the~~ Department of Business and
636 Professional Regulation, build wharves of clear stone or rock,
637 or creosoted walls as hereinafter provided, on each side of
638 their wharves from the shore to a point at which the water is
639 not more than 15 feet deep, and when such walls have attained a
640 height of 2 1/2 feet above high watermark and have been securely
641 closed at the deepwater end by stone or creosoted walls of the
642 same height, any kind of ballast may be deposited in them.
643 Nothing contained in this section shall interfere with any
644 rights or privileges now enjoyed by riparian owners. While this
645 section empowers those who desire to construct the several
646 characters of wharves, piers, quays, jetties, and bulkheads
647 provided for and described herein, nothing in this section shall
648 be so construed as to require any person not desiring to
649 construct a permanent wharf by filling up with ballast, stone,
650 or other material to construct under the specifications

651 contained herein; and nothing in this chapter shall be so
652 construed as to prevent any person from constructing any wharf
653 or placing any pilings, logs, or lumber in any waters where the
654 person would have heretofore had the right so to do.

655 **Section 8. Subsection (3) of section 310.0015, Florida**
656 **Statutes, is amended to read:**

657 310.0015 Piloting regulation; general provisions.—

658 (3) The rate-setting process, the issuance of licenses
659 only in numbers deemed necessary or prudent by the department
660 ~~board~~, and other aspects of the economic regulation of piloting
661 established in this chapter are intended to protect the public
662 from the adverse effects of unrestricted competition which would
663 result from an unlimited number of licensed pilots being allowed
664 to market their services on the basis of lower prices rather
665 than safety concerns. This system of regulation benefits and
666 protects the public interest by maximizing safety, avoiding
667 uneconomic duplication of capital expenses and facilities, and
668 enhancing state regulatory oversight. The system seeks to
669 provide pilots with reasonable revenues, taking into
670 consideration the normal uncertainties of vessel traffic and
671 port usage, sufficient to maintain reliable, stable piloting
672 operations. Pilots have certain restrictions and obligations
673 under this system, including, but not limited to, the following:

674 (a) Pilots may not refuse to provide piloting services to
675 any person or entity that may lawfully request such services,

except for justifiable concerns relating to safety, or, in the case of a vessel planning a departure, for nonpayment of pilotage.

(b) Pilots may not unilaterally determine the pilotage rates they charge. Such pilotage rates shall instead be determined by the Pilotage Rate Review Committee, in the public interest, as set forth in s. 310.151.

(c) Pilots shall maintain or secure adequate pilot boats, office facilities and equipment, dispatch systems, communication equipment and other facilities, and equipment and support services necessary for a modern, dependable piloting operation.

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

(e) In any instance of a payment or transfer of funds, a request for the payment or transfer of funds, or a contractual obligation assumed in respect to the payment or transfer of funds from a licensee payor to a pilot or group of pilots, or to any legal entity or fund administered or controlled by or under common control with such pilot or group of pilots, the pilot or group of pilots shall provide to the licensee payor, at the time

the payment or transfer or request for the payment or transfer is made or the obligation is assumed in respect to the payment or transfer, a detailed accounting of the specific assets, tangible or intangible, in which an interest is being directly or indirectly purchased or for which the licensee payor is being granted an interest in return for such payment or transfer of funds or such contractual obligation. This paragraph does not apply to either payments or transfers of funds if their aggregate amounts are less than \$1,000. As used in this paragraph, "licensee payor" means any current or prospective state pilot or deputy pilot.

Section 9. Subsection (3) of section 310.002, Florida Statutes, is amended to read:

310.002 Definitions.—As used in this chapter, except where the context clearly indicates otherwise:

~~(3) "Board" means the Board of Pilot Commissioners.~~

Section 10. Section 310.051, Florida Statutes, is amended to read:

310.051 Personnel; employment.—

(1) The department may appoint or employ such personnel as may be necessary to assist the department and the department ~~board~~ in doing and performing any and all of the powers, duties, and obligations set forth in this chapter. Such personnel need not be licensed state pilots or members of the department ~~board~~. Such personnel shall be authorized to do and perform such duties

726 and work as may be assigned by the department. Except as
727 otherwise provided in this chapter, the department shall provide
728 all legal services necessary in carrying out the provisions of
729 this chapter.

730 (2) The department shall hire a person knowledgeable and
731 experienced in matters related to piloting. Such person shall
732 act for the department on matters of examination and
733 investigation and, when he or she deems it necessary, in the
734 selection of legal counsel qualified in admiralty law. ~~On an~~
735 ~~annual basis, the board shall recommend to the department a~~
736 ~~person knowledgeable and experienced in matters related to~~
737 ~~piloting to fill this post, and the department may accept or~~
738 ~~reject the recommendation. If the department rejects the board's~~
739 ~~recommendation, the board shall continue to submit~~
740 ~~recommendations until one is accepted by the department. Unless~~
741 ~~there is affirmative action by both the board and the~~
742 ~~department, at the end of each year, the position shall be~~
743 ~~declared vacant and the board shall submit a new recommendation~~
744 ~~for a person to fill such position.~~

745 **Section 11. Section 310.061, Florida Statutes, is amended**
746 **to read:**

747 310.061 State pilots; number; cross licensing.—The
748 department board shall determine the number of pilots based on
749 the supply and demand for piloting services and the public
750 interest in maintaining efficient and safe piloting services.

751 Based on the economic conditions of the port, the department
752 ~~board~~ may adopt rules authorizing cross licensing between ports,
753 if this will best serve the public interest.

754 **Section 12. Paragraphs (b), (c), and (d) of subsection (1)**
755 **and subsections (2) and (3) of section 310.071, Florida**
756 **Statutes, are amended to read:**

757 310.071 Deputy pilot certification.—

758 (1) In addition to meeting other requirements specified in
759 this chapter, each applicant for certification as a deputy pilot
760 must:

761 (b) Have successfully completed 12 years of formal
762 education, as evidenced by a high school diploma or by
763 equivalent evidence thereof that is satisfactory to the
764 department ~~board~~.

765 (c) Be in good physical and mental health, as evidenced by
766 documentary proof of having satisfactorily passed a complete
767 physical examination administered by a licensed physician within
768 the preceding 6 months. The department ~~board~~ shall adopt rules
769 to establish requirements for passing the physical examination,
770 which rules shall establish minimum standards for the physical
771 or mental capabilities necessary to carry out the professional
772 duties of a certificated deputy pilot. Such standards shall
773 include zero tolerance for any controlled substance regulated
774 under chapter 893 unless that individual is under the care of a
775 physician, an advanced practice registered nurse, or a physician

776 assistant and that controlled substance was prescribed by that
777 physician, advanced practice registered nurse, or physician
778 assistant. To maintain eligibility as a certificated deputy
779 pilot, each certificated deputy pilot must annually provide
780 documentary proof of having satisfactorily passed a complete
781 physical examination administered by a licensed physician. The
782 physician must know the minimum standards and certify that the
783 certificateholder satisfactorily meets the standards. The
784 standards for certificateholders shall include a drug test.

785 (d) Have had maritime experience satisfactory to the
786 department board prior to taking the examination required under
787 s. 310.081(2), as evidenced by documentation of the following
788 service while holding a United States Coast Guard license:

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

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

800 3. At least 2 years of service during the 5-year period

801 immediately preceding the examination as an active first-class
802 unlimited pilot serving on a Great Lakes unlimited master's
803 license;

804 4. At least 2 years of towing experience during the 5-year
805 period immediately preceding the examination, 1 year of which
806 must have been in the capacity of master of a tugboat/barge
807 combination of at least 5,000 gross registered tons, combined
808 tonnage, while holding a license as master of freight and towing
809 vessel of at least 1,600 gross registered tons upon oceans; or

810 5. At least 3 years of experience as a deck watch officer
811 during the 10-year period immediately preceding the examination,
812 1 year of which in the 5-year period immediately preceding the
813 exam must have been as the commanding officer, executive
814 officer, or operations officer of a United States Navy vessel or
815 a United States Coast Guard vessel of at least 1,600 gross tons,
816 and must currently hold a United States Coast Guard license of
817 at least an unlimited second mate.

818 (2) The department ~~board~~ may adopt rules authorizing
819 equivalent combinations of service from two or more of the areas
820 specified in subparagraphs (1)(d)1., 2., 3., 4., and 5. However,
821 the department ~~board~~ may waive the maritime experience
822 requirements prescribed in paragraph (1)(d) when necessary to
823 fill an opening, provided an applicant meeting such requirements
824 has not applied for the opening and the opening has been
825 advertised more than once.

(3) The initial certificate issued to a deputy pilot shall be valid for a period of 12 months, and at the end of this period, the certificate shall automatically expire and may ~~shall~~ not be renewed. During this period, the department ~~board~~ shall thoroughly evaluate the deputy pilot's performance for suitability to continue training ~~and shall make appropriate recommendations to the department~~. Upon the finding ~~receipt~~ of a favorable evaluation ~~recommendation by the board~~, the department shall issue a certificate to the deputy pilot, which shall be valid for a period of 2 years. The certificate may be renewed only two times, except in the case of a fully licensed pilot who is cross-licensed as a deputy pilot in another port, and provided the deputy pilot meets the requirements specified for pilots in paragraph (1)(c).

Section 13. Section 310.073, Florida Statutes, is amended to read:

310.073 State pilot licensing.—In addition to meeting other requirements specified in this chapter, each applicant for license as a state pilot must:

(1) Be at least 21 years of age, as evidenced by a copy of a birth certificate or other legal proof of age.

(2) Have successfully completed 12 years of formal education, as evidenced by a high school diploma or by equivalent evidence thereof that is satisfactory to the department ~~board~~.

851 (3) Be in good physical and mental health, as evidenced by
852 documentary proof of having satisfactorily passed a complete
853 physical examination administered by a licensed physician within
854 the preceding 6 months. The department ~~board~~ shall adopt rules
855 to establish requirements for passing the physical examination,
856 which rules shall establish minimum standards for the physical
857 or mental capabilities necessary to carry out the professional
858 duties of a licensed state pilot. Such standards shall include
859 zero tolerance for any controlled substance regulated under
860 chapter 893 unless that individual is under the care of a
861 physician, an advanced practice registered nurse, or a physician
862 assistant and that controlled substance was prescribed by that
863 physician, advanced practice registered nurse, or physician
864 assistant. To maintain eligibility as a licensed state pilot,
865 each licensed state pilot must annually provide documentary
866 proof of having satisfactorily passed a complete physical
867 examination administered by a licensed physician. The physician
868 must know the minimum standards and certify that the licensee
869 satisfactorily meets the standards. The standards for licensees
870 shall include a drug test.

871 (4) Have had at least 2 years of service as a deputy pilot
872 in the port in which license as a licensed state pilot is
873 desired, which service must have been attained during the period
874 immediately preceding the examination required under s.
875 310.081(1). Further, at the time of application, each applicant

876 must have a valid United States Coast Guard first-class
877 unlimited pilot's license covering all of the waters of the port
878 in which license as a state pilot is desired and must have
879 successfully completed the department-approved ~~board-approved~~
880 deputy pilot training program in the port in which license as a
881 state pilot is desired.

882 **Section 14. Section 310.075, Florida Statutes, is amended**
883 **to read:**

884 310.075 Deputy pilot training program.—The licensed state
885 pilots in each port shall submit to the department ~~board~~ for its
886 approval a deputy pilot training program of not less than 2
887 years' duration, applicable to all deputy pilots appointed to
888 serve at such port. The following requirements constitute the
889 parameters within which deputy pilot training programs are to be
890 established and carried out by the licensed state pilots at all
891 ports in this state:

892 (1) Upon receiving his or her appointment, a deputy pilot
893 must report to the licensed state pilots at the port he or she
894 is appointed to serve and must serve a period of not less than
895 90 days as an observer trainee. During such period:

896 (a) The observer trainee must accompany licensed state
897 pilots, becoming thoroughly familiar with all of the waters, the
898 channels, the harbor, and the port under varied conditions.

899 (b) The observer trainee must obtain a valid United States
900 Coast Guard first-class unlimited pilot's license covering all

901 of the waters of the port before the department ~~board~~ may
902 authorize him or her to pilot vessels within the limits and
903 specifications established by the licensed state pilots of the
904 port.

905 (2) Upon completion of the observer-trainee period, the
906 deputy pilot must submit to the department ~~board~~ a deputy pilot
907 vessel handling form for each vessel upon which he or she has
908 accompanied a licensed state pilot. Each such form must be
909 signed by the pilot in charge who accompanied the deputy pilot
910 and must accurately recite:

911 (a) The vessel's registry, length, gross tonnage, and
912 draft;

913 (b) The name of the berth from which or to which the
914 vessel was piloted;

915 (c) The weather and sea conditions encountered;

916 (d) The time of day;

917 (e) Any marine incidents required to be reported under s.
918 310.111; and

919 (f) The comments of the pilot in charge, including
920 whether, under his or her supervision, the pilot in charge
921 turned the navigation of the vessel over to the deputy pilot.

922 (3) Each request to increase the limits and specifications
923 under which a deputy pilot is authorized to pilot must be
924 submitted to the department ~~board~~ and must be accompanied by a
925 deputy pilot vessel handling form as provided in subsection (2)

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for each vessel the deputy pilot has piloted since his or her limits and specifications were last increased by the department board.

(4) For successful completion of the deputy pilot training program, a deputy pilot must have gradually been increased in his or her authorized limits and specifications until the deputy pilot has been authorized by the department board to pilot vessels with a maximum draft of not more than 3 feet less than the normal maximum draft allowable in the port in which the deputy pilot is authorized to pilot, as proposed by the licensed state pilots in that port and approved by the department board.

Section 15. Section 310.081, Florida Statutes, is amended to read:

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

(1) The department shall examine persons who file application as state pilot in all matters pertaining to the management of vessels and in regard to their knowledge of the channels, waters, harbors, and port where they wish to serve, and, if upon examination to determine proficiency the department finds them qualified to pilot all classes of vessels liable to enter that port and thoroughly familiar with the waters, the channels, the harbor, and the port, the department shall appoint and license as state pilots such number of pilots as in the discretion of the department board are required to act in the

951 ports of the state. However, the number of pilots appointed and
952 licensed by the department may ~~shall~~ not exceed the number
953 provided for in s. 310.061.

954 (2) The department shall similarly examine persons who
955 file applications for certificate as deputy pilot, and, if upon
956 examination to determine proficiency the department finds them
957 qualified, the department must certify as qualified all
958 applicants who pass the examination, provided that not more than
959 five persons who passed the examination are certified for each
960 declared opening. If more than five applicants per opening pass
961 the examination, the persons having the highest scores must be
962 certified as qualified up to the number of openings times five.
963 The department shall appoint and certificate such number of
964 deputy pilots from those applicants deemed qualified as in the
965 discretion of the department ~~board~~ are required in the
966 respective ports of the state. A deputy pilot shall be
967 authorized by the department to pilot vessels within the limits
968 and specifications established by the licensed state pilots at
969 the port where the deputy is appointed to serve.

970 (3) Pilots shall hold their licenses or certificates
971 pursuant to the requirements of this chapter so long as they:

- 972 (a) Possess the qualifications set out in this chapter.
973 (b) Are in good physical and mental health as evidenced by
974 documentary proof of having satisfactorily passed a physical
975 examination administered by a licensed physician or physician

976 assistant within each calendar year. The department ~~board~~ shall
977 adopt rules to establish requirements for passing the physical
978 examination, which rules shall establish minimum standards for
979 the physical or mental capabilities necessary to carry out the
980 professional duties of a licensed state pilot or a certificated
981 deputy pilot. Such standards shall include zero tolerance for
982 any controlled substance regulated under chapter 893 unless that
983 individual is under the care of a physician, an advanced
984 practice registered nurse, or a physician assistant and that
985 controlled substance was prescribed by that physician, advanced
986 practice registered nurse, or physician assistant. To maintain
987 eligibility as a certificated deputy pilot or licensed state
988 pilot, each certificated deputy pilot or licensed state pilot
989 must annually provide documentary proof of having satisfactorily
990 passed a complete physical examination administered by a
991 licensed physician. The physician must know the minimum
992 standards and certify that the certificateholder or licensee
993 satisfactorily meets the standards. The standards for
994 certificateholders and for licensees shall include a drug test.

995 (c) Are subject to a substance abuse program that has been
996 approved by the department ~~board~~, which includes provisions for
997 drug testing.

998 ~~(d) Attend a board-approved seminar for continuing~~
999 ~~education which includes radar certification.~~

1000 (d)(e) Remain in active service in the ports for which

they are appointed.

Upon resignation or in the case of disability permanently affecting a pilot's ability to serve, the state license or certificate issued under this chapter shall be revoked by the department.

Section 16. Paragraphs (d), (g), and (h) of subsection (1) and subsections (2), (3), and (4) of section 310.101, Florida Statutes, are amended to read:

310.101 Grounds for disciplinary action by the department ~~board~~.

(1) Any act of misconduct, inattention to duty, negligence, or incompetence; any willful violation of any law or rule, including the rules of the road, applicable to a licensed state pilot or certificated deputy pilot; or any failure to exercise that care which a reasonable and prudent licensed state pilot or certificated deputy pilot would exercise under the same or similar circumstances may result in disciplinary action.

Examples of acts by a licensed state pilot or certificated deputy pilot which constitute grounds for disciplinary action include, but are not limited to:

(d) Navigating in channels where the depth of water under the keel is less than the prescribed bottom clearance as recommended by the licensed state pilots of that port and approved by the department ~~board~~.

1026 (g) Making or filing, or inducing another person to make
1027 or file, a report which the pilot knows to be false or
1028 intentionally or negligently failing to file, or willfully
1029 impeding or obstructing the filing of, a report or record
1030 required by state law or by rule of the ~~board or the~~ department.
1031 Such reports or records include only those which are signed by
1032 the pilot in his or her capacity as a licensed state pilot or
1033 certificated deputy pilot.

1034 (h) Being unable to perform the duties of a pilot with
1035 reasonable skill and safety by reason of illness or use of
1036 alcohol, drugs, narcotics, chemicals, or any other type of
1037 material or as a result of any mental or physical condition such
1038 as, but not limited to, poor eyesight or hearing, heart disease,
1039 or diabetes. In enforcing this paragraph, the department shall
1040 have authority, upon recommendation of the probable cause panel
1041 of the department ~~board~~, to compel a licensed state pilot or
1042 certificated deputy pilot to submit to a mental or physical
1043 examination by physicians designated by the department. The
1044 failure of a pilot to submit to such an examination when so
1045 directed constitutes an admission of the allegations against the
1046 pilot, unless the failure is due to circumstances beyond his or
1047 her control, consequent upon which an emergency suspension order
1048 may be entered by the department suspending the pilot's license
1049 until he or she complies with the order for a compulsory mental
1050 or physical examination. A licensed state pilot or certificated

1051 deputy pilot affected under this paragraph must be afforded, at
1052 reasonable intervals, an opportunity to demonstrate that he or
1053 she can resume the competent practice of piloting with
1054 reasonable skill and safety.

1055 (2) When the department ~~board~~ finds any person has
1056 committed any act set forth in subsection (1), it may enter an
1057 order imposing one or more of the following penalties:

1058 (a) Refusing to certify to the department an application
1059 for license or certification.

1060 (b) Revoking or suspending the license or certificate.

1061 (c) Restricting the practice of the violator.

1062 (d) Imposing an administrative fine not to exceed \$5,000
1063 for each count or separate offense.

1064 (e) Issuing a reprimand.

1065 (f) Placing the licensed state pilot or certificated
1066 deputy pilot on probation for such period of time and subject to
1067 such conditions as the department ~~board~~ may specify, including,
1068 but not limited to, requiring the pilot to submit to treatment,
1069 submit to additional or remedial training, submit to
1070 reexamination, or undergo a complete physical examination.

1071 (3) The department ~~board~~ shall not reinstate the license
1072 or certificate of a state pilot or deputy pilot or cause a
1073 license or certificate to be issued to a person whom it has
1074 determined to be unqualified until the department ~~board~~ is
1075 satisfied that such person has complied with all the terms and

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conditions set forth in the final order and that such person is capable of safely engaging in the practice of piloting.

(4) In any foreign vessel or foreign trading vessel movement that an individual holding a state pilot license or deputy pilot certificate is engaged in directing, whether movement of the vessel in or out of the port or movement in close proximity to a dock or any other movement undertaken in furtherance of his or her piloting duties, such individual is operating under the authority of his or her state license or certificate and is accountable to the department ~~board~~ for his or her actions.

Section 17. Subsections (4) and (6) of section 310.102, Florida Statutes, are amended to read:

310.102 Treatment programs for impaired pilots and deputy pilots.—

(4) In any disciplinary action for a violation other than impairment, if a pilot or deputy pilot establishes that the violation for which the pilot or deputy pilot is being prosecuted was due to or connected with impairment and further establishes that the pilot or deputy pilot is satisfactorily progressing through or has successfully completed an approved treatment program pursuant to this section, such information may be considered by the department ~~board~~ as a mitigating factor in determining the appropriate penalty. This subsection does not limit mitigating factors the department ~~board~~ may consider.

1101 (6) A consultant, licensee, or approved treatment provider
1102 who makes a disclosure pursuant to this section is not subject
1103 to civil liability for such disclosure or its consequences. The
1104 provisions of s. 766.101 apply to any officer, employee, or
1105 agent of the department or the department ~~board~~ and to any
1106 officer, employee, or agent of any entity with which the
1107 department has contracted pursuant to this section.

1108 **Section 18. Section 310.111, Florida Statutes, is amended**
1109 **to read:**

1110 310.111 Marine incident reports.—Each collision,
1111 grounding, stranding, or other marine peril sustained or caused
1112 by a vessel on which there was employed a licensed state pilot
1113 or certificated deputy pilot shall be reported to the office of
1114 the department ~~board~~ or the piloting consultant within 48 hours
1115 of the occurrence. In addition, a written report shall be
1116 submitted to the department on forms and in the manner
1117 prescribed by the department within 7 days of the occurrence.
1118 However, any marine incident involving oil spillage, pollution,
1119 physical injury, or death shall be reported to the department
1120 ~~board~~ or the piloting consultant by telephone or telegram within
1121 24 hours of the occurrence in addition to submission of the
1122 required written report.

1123 **Section 19. Subsection (1) of section 310.1115, Florida**
1124 **Statutes, is amended to read:**

1125 310.1115 Bridge electronic navigation protection

equipment; duty of pilot.—

(1) When a piloted vessel passes under a bridge located in a harbor, in the approaches to a harbor, or in a river, and when electronic navigation protection equipment is available, it is the duty of the pilot or certificated deputy pilot on department ~~board~~ to use the electronic navigation protection equipment. If the electronic navigation protection equipment can be utilized only in conjunction with a portable device or devices located on department ~~board~~ the piloted vessel, it is the responsibility of the pilot to bring such device or devices on department ~~board~~ the piloted vessel and to remove such device or devices upon completion of the pilot's duties aboard the piloted vessel.

Section 20. Section 310.121, Florida Statutes, is amended to read:

310.121 Application, examination, and biennial fees.—

(1) The department shall, in accordance with rules set by the department ~~board~~, assess and collect the following fees:

(a) A fee not to exceed \$300 for each application for licensure as a state pilot or certification as a deputy pilot. This fee shall be nonrefundable.

(b) A fee not to exceed \$300 for each examination for licensure as a state pilot or certification as a deputy pilot.

(c) A fee not to exceed \$300 for each examination review.

(2) The department shall assess and collect biennially from each licensed state pilot and each certificated deputy

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1151 pilot a fee, not to exceed \$200 in the case of a licensed state
1152 pilot or \$100 in the case of a certificated deputy pilot, such
1153 fees to be set by the department ~~board~~.

1154 **Section 21. Section 310.131, Florida Statutes, is amended**
1155 **to read:**

1156 310.131 Assessment of percentage of gross pilotage.—The
1157 department shall assess the licensed state pilots in the
1158 respective ports of the state a percentage of the gross amount
1159 of pilotage earned by such pilots during each year, which
1160 percentage will be established by the department ~~board~~ not to
1161 exceed 2 percent, to be paid into the Professional Regulation
1162 Trust Fund by such pilots at such time and in such manner as the
1163 department ~~board~~ prescribes or as is set forth in the General
1164 Appropriations Act. The financial records of all pilots and
1165 deputy pilots relating to pilotage are subject to audit by the
1166 department and the Auditor General. The department shall by rule
1167 set a procedure for verifying the amount of pilotage at each
1168 port and may charge costs to the appropriate port if the port
1169 does not comply with such procedure.

1170 **Section 22. Section 310.142, Florida Statutes, is amended**
1171 **to read:**

1172 310.142 Pilotage at St. Marys Entrance.—The department may
1173 exercise ~~board is authorized to enter into an agreement with the~~
1174 ~~Board of Pilotage Commissioners for the~~ corporate authority of
1175 St. Marys, Georgia, for reciprocal pilotage of vessels in the

boundary waters and tributaries of St. Marys Entrance.

Section 23. Subsections (1) and (7) of section 310.151, Florida Statutes, are amended to read:

310.151 Rates of pilotage; Pilotage Rate Review Committee.—

(1)(a) As used in this section, the term:

1. "Committee" means the Pilotage Rate Review Committee established under this section ~~as part of the Board of Pilot Commissioners.~~

2. "Department" means the Department of Business and Professional Regulation.

~~2. "Board" means the Board of Pilot Commissioners.~~

(b) To carry out ~~the provisions of~~ this section, the Pilotage Rate Review Committee is established as part of the ~~Board of Pilot Commissioners within the department of Business and Professional Regulation.~~ The committee shall consist of the following seven members ~~of the board~~: two ~~board~~ members who are licensed state pilots actively practicing their profession, ~~who shall be appointed by majority vote of the licensed state pilots serving on the board~~; two ~~board~~ members who are actively involved in a professional or business capacity in the maritime industry, marine shipping industry, or commercial passenger cruise industry; one ~~board~~ member who is a certified public accountant with at least 5 years of experience in financial management; and two ~~board~~ members who are citizens of the state.

(c) Committee members shall comply with the disclosure requirements of s. 112.3143(4) if participating in any matter that would result in special private gain or loss as described in that subsection.

(d) The committee may ~~has authority to~~ adopt rules pursuant to ss. 120.536(1) and 120.54 to implement ~~provisions of~~ this section conferring duties upon it. The department shall provide the staff required by the committee to carry out its duties under this section.

(e) All funds received pursuant to this section shall be placed in the account of the department ~~Board of Pilot Commissioners~~, and the department ~~Board of Pilot Commissioners~~ shall pay for all expenses incurred pursuant to this section.

(7) The decisions of the committee regarding rates are not appealable to the department ~~board~~.

Section 24. Section 310.183, Florida Statutes, is amended to read:

310.183 Immediate inactivation of license or certificate for certain violations.—The department shall issue an emergency order placing on inactive status, for a period not to exceed 15 days, the license of any pilot or certificate of any deputy pilot who, while providing piloting services, is involved in a marine incident that results in the death of a human or, as determined by rule ~~of the board~~, substantial physical injury to a human or significant property or environmental damage, unless

the department determines that the incident is clearly not the result of the actions of the pilot or deputy pilot.

Section 25. Subsection (1) of section 310.185, Florida Statutes, is amended to read:

310.185 Rulemaking.—

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

Section 26. Subsection (3) of section 319.28, Florida Statutes, is amended to read:

319.28 Transfer of ownership by operation of law.—

(3) A dealer of industrial equipment who conducts a repossession, as defined in s. 493.6101(19) ~~s. 493.6101(22)~~, of such equipment is not subject to licensure as a recovery agent or recovery agency if the dealer is regularly engaged in the sale of the equipment for a particular manufacturer, the lender is affiliated with that manufacturer, and the dealer uses his or her own employees to make such repossessions.

Section 27. Subsections (2) of section 326.002, Florida Statutes, is amended to read:

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

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

1251 **Section 28. Subsection (3) of section 326.006, Florida**
1252 **Statutes, is amended to read:**

1253 326.006 Powers and duties ~~of division.~~—

1254 (3) All fees must be deposited in the Professional
1255 Regulation Division of Florida Condominiums, Timeshares, and
1256 Mobile Homes Trust Fund as provided by law.

1257 **Section 29. Paragraph (a) of subsection (3) of section**
1258 **376.303, Florida Statutes, is amended to read:**

1259 376.303 Powers and duties of the Department of
1260 Environmental Protection.—

1261 (3)(a) The department may inspect the installation of any
1262 pollutant storage tank. Any person installing a pollutant
1263 storage tank, as defined in s. 489.105(16) ~~s. 489.105(17)~~, shall
1264 certify that such installation is in accordance with the
1265 standards adopted pursuant to this section. The department shall
1266 promulgate a form for such certification which shall at a
1267 minimum include:

1268 1. A signed statement by the certified pollutant storage
1269 systems contractor, as defined in s. 489.105(2)(p) ~~s.~~
1270 ~~489.105(3)(p)~~, that such installation is in accordance with
1271 standards adopted pursuant to this section; and

1272 2. Signed statements by the onsite persons performing or
1273 supervising the installation of a pollutant storage tank, which
1274 statements shall be required of tasks that are necessary for the
1275 proper installation of such tank.

1276 **Section 30. Paragraph (n) of subsection (3) of section**
1277 **381.0065, Florida Statutes, is amended to read:**

1278 381.0065 Onsite sewage treatment and disposal systems;
1279 regulation.—

1280 (3) DUTIES AND POWERS OF THE DEPARTMENT OF ENVIRONMENTAL
1281 PROTECTION.—The department shall:

1282 (n) Regulate and permit maintenance entities for
1283 performance-based treatment systems and aerobic treatment unit
1284 systems. To ensure systems are maintained and operated according
1285 to manufacturer's specifications and designs, the department
1286 shall establish by rule minimum qualifying criteria for
1287 maintenance entities. The criteria shall include training,
1288 access to approved spare parts and components, access to
1289 manufacturer's maintenance and operation manuals, and service
1290 response time. The maintenance entity shall employ a contractor
1291 licensed under s. 489.105(2)(m) ~~s. 489.105(3)(m)~~, or part III of
1292 chapter 489, or a state-licensed wastewater plant operator, who
1293 is responsible for maintenance and repair of all systems under
1294 contract.

1295 **Section 31. Section 403.868, Florida Statutes, is amended**
1296 **to read:**

1297 403.868 Requirements by a utility.—A utility may have more
1298 stringent requirements than set by law, including certification
1299 requirements for water distribution systems and domestic
1300 wastewater collection systems operations, except that a utility

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may not require a licensed contractor, as defined in s.
489.105(2) ~~s. 489.105(3)~~ to have any additional license for work
in water distribution systems or domestic wastewater collection
systems.

**Section 32. Paragraph (e) of subsection (1) of section
403.9329, Florida Statutes, is amended to read:**

403.9329 Professional mangrove trimmers.—

(1) For purposes of ss. 403.9321-403.9333, the following
persons are considered professional mangrove trimmers:

(e) Persons licensed under part II of chapter 481. The
Department of Business and Professional Regulation ~~Board of~~
~~Landscape Architecture~~ shall establish appropriate standards ~~and~~
~~continuing legal education requirements~~ to assure the competence
of licensees to conduct the activities authorized under ss.
403.9321-403.9333. Trimming by landscape architects as
professional mangrove trimmers is not allowed until the
establishment of standards by the department ~~board~~. The
department ~~board~~ shall also establish penalties for violating
ss. 403.9321-403.9333. Only those landscape architects who are
certified in the state may qualify as professional mangrove
trimmers under ss. 403.9321-403.9333, notwithstanding any
reciprocity agreements that may exist between this state and
other states;

**Section 33. Paragraph (a) of subsection (19) of section
440.02, Florida Statutes, is amended to read:**

1326 440.02 Definitions.—When used in this chapter, unless the
1327 context clearly requires otherwise, the following terms shall
1328 have the following meanings:

1329 (19) (a) "Employer" means the state and all political
1330 subdivisions thereof, all public and quasi-public corporations
1331 therein, every person carrying on any employment, and the legal
1332 representative of a deceased person or the receiver or trustees
1333 of any person. The term also includes employee leasing
1334 companies, as defined in s. 468.520(4) ~~s. 468.520(5)~~, and
1335 employment agencies that provide their own employees to other
1336 persons. If the employer is a corporation, parties in actual
1337 control of the corporation, including, but not limited to, the
1338 president, officers who exercise broad corporate powers,
1339 directors, and all shareholders who directly or indirectly own a
1340 controlling interest in the corporation, are considered the
1341 employer for the purposes of ss. 440.105, 440.106, and 440.107.

1342 **Section 34. Section 448.26, Florida Statutes, is amended**
1343 **to read:**

1344 448.26 Application.—Nothing in this part shall exempt any
1345 client of any labor pool or temporary help arrangement entity as
1346 defined in s. 468.520(3)(a) ~~s. 468.520(4)(a)~~ or any assigned
1347 employee from any other license requirements of state, local, or
1348 federal law. Any employee assigned to a client who is licensed,
1349 registered, or certified pursuant to law shall be deemed an
1350 employee of the client for such licensure purposes but shall

1351 remain an employee of the labor pool or temporary help
1352 arrangement entity for purposes of chapters 440 and 443.

1353 **Section 35. Subsection (4) of section 468.382, Florida**
1354 **Statutes, is amended to read:**

1355 468.382 Definitions.—As used in this act, the term:

1356 ~~(4) "Board" means the Florida Board of Auctioneers.~~

1357 **Section 36. Subsections (1), (4), (5), (6) and (7) of**
1358 **section 468.385, Florida Statutes, are amended, and subsection**
1359 **(3) of that section is republished, to read:**

1360 468.385 Licenses required; qualifications; examination.—

1361 (1) The department shall license any applicant who ~~the~~
1362 ~~board certifies~~ is certified and qualified to practice
1363 auctioneering.

1364 (3) A ~~No~~ person may not ~~shall~~ be licensed as an auctioneer
1365 or apprentice if he or she:

1366 (a) Is under 18 years of age; or

1367 (b) Has committed any act or offense in this state or any
1368 other jurisdiction which would constitute a basis for
1369 disciplinary action under s. 468.389.

1370 (4) Any person seeking a license as an auctioneer must
1371 pass a written examination approved by the department ~~board~~
1372 which tests his or her general knowledge of the laws of this
1373 state relating to provisions of the Uniform Commercial Code that
1374 are relevant to auctions, the laws of agency, and ~~the provisions~~
1375 ~~of~~ this act.

1376 (5) Each apprentice application and license shall name a
1377 licensed auctioneer who has agreed to serve as the supervisor of
1378 the apprentice. An ~~No~~ apprentice may not conduct, or contract to
1379 conduct, an auction without the express approval of his or her
1380 supervisor. The supervisor shall regularly review the
1381 apprentice's records, which are required by the department ~~board~~
1382 to be maintained, to determine whether ~~if~~ such records are
1383 accurate and current.

1384 (6) A ~~No~~ person may not ~~shall~~ be licensed as an auctioneer
1385 unless he or she:

1386 (a) Has held an apprentice license and has served as an
1387 apprentice for 1 year or more, or has completed a course of
1388 study, consisting of not less than 80 classroom hours of
1389 instruction, that meets standards adopted by the department
1390 ~~board~~;

1391 (b) Has passed the required examination; and

1392 (c) Is approved by the department ~~board~~.

1393 (7)(a) Any auction that is subject to ~~the provisions of~~
1394 this part must be conducted by an auctioneer who has an active
1395 license or an apprentice who has an active apprentice auctioneer
1396 license and who has received prior written sponsor consent.

1397 (b) A ~~No~~ business may not ~~shall~~ auction or offer to
1398 auction any property in this state unless it is licensed as an
1399 auction business by the department ~~board~~ or is exempt from
1400 licensure under this act. An ~~Each~~ application for licensure must

shall include the names of the owner and the business, the business mailing address and location, and any other information which the department board may require. The owner of an auction business shall report to the department board within 30 days after ~~of~~ any change in this required information.

Section 37. Section 468.3852, Florida Statutes, is amended to read:

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

Section 38. Subsections (2), (3), (4), (5), and (8) of section 468.3855, Florida Statutes, are amended to read:

468.3855 Apprenticeship training requirements.—

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

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

(4) Apprentices are prohibited from conducting any auction without the prior express written consent of the sponsor. The apprentice's sponsor must be present at the auction site at any time the apprentice is actively participating in the conduct of

the auction. If the apprentice's sponsor cannot attend a particular auction, the sponsor may appoint a qualified auctioneer who meets the requirements of department ~~board~~ rule to attend the auction in his or her place. Prior written consent must be given by the apprentice's sponsor for each substitution.

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

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

Section 39. Section 468.387, Florida Statutes, is amended to read:

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

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not to professions or occupations regulated by other statutes.

Section 40. Subsections (3) and (9) and paragraph (b) of subsection (10) of section 468.388, Florida Statutes, are amended to read:

468.388 Conduct of an auction.—

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

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

(10)

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

1476 inspection by the department or at the request of the department
1477 ~~board~~.

1478 **Section 41. Paragraph (j) of subsection (1), subsection**
1479 **(2), and paragraph (a) of subsection (3) of section 468.389,**
1480 **Florida Statutes, are amended to read:**

1481 468.389 Prohibited acts; penalties.—

1482 (1) The following acts shall be grounds for the
1483 disciplinary activities provided in subsections (2) and (3):

1484 (j) Violating a statute or administrative rule regulating
1485 practice under this part or a lawful disciplinary order of the
1486 ~~board or the~~ department.

1487 (2) When the department ~~board~~ finds any person guilty of
1488 any of the prohibited acts set forth in subsection (1), it may
1489 enter an order imposing one or more of the following penalties:

1490 (a) Refusal to certify to the department an application
1491 for licensure.

1492 (b) Revocation or suspension of a license.

1493 (c) Imposition of an administrative fine not to exceed
1494 \$1,000 for each count or separate offense.

1495 (d) Issuance of a reprimand.

1496 (e) Placement of the auctioneer on probation for a period
1497 of time and subject to conditions as the department ~~board~~ may
1498 specify, including requiring the auctioneer to successfully
1499 complete the licensure examination.

1500 (f) Requirement that the person in violation make

1501 restitution to each consumer affected by that violation. Proof
1502 of such restitution shall be a signed and notarized release
1503 executed by the consumer or the consumer's estate.

1504 (3)(a) Failure to pay a fine within a reasonable time, as
1505 prescribed by department ~~board~~ rule, may be grounds for
1506 disciplinary action.

1507 **Section 42. Section 468.392, Florida Statutes, is amended**
1508 **to read:**

1509 468.392 Auctioneer Recovery Fund.—There is created the
1510 Auctioneer Recovery Fund as a separate account in the
1511 Professional Regulation Trust Fund. The fund shall be
1512 administered by the department ~~Florida Board of Auctioneers~~.

1513 (1) The Chief Financial Officer shall invest the money not
1514 currently needed to meet the obligations of the fund in the same
1515 manner as other public funds may be invested. Interest that
1516 accrues from these investments shall be deposited to the credit
1517 of the Auctioneer Recovery Fund and shall be available for the
1518 same purposes as other moneys deposited in the Auctioneer
1519 Recovery Fund.

1520 (2) All payments and disbursements from the Auctioneer
1521 Recovery Fund shall be made by the Chief Financial Officer upon
1522 a voucher signed by the Secretary of Business and Professional
1523 Regulation or the secretary's designee.

1524 (3) If at any time the moneys in the Auctioneer Recovery
1525 Fund are insufficient to satisfy any valid claim or portion

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thereof, the department ~~board~~ shall satisfy such unpaid claim or portion thereof as soon as a sufficient amount has been deposited in or transferred to the fund. When there is more than one unsatisfied claim outstanding, such claims shall be paid in the order in which the claims were made.

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

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

Section 43. Subsections (1), (3), and (4) of section 468.393, Florida Statutes, are amended to read:

468.393 Surcharge to license fee; assessments.—

(1) At the time of licensure under s. 468.385, s. 468.3851, or s. 468.3852, each licensee shall pay, in addition to an application and license fee, a surcharge in an amount to

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1551 be determined by the department ~~board~~, not to exceed \$300, which
1552 shall be deposited in the Auctioneer Recovery Fund.

1553 (3) After October 1, 1995, if the total amount in the
1554 Auctioneer Recovery Fund, including principal and interest, is
1555 less than \$200,000 at the end of the fiscal year after the
1556 payment of all claims and expenses, the department ~~board~~ shall
1557 assess, in addition to any other fees under s. 468.3852, a
1558 surcharge against a licensee at the time of initial licensure or
1559 at the time of license renewal, according to the following
1560 formula in order to maintain the fund at \$500,000:

1561 (a) Determine the amount remaining in the fund at the end
1562 of the state fiscal year after all expenses and claims have been
1563 paid.

1564 (b) Subtract the amount determined under paragraph (a)
1565 from \$500,000.

1566 (c) Determine the number of initial licenses and license
1567 renewals in the fiscal year that precedes the current fiscal
1568 year.

1569 (d) Divide the amount determined under paragraph (b) by
1570 the number determined under paragraph (c).

1571 (4) The department ~~board~~ shall assess the surcharge
1572 described in subsection (3) against each licensee who receives
1573 an initial license or receives a renewal license during the
1574 fiscal year that follows the year in which the amount remaining
1575 in the fund was less than \$200,000.

1576 **Section 44. Subsections (1) and (4) of section 468.395,**
1577 **Florida Statutes, are amended to read:**

1578 468.395 Conditions of recovery; eligibility.—

1579 (1) Recovery from the Auctioneer Recovery Fund may be
1580 obtained as follows:

1581 (a) Any aggrieved person is eligible to receive recovery
1582 from the Auctioneer Recovery Fund if the department ~~Florida~~
1583 ~~Board of Auctioneers~~ has issued a final order directing an
1584 offending licensee to pay restitution to the claimant as the
1585 result of the licensee violating, within this state, any
1586 provision of s. 468.389 or any rule adopted by the department
1587 ~~board~~ and if the department ~~board~~ determined that the order of
1588 restitution cannot be enforced; or

1589 (b) Any aggrieved person who obtains a final judgment in
1590 any court against any licensee to recover damages for any actual
1591 loss that results from the violation, within this state, by a
1592 licensee of any provision of s. 468.389 or any rule adopted by
1593 the department ~~board~~ may, upon termination of all proceedings,
1594 including appeals and proceedings supplemental to judgment for
1595 collection purposes, file a verified application to the
1596 department ~~board~~ for an order directing payment out of the
1597 Auctioneer Recovery Fund of the amount of actual loss in the
1598 transaction that remains unpaid upon the judgment. The amount of
1599 actual loss may include court costs, but may ~~shall~~ not include
1600 attorney's fees or punitive damages awarded.

1601 (4) The department board ~~may shall~~ not issue an order for
1602 payment of a claim from the Auctioneer Recovery Fund unless the
1603 claimant has reasonably established to the department board that
1604 she or he has taken proper and reasonable action to collect the
1605 amount of her or his claim from the licensee responsible for the
1606 loss and that any recovery made has been applied to reduce the
1607 amount of the claim on the Auctioneer Recovery Fund.

1608 **Section 45. Subsections (2) and (3) of section 468.396,**
1609 **Florida Statutes, are amended to read:**

1610 468.396 Claims against a single licensee in excess of
1611 dollar limitation; joinder of claims, payment; insufficient
1612 funds.—

1613 (2) Upon petition of the department board, the court may
1614 require all claimants and prospective claimants against one
1615 licensee to be joined in one action, to the end that the
1616 respective rights of all the claimants to the department board
1617 may be equitably adjudicated and settled.

1618 (3) On June 30 and December 31 of each year, the
1619 department board shall identify each claim that the court orders
1620 to be paid during the 6-month period that ended on that day. The
1621 department board shall pay the part of each claim that is so
1622 identified within 15 days after the end of the 6-month period in
1623 which the claim is ordered paid. However, if the balance in the
1624 fund is insufficient to pay the full payable amount of each
1625 claim that is ordered to be paid during a 6-month period, the

department board shall pay a prorated portion of each claim that is ordered to be paid during the period. Any part of the payable amount of a claim left unpaid due to the prorating of payments under this subsection shall be paid, subject to the \$50,000 limit described in s. 468.395, before the payment of claims ordered to be paid during the following 6 months.

Section 46. Section 468.397, Florida Statutes, is amended to read:

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

Section 47. Section 468.398, Florida Statutes, is amended to read:

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

Section 48. Subsection (5) of section 468.431, Florida

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1651 **Statutes, is amended to read:**

1652 468.431 Definitions.—As used in this part:

1653 ~~(5) "Council" means the Regulatory Council of Community~~
1654 ~~Association Managers.~~

1655 **Section 49. Paragraph (d) of subsection (2) and subsection**
1656 **(3) of section 468.433, Florida Statutes, are amended to read:**

1657 468.433 Licensure by examination.—

1658 (2) The department shall examine each applicant who is at
1659 least 18 years of age, who has successfully completed all
1660 prelicensure education requirements, and who the department
1661 certifies is of good moral character.

1662 (d) The department ~~council~~ shall establish by rule the
1663 required amount of prelicensure education, which shall consist
1664 of not more than 24 hours of in-person instruction by a
1665 department-approved provider and which shall cover all areas of
1666 the examination specified in subsection (3). Such instruction
1667 shall be completed within 12 months before ~~prior to~~ the date of
1668 the examination. ~~Prelicensure education providers shall be~~
1669 ~~considered continuing education providers for purposes of~~
1670 ~~establishing provider approval fees. A licensee shall not be~~
1671 ~~required to comply with the continuing education requirements of~~
1672 ~~s. 468.4337 prior to the first license renewal.~~ The department
1673 shall, by rule, set standards for exceptions to the requirement
1674 of in-person instruction in cases of hardship or disability.

1675 (3) The department ~~council~~ shall approve an examination

for licensure. The examination must demonstrate that the applicant has a fundamental knowledge of state and federal laws relating to the operation of all types of community associations and state laws relating to corporations and nonprofit corporations, proper preparation of community association budgets, proper procedures for noticing and conducting community association meetings, insurance matters relating to community associations, and management skills.

Section 50. Subsection (1) of section 468.4336, Florida Statutes, is amended to read:

468.4336 Renewal of license.—

(1) The department shall renew a license upon receipt of the renewal application and fee ~~and upon proof of compliance with the continuing education requirements of s. 468.4337.~~

Section 51. Section 468.435, Florida Statutes, is amended to read:

468.435 Fees; establishment; disposition.—

(1) The department ~~council~~ shall establish fees for the described purposes and within the ranges specified in this section:

- (a) Application fee: not less than \$25, or more than \$50.
- (b) Examination fee: not less than \$25, or more than \$100.
- (c) Initial license fee: not less than \$25, or more than \$100.
- (d) Renewal of license fee: not less than \$25, or more

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1701 than \$100.

1702 (e) Delinquent license fee: not less than \$25, or more
1703 than \$50.

1704 (f) Inactive license fee: not less than \$10, or more than
1705 \$25.

1706 (2) Until the department ~~council~~ establishes fees under
1707 subsection (1), the lower amount in each range shall apply.

1708 (3) Fees collected under this section shall be deposited
1709 to the credit of the Professional Regulation Trust Fund.

1710 (4) The department ~~council~~ shall establish fees that are
1711 adequate to fund the cost to implement the provisions of this
1712 part. Fees shall be based on the department estimates of the
1713 revenue required to implement this part and the provisions of
1714 law with respect to the regulation of community association
1715 managers.

1716 **Section 52. Paragraph (b) of subsection (2) and subsection**
1717 **(3) of section 468.436, Florida Statutes, are amended to read:**

1718 468.436 Disciplinary proceedings.—

1719 (2) The following acts constitute grounds for which the
1720 disciplinary actions in subsection (4) may be taken:

1721 (b)1. Violation of this part.

1722 2. Violation of any lawful order or rule rendered or
1723 adopted by the department ~~or the council~~.

1724 3. Being convicted of or pleading nolo contendere to a
1725 felony in any court in the United States.

1726 4. Obtaining a license or certification or any other
1727 order, ruling, or authorization by means of fraud,
1728 misrepresentation, or concealment of material facts.

1729 5. Committing acts of gross misconduct or gross negligence
1730 in connection with the profession.

1731 6. Contracting, on behalf of an association, with any
1732 entity in which the licensee has a financial interest that is
1733 not disclosed.

1734 7. Failing to disclose any conflict of interest as
1735 required by s. 468.4335.

1736 8. Violating chapter 718, chapter 719, or chapter 720
1737 during the course of performing community association management
1738 services pursuant to a contract with a community association as
1739 defined in s. 468.431(1).

1740 (3) The department ~~council~~ shall specify by rule the acts
1741 or omissions that constitute a violation of subsection (2).

1742 **Section 53. Subsection (2) of section 468.520, Florida**
1743 **Statutes, is amended to read:**

1744 468.520 Definitions.—As used in this part:

1745 ~~(2) "Board" means the Board of Employee Leasing Companies.~~

1746 **Section 54. Section 468.522, Florida Statutes, is amended**
1747 **to read:**

1748 468.522 Rules of the department ~~board~~.—The department
1749 ~~board~~ has authority to adopt rules pursuant to ss. 120.536(1)
1750 and 120.54 to implement the provisions of this part. Every

licensee shall be governed and controlled by this part and the rules adopted by the department ~~board~~.

Section 55. Subsection (2) and paragraph (b) of subsection (4) of section 468.524, Florida Statutes, are amended to read:

468.524 Application for license.—

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

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

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

Section 56. Section 468.5245, Florida Statutes, is amended to read:

468.5245 Change of ownership.—

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

(2) A person or entity that seeks to purchase or acquire control of an employee leasing company or group licensed or

1776 registered under this part must first apply to the department
1777 ~~board~~ for a certificate of approval for the proposed change of
1778 ownership. However, prior approval is not required if, at the
1779 time the purchase or acquisition occurs, a controlling person of
1780 the employee leasing company or group maintains a controlling
1781 person license under this part. Notification must be provided to
1782 the department ~~board~~ within 30 days after the purchase or
1783 acquisition of such company in the manner prescribed by the
1784 department ~~board~~.

1785 (3) Any application that is submitted to the department
1786 ~~board~~ under this section shall be deemed approved if the board
1787 has not approved the application or rejected the application,
1788 and provided the applicant with the basis for a rejection,
1789 within 90 days after the receipt of the completed application.

1790 (4) The department ~~board~~ shall establish filing fees for a
1791 change-of-ownership application in accordance with s.
1792 468.524(1).

1793 **Section 57. Subsection (2) and paragraphs (c), (d), (e),**
1794 **and (f) of subsection (3) of section 468.525, Florida Statutes,**
1795 **are amended to read:**

1796 468.525 License requirements.—

1797 (2)(a) As used in this part, "good moral character" means
1798 a personal history of honesty, trustworthiness, fairness, a good
1799 reputation for fair dealings, and respect for the rights of
1800 others and for the laws of this state and nation. A thorough

background investigation of the individual's good moral character shall be instituted by the department. Such investigation shall require:

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

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

(b) The department ~~board~~ may deny an application for licensure or renewal citing lack of good moral character. Conviction of a crime within the last 7 years may ~~shall~~ not automatically bar any applicant or licensee from obtaining a license or continuing as a licensee. The department ~~board~~ shall consider the type of crime committed, the crime's relevancy to the employee leasing industry, the length of time since the conviction and any other factors deemed relevant by the department ~~board~~.

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

(c) An applicant for initial or renewal license of an employee leasing company license or employee leasing company group shall have an accounting net worth or shall have

1826 guaranties, letters of credit, or other security acceptable to
1827 the department ~~board~~ in sufficient amounts to offset any
1828 deficiency. A guaranty will not be acceptable to satisfy this
1829 requirement unless the applicant submits sufficient evidence to
1830 satisfy the department ~~board~~ that the guarantor has adequate
1831 resources to satisfy the obligation of the guaranty.

1832 (d) Each employee leasing company shall maintain an
1833 accounting net worth and positive working capital, as determined
1834 in accordance with generally accepted accounting principles, or
1835 shall have guaranties, letters of credit, or other security
1836 acceptable to the department ~~board~~ in sufficient amounts to
1837 offset any deficiency. A guaranty will not be acceptable to
1838 satisfy this requirement unless the licensee submits sufficient
1839 evidence, as defined by rule, that the guarantor has adequate
1840 resources to satisfy the obligation of the guaranty. In
1841 determining the amount of working capital, a licensee shall
1842 include adequate reserves for all taxes and insurance, including
1843 plans of self-insurance or partial self-insurance for claims
1844 incurred but not paid and for claims incurred but not reported.
1845 Compliance with the requirements of this paragraph is subject to
1846 verification by department ~~or board~~ audit.

1847 (e) Each employee leasing company or employee leasing
1848 company group shall submit annual financial statements audited
1849 by an independent certified public accountant, with the
1850 application and within 120 days after the end of each fiscal

1851 year, in a manner and time prescribed by the department board,
1852 provided however, that any employee leasing company or employee
1853 leasing company group with gross Florida payroll of less than
1854 \$2.5 million during any fiscal year may submit financial
1855 statements reviewed by an independent certified public
1856 accountant for that year.

1857 (f) The licensee shall notify the department ~~or board~~ in
1858 writing within 30 days after any change in the application or
1859 status of the license.

1860 **Section 58. Subsections (3) and (5) of section 468.526,**
1861 **Florida Statutes, are amended to read:**

1862 468.526 License required; fees.—

1863 (3) Each employee leasing company and employee leasing
1864 company group licensee shall pay to the department upon the
1865 initial issuance of a license and upon each renewal thereafter a
1866 license fee not to exceed \$2,500 to be established by the
1867 department board. In addition to the license fee, the department
1868 ~~board~~ shall establish an annual assessment for each employee
1869 leasing company and each employee leasing company group
1870 sufficient to cover all costs for regulation of the profession
1871 pursuant to this chapter, chapter 455, and any other applicable
1872 provisions of law. The annual assessment shall:

1873 (a) Be due and payable upon initial licensure and
1874 subsequent renewals thereof and 1 year before the expiration of
1875 any licensure period; and

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

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

Section 59. Section 468.527, Florida Statutes, is amended to read:

468.527 Licensure and license renewal.—

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

(2) Each license issued to an employee leasing company, employee leasing company group, or controlling person shall be renewed biennially. The department shall renew a license upon receipt of a renewal application and the applicable renewal fee.

Section 60. Subsection (2) of section 468.5275, Florida Statutes, is amended to read:

1901 468.5275 Registration and exemption of de minimis
1902 operations.—

1903 (2) A registration is valid for 1 year. Each registrant
1904 shall pay to the department upon initial registration, and upon
1905 each renewal thereafter, a registration fee to be established by
1906 the department ~~board~~ in an amount not to exceed:

1907 (a) Two hundred and fifty dollars for an employee leasing
1908 company.

1909 (b) Five hundred dollars for an employee leasing company
1910 group.

1911 **Section 61. Subsections (2), (4), and (5) of section**
1912 **468.529, Florida Statutes, are amended to read:**

1913 468.529 Licensee's insurance; employment tax; benefit
1914 plans.—

1915 (2) An initial or renewal license may not be issued to any
1916 employee leasing company unless the employee leasing company
1917 first files with the department ~~board~~ evidence of workers'
1918 compensation coverage for all leased employees in this state.
1919 Each employee leasing company shall maintain and make available
1920 to its workers' compensation carrier the following information:

1921 (a) The correct name and federal identification number of
1922 each client company.

1923 (b) A listing of all covered employees provided to each
1924 client company, by classification code.

1925 (c) The total eligible wages by classification code and

the premiums due to the carrier for the employees provided to each client company.

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

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

Section 62. Subsections (3) and (4) of section 468.530, Florida Statutes, are amended to read:

468.530 License, contents; posting.—

(3) A ~~No~~ license is not ~~shall be~~ valid for any person or entity who engages in the business under any name other than that specified in the license. A license issued under this part is ~~shall~~ not be assignable, and a ~~no~~ licensee may not conduct a business under a fictitious name without prior written authorization of the department ~~board~~ to do so. The department ~~board~~ may not authorize the use of a name which is so similar to that of a public officer or agency, or of that used by another licensee, that the public may be confused or misled thereby. A ~~No~~ licensee ~~shall be~~ permitted to conduct business under more

1951 than one name unless it has obtained a separate license. A
1952 licensee desiring to change its licensed name at any time except
1953 upon license renewal shall notify the department ~~board~~ and pay a
1954 fee not to exceed \$50 for each authorized change of name.

1955 (4) Each employee leasing company or employee leasing
1956 company group licensed under this part shall be properly
1957 identified in all advertisements, which must include the license
1958 number, licensed business name, and other appropriate
1959 information in accordance with rules established by the
1960 department ~~board~~.

1961 **Section 63. Paragraph (e) of subsection (1) of section**
1962 **468.531, Florida Statutes, is amended to read:**

1963 468.531 Prohibitions; penalties.—

1964 (1) No person or entity shall:

1965 (e) Knowingly give false or forged evidence to the
1966 department ~~board~~ or a member thereof; or

1967 **Section 64. Section 468.532, Florida Statutes, is amended**
1968 **to read:**

1969 468.532 Discipline.—

1970 (1) The following constitute grounds for which
1971 disciplinary action against a licensee may be taken by the
1972 department ~~board~~:

1973 (a) Being convicted or found guilty of, or entering a plea
1974 of nolo contendere to, regardless of adjudication, bribery,
1975 fraud, or willful misrepresentation in obtaining, attempting to

1976 obtain, or renewing a license.

1977 (b) Being convicted or found guilty of, or entering a plea
1978 of nolo contendere to, regardless of adjudication, a crime in
1979 any jurisdiction which relates to the operation of an employee
1980 leasing business or the ability to engage in business as an
1981 employee leasing company.

1982 (c) Being convicted or found guilty of, or entering a plea
1983 of nolo contendere to, regardless of adjudication, fraud,
1984 deceit, or misconduct in the classification of employees
1985 pursuant to chapter 440.

1986 (d) Being convicted or found guilty of, or entering a plea
1987 of nolo contendere to, regardless of adjudication, fraud,
1988 deceit, or misconduct in the establishment or maintenance of
1989 self-insurance, be it health insurance or workers' compensation
1990 insurance.

1991 (e) Being convicted or found guilty of, or entering a plea
1992 of nolo contendere to, regardless of adjudication, fraud,
1993 deceit, or misconduct in the operation of an employee leasing
1994 company.

1995 (f) Conducting business without an active license.

1996 (g) Failing to maintain workers' compensation insurance as
1997 required in s. 468.529.

1998 (h) Transferring or attempting to transfer a license
1999 issued pursuant to this part.

2000 (i) Violating any provision of this part or any lawful

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

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

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

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

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

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

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

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

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

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

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

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

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

(a) Deny an application for licensure.

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

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

(d) Issue a reprimand.

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

(f) Assess costs associated with investigation and

prosecution.

(3) Upon revocation or suspension of a license, the licensee must immediately return to the department the license that was revoked or suspended.

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

Section 65. Subsection (1) of section 468.603, Florida Statutes, is amended to read:

468.603 Definitions.—As used in this part:

~~(1) "Board" means the Florida Building Code Administrators and Inspectors Board.~~

Section 66. Section 468.606, Florida Statutes, is amended to read:

468.606 Authority of the department ~~board~~.—The department ~~may board is authorized to:~~

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

(2) Certify individuals as being qualified under the provisions of this part to be building code administrators, plans examiners, and building code inspectors.

Section 67. Section 468.607, Florida Statutes, is amended to read:

468.607 Certification of building code administration and inspection personnel.—The department ~~board~~ shall issue a certificate to any individual whom the department ~~board~~

determines to be qualified, within such class and level as provided in this part and with such limitations as the department board may place upon it. A ~~No~~ person may not be employed by a state agency or local governmental authority to perform the duties of a building code administrator, plans examiner, or building code inspector after October 1, 1993, without possessing the proper valid certificate issued in accordance with the provisions of this part. Any person who acts as an inspector and plans examiner under s. 1013.37 while conducting activities authorized by certification under that section is certified to continue to conduct inspections for a local enforcement agency until the person's UBCI certification expires, after which time such person must possess the proper valid certificate issued in accordance with this part.

Section 68. Section 468.613, Florida Statutes, is amended to read:

468.613 Certification by endorsement.—The department board shall examine other certification or training programs, as applicable, upon submission to the department board for its consideration of an application for certification by endorsement. The department board shall waive its examination, qualification, education, or training requirements, to the extent that such examination, qualification, education, or training requirements of the applicant are determined by the department board to be comparable with those established by the

department ~~board~~. The department ~~board~~ shall waive its examination, qualification, education, or training requirements if an applicant for certification by endorsement is at least 18 years of age; is of good moral character; has held a valid building administrator, inspector, plans examiner, or the equivalent, certification issued by another state or territory of the United States for at least 10 years before the date of application; and has successfully passed an applicable examination administered by the International Code Council. Such application must be made either when the license in another state or territory is active or within 2 years after such license was last active.

Section 69. Subsections (5) and (7) of section 468.619, Florida Statutes, are amended to read:

468.619 Building code enforcement officials' bill of rights.—

(5) The enforcement official shall be considered an agent of the governmental entity employing him or her and as such shall be defended by that entity in any action brought by the department ~~or the board~~, provided the enforcement official is working within the scope of his or her employment.

(7) If any action taken against the enforcement official by the department ~~or the board~~ is found to be without merit by a court of competent jurisdiction, or if judgment in such an action is awarded to the enforcement official, the department ~~or~~

2126 ~~the board~~, or the assignee of the department ~~or board~~, shall
2127 reimburse the enforcement official or his or her employer, as
2128 appropriate, for reasonable legal costs and reasonable
2129 attorney's fees incurred. The amount awarded may ~~shall~~ not
2130 exceed the limit provided in s. 120.595.

2131 **Section 70. Paragraphs (a) and (k) of subsection (1) and**
2132 **subsections (2), (3), and (4) of section 468.621, Florida**
2133 **Statutes, are amended to read:**

2134 468.621 Disciplinary proceedings.—

2135 (1) The following acts constitute grounds for which the
2136 disciplinary actions in subsection (2) may be taken:

2137 (a) Violating or failing to comply with any provision of
2138 this part, or a valid rule or lawful order of the ~~board or~~
2139 department pursuant thereto.

2140 (k) Obstructing an investigation or providing or inducing
2141 another to provide forged documents, false forensic evidence, or
2142 false testimony to a local or state board or member thereof or
2143 to a licensing investigator.

2144 (2) When the department ~~board~~ finds any person guilty of
2145 any of the grounds set forth in subsection (1), it may enter an
2146 order imposing one or more of the following penalties:

2147 (a) Denial of an application for certification.

2148 (b) Permanent revocation.

2149 (c) Suspension of a certificate.

2150 (d) Imposition of an administrative fine not to exceed

\$5,000 for each separate offense. Such fine must be rationally related to the gravity of the violation.

(e) Issuance of a reprimand.

(f) Placement of the certificateholder on probation for a period of time and subject to such conditions as the department board may impose, including alteration of performance level.

(g) Satisfactory completion of continuing education.

(h) Issuance of a citation.

(3) Where a certificate is suspended, placed on probation, or has conditions imposed, the department board shall reinstate the certificate of a disciplined building code administrator, plans examiner, or building code inspector upon proof the disciplined individual has complied with all terms and conditions set forth in the final order.

(4) ~~A No~~ person may not ~~be allowed to~~ apply for certification under this part for a minimum of 5 years after the date of revocation of any certificate issued pursuant to this part. The department board may by rule establish additional criteria for certification following revocation.

Section 71. Subsections (1) and (5) of section 468.627, Florida Statutes, are amended to read:

468.627 Application; examination; renewal; fees.—

(1) The department board shall establish by rule fees to be paid for application, examination, reexamination, certification and certification renewal, inactive status

2176 application, and reactivation of inactive certificates. The
2177 department ~~board~~ may establish by rule a late renewal penalty.
2178 The department ~~board~~ shall establish fees which are adequate,
2179 when combined with revenue generated by the provisions of s.
2180 468.631, to ensure the continued operation of this part. Fees
2181 shall be based on department estimates of the revenue required
2182 to implement this part.

2183 ~~(5) The certificateholder shall provide proof, in a form~~
2184 ~~established by board rule, that the certificateholder has~~
2185 ~~completed at least 14 classroom hours of at least 50 minutes~~
2186 ~~each of continuing education courses during each biennium since~~
2187 ~~the issuance or renewal of the certificate, including the~~
2188 ~~specialized or advanced coursework approved by the Florida~~
2189 ~~Building Commission, as part of the building code training~~
2190 ~~program established pursuant to s. 553.841, appropriate to the~~
2191 ~~licensing category sought. A minimum of 3 of the required 14~~
2192 ~~classroom hours must be on state law, rules, and ethics relating~~
2193 ~~to professional standards of practice, duties, and~~
2194 ~~responsibilities of the certificateholder. The board shall by~~
2195 ~~rule establish criteria for approval of continuing education~~
2196 ~~courses and providers, and may by rule establish criteria for~~
2197 ~~accepting alternative nonclassroom continuing education on an~~
2198 ~~hour-for-hour basis.~~

2199 **Section 72. Paragraph (d) of subsection (1) of section**
2200 **468.629, Florida Statutes, is amended to read:**

468.629 Prohibitions; penalties.—

(1) No person may:

(d) Give false or forged evidence to the ~~board or the~~ department, or a member, an employee, or an officer thereof, for the purpose of obtaining a certificate.

Section 73. Subsection (1) of section 468.631, Florida Statutes, is amended to read:

468.631 Building Code Administrators and Inspectors Fund.—

(1) This part shall be funded through a surcharge, to be assessed pursuant to s. 125.56(4) or s. 166.201 at the rate of 1.5 percent of all permit fees associated with enforcement of the Florida Building Code as defined by the uniform account criteria and specifically the uniform account code for building permits adopted for local government financial reporting pursuant to s. 218.32. The minimum amount collected on any permit issued shall be \$2. The unit of government responsible for collecting permit fees pursuant to s. 125.56 or s. 166.201 shall collect such surcharge and shall remit the funds to the department on a quarterly calendar basis beginning not later than December 31, 2010, for the preceding quarter, and continuing each third month thereafter; and such unit of government shall retain 10 percent of the surcharge collected to fund the participation of building departments in the national and state building code adoption processes and to provide education related to enforcement of the Florida Building Code.

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2226 There is created within the Professional Regulation Trust Fund a
2227 separate account to be known as the Building Code Administrators
2228 and Inspectors Fund, which shall deposit and disburse funds as
2229 necessary for the implementation of this part. The proceeds from
2230 this surcharge shall be allocated equally to fund the Florida
2231 Homeowners' Construction Recovery Fund established by s. 489.140
2232 ~~and the functions of the Building Code Administrators and~~
2233 ~~Inspectors Board.~~ The department may transfer excess cash to the
2234 Florida Homeowners' Construction Recovery Fund that it
2235 determines is not required to fund the implementation of this
2236 part ~~board from the board's account within the Professional~~
2237 ~~Regulation Trust Fund.~~ However, the department may not transfer
2238 excess cash that would exceed the amount appropriated in the
2239 General Appropriations Act, and any amount approved by the
2240 Legislative Budget Commission pursuant to s. 216.181, to be used
2241 for the payment of claims from the Florida Homeowners'
2242 Construction Recovery Fund.

2243 **Section 74. Subsection (7) of section 468.8312, Florida**
2244 **Statutes, is amended to read:**

2245 468.8312 Fees.—

2246 ~~(7) The fee for applications from providers of continuing~~
2247 ~~education may not exceed \$500.~~

2248 **Section 75. Subsection (1) of section 468.8315, Florida**
2249 **Statutes, is amended to read:**

2250 468.8315 Renewal of license.—

(1) The department shall renew a license upon receipt of the renewal application ~~and upon certification by the department that the licensee has satisfactorily completed the continuing education requirements of s. 468.8316.~~

Section 76. Subsection (1) of section 468.8415, Florida Statutes, is amended to read:

468.8415 Renewal of license.—

(1) The department shall renew a license upon receipt of the renewal application ~~and fee and upon certification by the department that the licensee has satisfactorily completed the continuing education requirements of s. 468.8416.~~

Section 77. Subsection (2) of section 468.8417, Florida Statutes, is amended to read:

468.8417 Inactive license.—

(2) A license that becomes inactive may be reactivated upon application to the department. ~~The department may prescribe by rule continuing education requirements as a condition of reactivating a license. The rules may not require more than one renewal cycle of continuing education to reactivate a license.~~

Section 78. Paragraph (d) of subsection (1) and paragraph (d) of subsection (2) of section 468.8419, Florida Statutes, are amended to read:

468.8419 Prohibitions; penalties.—

(1) A person may not:

(d) Perform or offer to perform any mold remediation to a

structure on which the mold assessor or the mold assessor's company provided a mold assessment within the last 12 months. This paragraph does not apply to a certified contractor who is classified in s. 489.105(2) ~~s. 489.105(3)~~ as a Division I contractor. However, the department may adopt rules requiring that, if such contractor performs the mold assessment and offers to perform the mold remediation, the contract for mold remediation provided to the homeowner discloses that he or she has the right to request competitive bids.

(2) A mold remediator, a company that employs a mold remediator, or a company that is controlled by a company that also has a financial interest in a company employing a mold remediator may not:

(d) Perform or offer to perform any mold assessment to a structure on which the mold remediator or the mold remediator's company provided a mold remediation within the last 12 months. This paragraph does not apply to a certified contractor who is classified in s. 489.105(2) ~~s. 489.105(3)~~ as a Division I contractor. However, the department may adopt rules requiring that, if such contractor performs the mold remediation and offers to perform the mold assessment, the contract for mold assessment provided to the homeowner discloses that he or she has the right to request competitive bids.

Section 79. Subsection (4) of section 469.004, Florida Statutes, is amended to read:

2301 469.004 License; asbestos consultant; asbestos
2302 contractor.—

2303 (4) A license issued under this chapter must be renewed
2304 every 2 years. ~~Before an asbestos contractor's license may be~~
2305 ~~renewed, the licensee must complete a 1-day course of continuing~~
2306 ~~education during each of the preceding 2 years. Before an~~
2307 ~~asbestos consultant's license may be renewed, the licensee must~~
2308 ~~complete a 2-day course of continuing education during each of~~
2309 ~~the preceding 2 years.~~

2310 **Section 80. Subsection (5) of section 469.012, Florida**
2311 **Statutes, is renumbered as subsection (4) and subsection (1) and**
2312 **present subsection (4) of that section are amended, to read:**

2313 469.012 Course requirements for onsite supervisors and
2314 asbestos abatement workers.—

2315 (1) Each asbestos contractor's onsite supervisor must
2316 complete an asbestos contractor/supervisor course of not less
2317 than 5 days before ~~prior to~~ engaging in onsite supervision. Such
2318 training shall cover the nature of the health risks, the medical
2319 effects of exposure, federal and state asbestos laws and
2320 regulations, worker protection, and work area protection. ~~Each~~
2321 ~~onsite supervisor must also complete a continuing education~~
2322 ~~course of not less than 1 day in length each year.~~

2323 ~~(4) All asbestos abatement workers, including onsite~~
2324 ~~supervisors, must complete, as a condition of renewal of~~
2325 ~~accreditation, such courses of continuing education each year as~~

are approved and required by the department.

Section 81. Subsection (1) of section 469.013, Florida Statutes, is amended to read:

469.013 Course requirements for asbestos surveyors, management planners, project monitors, and project designers.—

(1) All asbestos surveyors, management planners, and project monitors must comply with the requirements under ~~set forth in~~ this section before ~~prior to~~ commencing such activities and ~~must also complete the continuing education necessary to maintain accreditation each year.~~

(a) Management planners must complete all requirements of s. 469.005(2)(b) and (d).

(b) Asbestos surveyors must complete all requirements of s. 469.005(2)(a).

(c) Project monitors must complete all requirements of s. 469.005(3)(a) and must also complete an asbestos sampling course which is equivalent to NIOSH Course 582.

(d) Project designers must complete all requirements of s. 469.005(2)(d).

Section 82. Paragraph (b) of subsection (2) of section 471.003, Florida Statutes, is amended to read:

471.003 Qualifications for practice; exemptions.—

(2) The following persons are not required to be licensed under the provisions of this chapter as a licensed engineer:

(b)1. A person acting as a public officer employed by any

2351 state, county, municipal, or other governmental unit of this
2352 state when working on any project the total estimated cost of
2353 which is \$10,000 or less.

2354 2. Persons who are employees of any state, county,
2355 municipal, or other governmental unit of this state and who are
2356 the subordinates of a person in responsible charge licensed
2357 under this chapter, to the extent that the supervision meets
2358 standards adopted by rule of the department ~~board~~.

2359 **Section 83. Section 471.0035, Florida Statutes, is amended**
2360 **to read:**

2361 471.0035 Instructors in postsecondary educational
2362 institutions; exemption from licensure requirement.—For the sole
2363 purpose of teaching the principles and methods of engineering
2364 design, notwithstanding the provisions of s. 471.005(6) ~~s.~~
2365 ~~471.005(7)~~, a person employed by a public postsecondary
2366 educational institution, or by an independent postsecondary
2367 educational institution licensed or exempt from licensure
2368 pursuant to the provisions of chapter 1005, is not required to
2369 be licensed under the provisions of this chapter as a
2370 professional engineer.

2371 **Section 84. Subsections (2) through (12) of section**
2372 **471.005, Florida Statutes, are renumbered as subsections (1)**
2373 **through (11), respectively, and present subsections (1), (6),**
2374 **and (10) of that section are amended, to read:**

2375 471.005 Definitions.—As used in this chapter, the term:

~~(1) "Board" means the Board of Professional Engineers.~~

~~(5)(6)~~ "Engineer intern" means a person who has graduated from an engineering curriculum approved by the department board and has passed the fundamentals of engineering examination as provided by rules adopted by the department board.

~~(9)(10)~~ "Retired professional engineer" or "professional engineer, retired" means a person who has been duly licensed as a professional engineer by the department board and who chooses to relinquish or not to renew his or her license and applies to and is approved by the department board to be granted the title "Professional Engineer, Retired."

Section 85. Subsection (1) of section 471.011, Florida Statutes, is amended to read:

471.011 Fees.—

(1) The department board by rule may establish fees to be paid for applications, examination, reexamination, licensing and renewal, inactive status application and reactivation of inactive licenses, and recordmaking and recordkeeping. The department board may also establish by rule a delinquency fee. ~~The board shall establish fees that are adequate to ensure the continued operation of the board.~~ Fees shall be based on department estimates of the revenue required to implement this chapter and the provisions of law with respect to the regulation of engineers.

Section 86. Section 471.013, Florida Statutes, is amended

2401 **to read:**

2402 471.013 Examinations; prerequisites.—

2403 (1)(a) A person shall be entitled to take an examination
2404 for the purpose of determining whether she or he is qualified to
2405 practice in this state as an engineer if the person is of good
2406 moral character and:

2407 1. Is a graduate from an approved engineering science
2408 curriculum of 4 years or more in a school, college, or
2409 university which has been approved by the department ~~board~~; or

2410 2. Is a graduate of an approved engineering technology
2411 curriculum of 4 years or more in a school, college, or
2412 university which has been approved by the department ~~board~~.

2413
2414 The department ~~board~~ shall adopt rules providing for the review
2415 and approval of schools or colleges and the courses of study in
2416 engineering in such schools and colleges. The rules shall be
2417 based on the educational requirements for engineering as defined
2418 in s. 471.005. The department ~~board~~ may adopt rules providing
2419 for the acceptance of the approval and accreditation of schools
2420 and courses of study by a nationally accepted accreditation
2421 organization.

2422 (b) A person shall be entitled to take the fundamentals
2423 examination for the purpose of determining whether she or he is
2424 qualified to practice in this state as an engineer intern if she
2425 or he is in the final year of, or is a graduate of, an approved

2426 engineering curriculum in a school, college, or university
2427 approved by the department ~~board~~.

2428 (c) A person may ~~shall~~ not be entitled to take the
2429 principles and practice examination until that person has
2430 successfully completed the fundamentals examination.

2431 (2) ~~(d)~~ The department ~~board~~ shall deem that an applicant
2432 who seeks licensure by examination has passed the fundamentals
2433 examination when such applicant has received a doctorate degree
2434 in engineering from an institution that has an undergraduate
2435 engineering program that is accredited by the Engineering
2436 Accreditation Commission of the Accreditation Board for
2437 Engineering and Technology, Inc., and has taught engineering
2438 full time for at least 3 years, at the baccalaureate level or
2439 higher, after receiving that degree.

2440 (3) ~~(e)~~ Every applicant who is qualified to take the
2441 fundamentals examination or the principles and practice
2442 examination shall be allowed to take either examination three
2443 times, notwithstanding the number of times either examination
2444 has been previously failed. If an applicant fails either
2445 examination three times, the department ~~board~~ shall require the
2446 applicant to complete additional college-level education courses
2447 or a department-approved ~~board-approved~~ relevant examination
2448 review course as a condition of future eligibility to take that
2449 examination. If the applicant is delayed in taking the
2450 examination due to reserve or active duty service in the United

2451 States Armed Forces or National Guard, the applicant is allowed
2452 an additional two attempts to take the examination before the
2453 department board may require additional college-level education
2454 or review courses.

2455 ~~(4)-(2)~~(a) The department board may refuse to certify an
2456 applicant for failure to satisfy the requirement of good moral
2457 character only if:

2458 1. There is a substantial connection between the lack of
2459 good moral character of the applicant and the professional
2460 responsibilities of a licensed engineer; and

2461 2. The finding by the department board of lack of good
2462 moral character is supported by clear and convincing evidence.

2463 (b) When an applicant is found to be unqualified for a
2464 license because of a lack of good moral character, the
2465 department board shall furnish the applicant a statement
2466 containing the findings of the department board, a complete
2467 record of the evidence upon which the determination was based,
2468 and a notice of the rights of the applicant to a rehearing and
2469 appeal.

2470 **Section 87. Section 471.017, Florida Statutes, is amended**
2471 **to read:**

2472 471.017 Renewal of license.—

2473 (1) The department ~~management corporation~~ shall renew a
2474 license upon receipt of the renewal application and fee.

2475 (2) The department board shall adopt rules establishing a

2476 procedure for the biennial renewal of licenses.

2477 ~~(3)(a) The board shall require a demonstration of~~
2478 ~~continuing professional competency of engineers as a condition~~
2479 ~~of license renewal or relicensure. Every licensee must complete~~
2480 ~~9 continuing education hours for each year of the license~~
2481 ~~renewal period, totaling 18 continuing education hours for the~~
2482 ~~license renewal period. For each renewal period for such~~
2483 ~~continuing education:~~

2484 ~~1. One hour must relate to this chapter and the rules~~
2485 ~~adopted under this chapter.~~

2486 ~~2. One hour must relate to professional ethics.~~

2487 ~~3. Four hours must relate to the licensee's area of~~
2488 ~~practice.~~

2489 ~~4. The remaining hours may relate to any topic pertinent~~
2490 ~~to the practice of engineering.~~

2491
2492 ~~Continuing education hours may be earned by presenting or~~
2493 ~~attending seminars, in-house or nonclassroom courses, workshops,~~
2494 ~~or professional or technical presentations made at meetings,~~
2495 ~~webinars, conventions, or conferences, including those presented~~
2496 ~~by vendors with specific knowledge related to the licensee's~~
2497 ~~area of practice. Up to 4 hours may be earned by serving as an~~
2498 ~~officer or actively participating on a committee of a board-~~
2499 ~~recognized professional or technical engineering society. The 2~~
2500 ~~required continuing education hours relating to this chapter,~~

the rules adopted pursuant to this chapter, and ethics may be earned by serving as a member of the Legislature or as an elected state or local official. The hours required pursuant to s. 471.0195 may apply to any requirements of this section except for those required under subparagraph 1.

~~(b) The board shall adopt rules that are substantially consistent with the most recent published version of the Continuing Professional Competency Guidelines of the National Council of Examiners for Engineering and Surveying, and shall allow nonclassroom hours to be credited. The board may, by rule, exempt from continuing professional competency requirements retired professional engineers who no longer sign and seal engineering documents and licensees in unique circumstances that severely limit opportunities to obtain the required continuing education hours.~~

Section 88. Subsections (1) and (2) of section 471.021, Florida Statutes, are amended to read:

471.021 Engineers and firms of other states; temporary registration to practice in Florida.—

(1) Upon approval of the department ~~board~~ and payment of the fee set in s. 471.011, the department ~~management corporation~~ shall issue a temporary registration for work on one specified project in this state for a period not to exceed 1 year to an engineer holding a certificate to practice in another state, provided Florida licensees are similarly permitted to engage in

work in such state and provided that the engineer be qualified for licensure by endorsement.

(2) Upon approval by the department ~~board~~ and payment of the fee set in s. 471.011, the department ~~management corporation~~ shall issue a temporary registration for work on one specified project in this state for a period not to exceed 1 year to an out-of-state corporation, partnership, or firm, provided one of the principal officers of the corporation, one of the partners of the partnership, or one of the principals in the fictitiously named firm has obtained a temporary registration in accordance with subsection (1).

Section 89. Subsection (4) of section 471.023, Florida Statutes, is amended to read:

471.023 Qualification of business organizations.—

(4) Each qualifying agent of a business organization qualified under this section must notify the department ~~board~~ within 30 days after any change in the information contained in the application upon which the qualification is based.

(a) A qualifying agent who terminates an affiliation with a qualified business organization shall notify the department ~~management corporation~~ of such termination within 24 hours. If such qualifying agent is the only qualifying agent for that business organization, the business organization must be qualified by another qualifying agent within 60 days after the termination. Except as provided in paragraph (b), the business

organization may not engage in the practice of engineering until it is qualified by another qualifying agent.

(b) In the event a qualifying agent ceases employment with a qualified business organization and the qualifying agent is the only licensed individual affiliated with the business organization, the executive director of the department ~~management corporation or the chair of the board~~ may authorize another licensee employed by the business organization to temporarily serve as its qualifying agent for a period of no more than 60 days to proceed with incomplete contracts. The business organization is not authorized to operate beyond such period under this chapter absent replacement of the qualifying agent.

(c) A qualifying agent shall notify the department in writing before engaging in the practice of engineering in the licensee's name or in affiliation with a different business organization.

Section 90. Subsections (1) and (2) of section 471.025, Florida Statutes, are amended to read:

471.025 Seals.—

(1) The department ~~board~~ shall prescribe, by rule, one or more forms of seal to be used by licensees. Each licensee shall obtain at least one seal in the form approved by rule of the department ~~board~~ and may, in addition, register his or her seal electronically in accordance with ss. 668.001-668.006. All final

drawings, specifications, plans, reports, or documents prepared or issued by the licensee and being filed for public record and all final documents provided to the owner or the owner's representative shall be signed by the licensee, dated, and sealed with said seal. Such signature, date, and seal shall be evidence of the authenticity of that to which they are affixed. Drawings, specifications, plans, reports, final documents, or documents prepared or issued by a licensee may be transmitted electronically and may be signed by the licensee, dated, and sealed electronically with said seal in accordance with ss. 668.001-668.006.

(2) It is unlawful for any person to seal or digitally sign any document with a seal or digital signature after his or her license has expired or been revoked or suspended, unless such license has been reinstated or reissued. When an engineer's license has been revoked or suspended by the department ~~board~~, the licensee shall, within a period of 30 days after the revocation or suspension has become effective, surrender his or her seal to the executive director of the department ~~board~~ and confirm to the department ~~executive director~~ the cancellation of the licensee's digital signature in accordance with ss. 668.001-668.006. In the event the engineer's license has been suspended for a period of time, his or her seal shall be returned to him or her upon expiration of the suspension period.

Section 91. Paragraphs (b) and (d) of subsection (1) of

section 471.031, Florida Statutes, are amended to read:

471.031 Prohibitions; penalties.—

(1) A person may not:

(b)1. Except as provided in subparagraph 2. or subparagraph 3., use the name or title "professional engineer" or any other title, designation, words, letters, abbreviations, or device tending to indicate that such person holds an active license as an engineer when the person is not licensed under this chapter, including, but not limited to, the following titles: "agricultural engineer," "air-conditioning engineer," "architectural engineer," "building engineer," "chemical engineer," "civil engineer," "control systems engineer," "electrical engineer," "environmental engineer," "fire protection engineer," "industrial engineer," "manufacturing engineer," "mechanical engineer," "metallurgical engineer," "mining engineer," "minerals engineer," "marine engineer," "nuclear engineer," "petroleum engineer," "plumbing engineer," "structural engineer," "transportation engineer," "software engineer," "computer hardware engineer," or "systems engineer."

2. Any person who is exempt from licensure under s. 471.003(2)(j) may use the title or personnel classification of "engineer" in the scope of his or her work under that exemption if the title does not include or connote the term "professional engineer," "registered engineer," "licensed engineer," "registered professional engineer," or "licensed professional

engineer."

3. Any person who is exempt from licensure under s. 471.003(2)(c) or (e) may use the title or personnel classification of "engineer" in the scope of his or her work under that exemption if the title does not include or connote the term "professional engineer," "registered engineer," "licensed engineer," "registered professional engineer," or "licensed professional engineer" and if that person is a graduate from an approved engineering curriculum of 4 years or more in a school, college, or university which has been approved by the department ~~board~~.

(d) Give false or forged evidence to the department ~~board~~ or a member thereof.

Section 92. Paragraphs (a) and (k) of subsection (1) and subsections (2), (3), and (4) of section 471.033, Florida Statutes, are amended to read:

471.033 Disciplinary proceedings.—

(1) The following acts constitute grounds for which the disciplinary actions in subsection (3) may be taken:

(a) Violating any provision of s. 455.227(1), s. 471.025, or s. 471.031, or any other provision of this chapter or rule of the ~~board or~~ department.

(k) Violating any order of the ~~board or~~ department previously entered in a disciplinary hearing.

(2) The department ~~board~~ shall specify, by rule, what acts

or omissions constitute a violation of subsection (1).

(3) When the department ~~board~~ finds any person guilty of any of the grounds set forth in subsection (1), it may enter an order imposing one or more of the following penalties:

(a) Denial of an application for licensure.

(b) Revocation or suspension of a license.

(c) Imposition of an administrative fine not to exceed \$5,000 for each count or separate offense.

(d) Issuance of a reprimand.

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

(f) Restriction of the authorized scope of practice by the licensee.

(g) Restitution.

(4) The department ~~management corporation~~ shall reissue the license of a disciplined engineer or business upon certification by the department ~~board~~ that the disciplined person has complied with all of the terms and conditions set forth in the final order.

Section 93. Section 471.045, Florida Statutes, is amended to read:

471.045 Professional engineers performing building code inspector duties.—Notwithstanding any other provision of law, a person who is currently licensed under this chapter to practice

as a professional engineer may provide building code inspection services described in s. 468.603(4) and (7) ~~s. 468.603(5) and (8)~~ to a local government or state agency upon its request, without being certified by the Florida Building Code Administrators and Inspectors licensing program ~~Board~~ under part XII of chapter 468. When performing these building code inspection services, the professional engineer is subject to the disciplinary guidelines of this chapter and s. 468.621(1)(c)-(h). Any complaint processing, investigation, and discipline that arise out of a professional engineer's performing building code inspection services shall be conducted by the department ~~Board of Professional Engineers~~ rather than the Florida Building Code Administrators and Inspectors Board. A professional engineer may not perform plans review as an employee of a local government upon any job that the professional engineer or the professional engineer's company designed.

Section 94. Subsections (1), (2), and (5) of section 471.055, Florida Statutes, are amended to read:

471.055 Structural Engineering Recognition Program for Professional Engineers.—

(1) The department ~~board~~ shall establish the Structural Engineering Recognition Program for Professional Engineers to recognize professional engineers who specialize in structural engineering and have gone above and beyond the required minimum professional engineer licensing standards. The department ~~board~~

2701 shall establish minimum requirements to receive recognition
2702 through the program. The department ~~board~~ must recognize any
2703 licensed professional engineer who has successfully passed the
2704 National Council of Examiners for Engineering and Surveying
2705 Structural Engineering 16-hour PE Structural examination or any
2706 other examination approved by the department ~~board~~. In addition,
2707 the department ~~board~~ may recognize any licensed professional
2708 engineer who specializes in structural engineering based on
2709 alternative criteria determined by the department ~~board~~.

2710 (2) Upon application to the department ~~board~~, a
2711 professional engineer who has the minimum program requirements
2712 shall be recognized as a professional engineer who has gone
2713 above and beyond in the field of structural engineering. The
2714 department ~~board~~ may not collect a fee for such application or
2715 for recognition by the program.

2716 (5) The department ~~board~~ shall adopt rules to implement
2717 this section.

2718 **Section 95. Subsection (4) of section 472.003, Florida**
2719 **Statutes, is amended to read:**

2720 472.003 Persons not affected by ss. 472.001-472.037.—
2721 Sections 472.001-472.037 do not apply to:

2722 (4) Persons employed by county property appraisers, as
2723 defined at s. 192.001(3), and persons employed by the Department
2724 of Revenue, to prepare maps for property appraisal purposes
2725 only, but only to the extent that they perform mapping services

which do not include any surveying activities as described in s.
472.005(3)(a) and (b) ~~s. 472.005(4)(a) and (b).~~

Section 96. Subsection (1) of section 472.005, Florida Statutes, is amended to read:

472.005 Definitions.—As used in ss. 472.001-472.037:

~~(1) "Board" means the Board of Professional Surveyors and Mappers.~~

Section 97. Subsections (2) through (9) of section 473.302, Florida Statutes, are renumbered as subsections (1) through (8), respectively, and subsection (1), paragraph (c) of present subsection (8), and present subsection (9) of that section are amended, to read:

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

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

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

(c) Offering to perform or performing for the public one or more types of service involving the preparation of financial statements not included within paragraph (a), by a certified public accountant who holds an active license, issued pursuant to this chapter, or who is authorized to practice public accounting pursuant to the practice privileges granted in s. 473.3141; by a firm of certified public accountants; or by a firm in which a certified public accountant has an ownership interest, including the performance of such services in the

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employ of another person. The department ~~board~~ shall adopt rules establishing standards of practice for such reports and financial statements; provided, however, that nothing in this paragraph shall be construed to permit the department ~~board~~ to adopt rules that have the result of prohibiting Florida certified public accountants employed by unlicensed firms from preparing financial statements as authorized by this paragraph; or

(8) ~~(9)~~ "Uniform Accountancy Act" means the Uniform Accountancy Act, Eighth Edition, dated January 2018 and published by the American Institute of Certified Public Accountants and the National Association of State Boards of Accountancy.

However, these terms may ~~shall~~ not include services provided by the American Institute of Certified Public Accountants or the Florida Institute of Certified Public Accountants, or any full service association of certified public accounting firms whose plans of administration have been approved by the department ~~board~~, to their members or services performed by these entities in reviewing the services provided to the public by members of these entities.

Section 98. Section 473.3035, Florida Statutes, is amended to read:

473.3035 Division of Certified Public Accounting.—

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(1) All services concerning this chapter, including, but not limited to, recordkeeping services, examination services, legal services, and investigative services, and those services in chapter 455 necessary to perform the duties of this chapter shall be provided by the Division of Certified Public Accounting. The department board may, ~~by majority vote~~, delegate a duty or duties to the appropriate division within the department. The department board may, ~~by majority vote~~, rescind any such delegation of duties at any time.

(2) The Division of Certified Public Accounting shall be funded by fees and assessments of the department board, and funds collected by the department board shall be used only to fund public accounting regulation. Funding for the Division of Certified Public Accounting shall be governed by ss. 215.37 and 455.219.

Section 99. Section 473.304, Florida Statutes, is amended to read:

473.304 Rules of department board; powers and duties; legal services.—

(1) The department board shall adopt rules pursuant to ss. 120.536(1) and 120.54 to implement the provisions of this act. Every certified public accountant and firm shall be governed and controlled by this act and the rules adopted by the department board.

(2) Subject to the prior approval of the Attorney General,

2801 the department ~~board~~ may retain independent legal counsel to
2802 provide legal advice to the department ~~board~~ on a specific
2803 matter.

2804 (3) An attorney employed or used by the department ~~board~~
2805 may not both prosecute a matter and provide legal services to
2806 the department ~~board~~ with respect to the same matter.

2807 **Section 100. Section 473.305, Florida Statutes, is amended**
2808 **to read:**

2809 473.305 Fees.—The department ~~board~~, by rule, may establish
2810 fees to be paid for applications, examination, reexamination,
2811 licensing and renewal, reinstatement, and recordmaking and
2812 recordkeeping. The fee for the examination shall be established
2813 at an amount that covers the costs for the procurement or
2814 development, administration, grading, and review of the
2815 examination. The fee for the examination is refundable if the
2816 applicant is found to be ineligible to sit for the examination.
2817 The fee for initial application is nonrefundable, and the
2818 combined fees for application and examination may not exceed
2819 \$250 plus the actual per applicant cost to the department for
2820 purchase of the examination from the American Institute of
2821 Certified Public Accountants or a similar national organization.
2822 The biennial renewal fee may not exceed \$250. The department
2823 ~~board~~ may also establish, by rule, a reactivation fee, and a
2824 delinquency fee not to exceed \$50 for continuing professional
2825 education reporting forms. The department ~~board~~ shall establish

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fees which are adequate to ensure the continued operation of the department ~~board~~ and to fund the proportionate expenses incurred by the department which are allocated to the regulation of public accountants. Fees shall be based on department estimates of the revenue required to implement this chapter and the provisions of law with respect to the regulation of certified public accountants.

Section 101. Paragraph (b) of subsection (3) and subsections (4), (5), and (6) of section 473.306, Florida Statutes, are amended to read:

473.306 Examinations.—

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

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

1. The department ~~board~~ finds a reasonable relationship between the lack of good moral character of the applicant and the professional responsibilities of a certified public accountant; and

2. The finding by the department ~~board~~ of lack of good

2851 moral character is supported by competent substantial evidence.

2852
2853 If an applicant is found pursuant to this paragraph to be
2854 unqualified to take the licensure examination because of a lack
2855 of good moral character, the department ~~board~~ shall furnish to
2856 the applicant a statement containing the findings of the
2857 department ~~board~~, a complete record of the evidence upon which
2858 the determination was based, and a notice of the rights of the
2859 applicant to a rehearing and appeal.

2860 (4) The department ~~board~~ shall have the authority to
2861 establish the standards for determining and shall determine:

2862 (a) What constitutes a passing grade for each subject or
2863 part of the licensure examination;

2864 (b) Which educational institutions, in addition to the
2865 universities in the State University System of Florida, shall be
2866 deemed to be accredited colleges or universities;

2867 (c) What courses and number of hours constitute a major in
2868 accounting; and

2869 (d) What courses and number of hours constitute additional
2870 accounting courses acceptable under s. 473.308(4).

2871 (5) The department ~~board~~ may adopt an alternative
2872 licensure examination for persons who have been licensed to
2873 practice public accountancy or its equivalent in a foreign
2874 country so long as the International Qualifications Appraisal
2875 Board of the National Association of State Boards of Accountancy

2876 has ratified an agreement with that country for reciprocal
2877 licensure.

2878 (6) For the purposes of maintaining the proper educational
2879 qualifications for licensure under this chapter, the department
2880 ~~board~~ may appoint an Educational Advisory Committee, which shall
2881 be composed of one member of the department ~~board~~, two persons
2882 in public practice who are licensed under this chapter, and four
2883 academicians on faculties of universities in this state.

2884 **Section 102. Subsections (1), (2), and (3) of section**
2885 **473.309, Florida Statutes, are amended to read:**

2886 473.309 Practice requirements for partnerships,
2887 corporations, and limited liability companies; business entities
2888 practicing public accounting.—

2889 (1) A partnership may not engage in the practice of public
2890 accounting, as defined in s. 473.302(7)(a) ~~s. 473.302(8)(a)~~, or
2891 meet the requirements of s. 473.3101(1)(b), unless:

2892 (a) It is a form of partnership recognized by Florida law.

2893 (b) Partners owning at least 51 percent of the financial
2894 interest and voting rights of the partnership are certified
2895 public accountants in some state. However, each partner who is a
2896 certified public accountant in another state and is domiciled in
2897 this state must be a certified public accountant of this state
2898 and hold an active license.

2899 (c) At least one general partner is a certified public
2900 accountant of this state and holds an active license or, in the

case of a firm that must have a license pursuant to s. 473.3101(1)(c), at least one general partner is a certified public accountant in some state and meets the requirements of s. 473.3141(1) ~~s. 473.3141(1)(a) or (b)~~.

(d) All partners who are not certified public accountants in any state are engaged in the business of the partnership as their principal occupation.

(e) It is in compliance with rules adopted by the department board pertaining to minimum capitalization, letters of credit, and adequate public liability insurance.

(2) A corporation may not engage in the practice of public accounting, as defined in s. 473.302(7)(a) ~~s. 473.302(8)(a)~~, or meet the requirements of s. 473.3101(1)(b), unless:

(a) It is a corporation duly organized in this or some other state.

(b) Shareholders of the corporation owning at least 51 percent of the financial interest and voting rights of the corporation are certified public accountants in some state and are principally engaged in the business of the corporation. However, each shareholder who is a certified public accountant in another state and is domiciled in this state must be a certified public accountant of this state and hold an active license.

(c) The principal officer of the corporation is a certified public accountant in some state.

(d) At least one shareholder of the corporation is a certified public accountant and holds an active license in this state or, in the case of a firm that must have a license pursuant to s. 473.3101(1)(c), at least one shareholder is a certified public accountant in some state and meets the requirements of s. 473.3141(1) ~~s. 473.3141(1)(a) or (b)~~.

(e) All shareholders who are not certified public accountants in any state are engaged in the business of the corporation as their principal occupation.

(f) It is in compliance with rules adopted by the department board pertaining to minimum capitalization, letters of credit, and adequate public liability insurance.

(3) A limited liability company may not engage in the practice of public accounting, as defined in s. 473.302(7)(a) ~~s. 473.302(8)(a)~~, or meet the requirements of s. 473.3101(1)(b), unless:

(a) It is a limited liability company duly organized in this or some other state.

(b) Members of the limited liability company owning at least 51 percent of the financial interest and voting rights of the company are certified public accountants in some state. However, each member who is a certified public accountant in some state and is domiciled in this state must be a certified public accountant of this state and hold an active license.

(c) At least one member of the limited liability company

is a certified public accountant and holds an active license in this state or, in the case of a firm that must have a license pursuant to s. 473.3101(1)(c), at least one member is a certified public accountant in some state and meets the requirements of s. 473.3141(1) ~~s. 473.3141(1)(a) or (b)~~.

(d) All members who are not certified public accountants in any state are engaged in the business of the company as their principal occupation.

(e) It is in compliance with rules adopted by the department ~~board~~ pertaining to minimum capitalization, letters of credit, and adequate public liability insurance.

(f) It is currently licensed as required by s. 473.3101.

Section 103. Subsections (1) and (4) of section 473.3101, Florida Statutes, are amended to read:

473.3101 Licensure of firms or public accounting firms.—

(1) The following must hold a license issued under this section:

(a) Any firm with an office in this state which performs services as defined in s. 473.302(7)(a) ~~s. 473.302(8)(a)~~;

(b) Any firm with an office in this state which uses the title "CPA," "CPA firm," or any other title, designation, words, letters, abbreviations, or device tending to indicate that it is a CPA firm. The department ~~board~~ shall define by rule what constitutes a CPA firm; or

(c)1. Any firm that does not have an office in this state

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but performs the services described in s. 473.3141(4) for a client having its home office in this state, unless it:

a. Complies with the qualifications described in s. 473.309.

b. Is enrolled in a peer review program pursuant to s. 473.3125(4).

c. Performs services through an individual with practice privileges under s. 473.3141.

d. Lawfully performs services in a state where an individual with practice privileges granted under s. 473.3141 has his or her principal place of business.

2. The department ~~board~~ shall define by rule what constitutes an office.

(4) The department ~~board~~ shall determine whether the firm or public accounting firm meets the requirements for practice and, pending that determination, may certify to the department the firm or public accounting firm for provisional licensure.

Section 104. Subsection (1) of section 473.311, Florida Statutes, is amended to read:

473.311 Renewal of license.—

(1) ~~(a)~~ The department shall renew a license issued under s. 473.308 upon receipt of the renewal application and fee ~~and upon certification by the board that the Florida certified public accountant has satisfactorily completed the continuing education requirements of s. 473.312.~~

3001 ~~(b) A nonresident licensee seeking renewal of a license in~~
3002 ~~this state shall be determined to have met the continuing~~
3003 ~~education requirements in s. 473.312, except for the~~
3004 ~~requirements in s. 473.312(1)(c), if the licensee has complied~~
3005 ~~with the continuing education requirements applicable in the~~
3006 ~~state in which his or her office is located. If the state in~~
3007 ~~which the nonresident licensee's office is located has no~~
3008 ~~continuing education requirements for license renewals, the~~
3009 ~~nonresident licensee must comply with the continuing education~~
3010 ~~requirements in s. 473.312.~~

3011 **Section 105. Paragraph (a) of subsection (1), and**
3012 **subsections (2), (3), and (4) of section 473.3125, Florida**
3013 **Statutes, are amended to read:**

3014 473.3125 Peer review.—

3015 (1) As used in this section, the term:

3016 (a) "Licensee" means a licensed firm or public accounting
3017 firm as defined in s. 473.302 ~~s. 473.302(7)~~ and engaged in the
3018 practice of public accounting as defined in s. 473.302(7)(a) ~~s.~~
3019 ~~473.302(8)(a)~~ that is required to be licensed under s. 473.3101.

3020 (2) The department ~~board~~ shall adopt rules establishing
3021 minimum standards for peer review programs, including, but not
3022 limited to, standards for administering, performing, and
3023 reporting peer reviews. The department ~~board~~ shall also adopt
3024 rules establishing minimum criteria for the department's ~~board's~~
3025 approval of one or more organizations that facilitate and

administer peer review programs.

(3) For the purposes of maintaining oversight of the license renewal requirements of s. 473.311(2), the department ~~board~~ may establish a peer review oversight committee, which shall be composed of at least three, but no more than five, members who are licensed under this chapter and whose firms are subject to s. 473.311(2) and have received a review rating of "pass" on the most recent peer review.

(4) Effective January 1, 2015, a licensed firm or public accounting firm as defined in s. 473.302 ~~s. 473.302(7)~~ and licensed under s. 473.3101 and engaged in the practice of public accounting as defined in s. 473.302(7)(a) ~~s. 473.302(8)(a)~~, except for the performance of compilations and reviews as those terms are defined by the department ~~board~~, must be enrolled in a peer review program.

Section 106. Section 473.313, Florida Statutes, is amended to read:

473.313 Inactive status; retired status.—

(1) A Florida certified public accountant may request that her or his license be placed in an inactive status by making application to the department. The department ~~board~~ may prescribe by rule fees for placing a license on inactive status, renewal of inactive status, and reactivation of an inactive license.

~~(a) A license that has become inactive under this~~

~~subsection or for failure to complete the requirements in s. 473.312 may be reactivated under s. 473.311 upon application to the department. The board may prescribe by rule continuing education requirements as a condition of reactivating a license. The maximum continuing education requirements for reactivating a license are 120 hours, including at least 30 hours in accounting-related and auditing-related subjects, not more than 30 hours in behavioral subjects, and a minimum of 8 hours in ethics subjects approved by the board, for the reactivation of a license that is inactive or delinquent.~~

~~(b) A license that is delinquent for failure to report completion of the requirements in s. 473.312 may be reactivated under s. 473.311 upon application to the department. Reactivation requires the payment of an application fee as determined by the board and certification by the Florida certified public accountant that the applicant satisfactorily completed the continuing education requirements set forth under s. 473.311. If the license is delinquent on January 1 because of failure to report completed continuing education requirements, the applicant must submit a complete application to the board by March 15 immediately after the delinquent period.~~

(a)~~(e)~~ Any Florida certified public accountant holding an inactive license may be permitted to reactivate such license in a conditional manner. The conditions of reactivation shall require the payment of fees ~~and the completion of required~~

3076 ~~continuing education.~~

3077 (b) ~~(d)~~ Notwithstanding ~~the provisions of~~ s. 455.271, the
3078 department board ~~board~~ may, at its discretion, reinstate the license
3079 of an individual whose license has become null and void if the
3080 individual has made a good faith effort to comply with this
3081 section but has failed to comply because of illness or unusual
3082 hardship. The individual shall apply to the department board ~~board~~ for
3083 reinstatement in a manner prescribed by rules of the department
3084 ~~board~~ and shall pay an application fee in an amount determined
3085 by rule of the department board. The department board ~~board~~ shall
3086 require that the individual ~~meet all continuing education~~
3087 ~~requirements as provided in paragraph (a),~~ pay appropriate
3088 licensing fees, and otherwise be eligible for renewal of
3089 licensure under this chapter.

3090 (2) A Florida certified public accountant who is at least
3091 65 years of age, currently holds an active or inactive license
3092 in good standing under this chapter, and is not the subject of
3093 any sanction or disciplinary action may request that her or his
3094 license be placed on retired status by making application to the
3095 department. The department board ~~board~~ may prescribe by rule the
3096 application for placing a license on retired status, which must
3097 state that the applicant has no association with accounting or
3098 any of the services described in s. 473.302 ~~s. 473.302(8)~~. If a
3099 licensee who has been granted retired status reenters the
3100 workforce in a position that has an association with accounting

3101 or any of the services described in s. 473.302 ~~s. 473.302(8)~~,
3102 the licensee automatically loses her or his retired status.

3103 (a) A retired licensee may, without losing her or his
3104 retired status, ~~serve without compensation on a board of~~
3105 ~~directors or board of trustees~~, provide volunteer tax
3106 preparation services, participate in a government-sponsored
3107 business mentoring program such as the Internal Revenue
3108 Service's Volunteer Income Tax Assistance program or the Small
3109 Business Administration's SCORE program, or participate in an
3110 advisory role for a similar charitable, civic, or other non-
3111 profit organization.

3112 (b) The department ~~board~~ shall require a retired licensee
3113 to affirm in writing her or his understanding of the limited
3114 types of activities in which she or he may engage while in
3115 retired status and that she or he has a professional duty to
3116 ensure that she or he holds the professional competencies
3117 necessary to participate in such activities.

3118 (c) A retired licensee may accept routine reimbursement
3119 for actual costs of travel and meals associated with volunteer
3120 services or de minimis per diem amounts paid to the licensee to
3121 cover such expenses as allowed by law.

3122 (d) A retired licensee may use the title of "retired CPA"
3123 on any business card or letterhead or any other printed or
3124 electronic document. However, such title must not be applied in
3125 such a manner that could confuse the public as to the current

status of the licensee. The licensee is not required to have a certificate issued with the word "retired" on the certificate.

~~(e) A retired licensee is not required to maintain the continuing education requirements under s. 473.312.~~

(e)~~(f)~~ A retired licensee may not offer or render professional services that require her or his signature and the use of the CPA title, regardless of whether "retired" is attached to such title.

(f)~~(g)~~ A retired licensee may be permitted to reactivate her or his license in a conditional manner as determined by the department board. The conditions of reactivation must require the payment of fees ~~and the completion of required continuing education~~. The department board may prescribe by rule an application for reactivating a license placed on retired status ~~and continuing education requirements as a condition of reactivating a license placed on retired status~~. The minimum continuing education requirements for reactivating a license placed on retired status are those of the most recent biennium ~~plus one-half of the requirements in s. 473.312 for each biennium or part thereof during which the license was on retired status~~.

For the purposes of this subsection, the term "retired licensee" means a licensee whose license has been placed in retired status by the department.

3151 **Section 107. Subsections (1), (2), and (4) of section**
3152 **473.314, Florida Statutes, are amended to read:**

3153 473.314 Temporary license.—

3154 (1) The department ~~board~~ shall adopt rules providing for
3155 the issuance of temporary licenses to certified public
3156 accountants or firms of other states who do not meet the
3157 requirements of s. 473.3141, for the purpose of enabling them or
3158 their employees to perform specific engagements involving the
3159 practice of public accountancy in this state. No temporary
3160 license shall be valid for more than 90 days after its issuance,
3161 and no license shall cover more than one engagement. After the
3162 expiration of 90 days, a new license shall be required.

3163 (2) Each application for a temporary license shall state
3164 the names of all persons who are to enter this state and shall
3165 be accompanied by a fee in an amount established by the
3166 department ~~board~~ not to exceed \$400.

3167 (4) Upon certification of the applicant by the department
3168 ~~board~~, the department shall issue a temporary license to the
3169 applicant.

3170 **Section 108. Subsections (3) and (4) of section 473.315,**
3171 **Florida Statutes, are amended to read:**

3172 473.315 Independence, technical standards.—

3173 (3) The department ~~board~~ shall adopt rules establishing
3174 the standards of practice of public accounting, including, but
3175 not limited to, independence, competence, and technical

standards.

(4) Attorneys who are admitted to practice law by the Supreme Court of Florida are exempt from the standards of practice of public accounting as defined in s. 473.302(7)(b) and (c) ~~s. 473.302(8)(b) and (c)~~ when such standards conflict with the rules of The Florida Bar or orders of the Florida Supreme Court.

Section 109. Subsections (5) and (6) of section 473.316, Florida Statutes, are amended to read:

473.316 Communications between the accountant and client privileged.—

(5) Communications are not privileged from disclosure in any disciplinary investigation or proceeding conducted pursuant to this act by the department or before the department board ~~board~~ or in any judicial review of such a proceeding. In any such proceeding, a certified public accountant or public accountant, without the consent of her or his client, may testify with respect to any communication between the accountant and the accountant's client or be compelled, pursuant to a subpoena of the department ~~or the board~~, to testify or produce records, books, or papers. Such a communication disclosed to the department board ~~board~~ and records of the department board ~~board~~ relating to the communication shall for all other purposes and proceedings be a privileged communication in all of the courts of this state.

(6) The proceedings, records, and workpapers of a review committee are privileged and are not subject to discovery, subpoena, or other means of legal process or to introduction into evidence in a civil action or arbitration, administrative proceeding,~~or state accountancy board proceeding~~. A member of a review committee or person who was involved in a quality review may not testify in a civil action or arbitration, administrative proceeding,~~or state accountancy board proceeding~~ as to any matter produced or disclosed during the quality review or as to any findings, recommendations, evaluations, opinions, or other actions of the review committee or any members thereof. Public records and materials prepared for a particular engagement are not privileged merely because they were presented during the quality review. This privilege does not apply to disputes between a review committee and a person subject to a quality review.

Section 110. Section 473.319, Florida Statutes, is amended to read:

473.319 Contingent fees.—Public accounting services as defined in s. 473.302(7)(a) and (c) ~~s. 473.302(8)(a) and (c)~~, and those that include tax filings with federal, state, or local government, may ~~shall~~ not be offered or rendered for a fee contingent upon the findings or results of such service. This section does not apply to services involving federal, state, or other taxes in which the findings are those of the tax

authorities and not those of the certified public accountant or firm. Fees to be fixed by courts or other public authorities, which are of an indeterminate amount at the time a public accounting service is undertaken, may ~~shall~~ not be regarded as contingent fees for purposes of this section.

Section 111. Section 473.3205, Florida Statutes, is amended to read:

473.3205 Commissions or referral fees.—A certified public accountant or firm may not accept or pay a commission or referral fee in connection with the sale or referral of public accounting services as defined in s. 473.302(7)(a) and (c) ~~s. 473.302(8)(a) and (c)~~. Any certified public accountant or firm that is engaged in the practice of public accounting and that accepts a commission for the sale of a product or service to a client must disclose that fact to the client in writing in accordance with rules adopted by the department ~~board~~. However, this section may ~~shall~~ not prohibit:

- (1) Payments for the purchase of an accounting practice;
- (2) Retirement payments to individuals formerly engaged in the practice of public accounting or payments to their heirs or estates; or
- (3) Payment of fees to a referring certified public accountant or firm for public accounting services to the successor certified public accountant or firm or the client in connection with an engagement.

Section 112. Subsection (3) of section 473.321, Florida Statutes, is amended to read:

473.321 Fictitious names.—

(3) The department ~~board~~ shall adopt rules for interpretation of this section.

Section 113. Paragraphs (c) and (e) of subsection (1) of section 473.322, Florida Statutes, are amended to read:

473.322 Prohibitions; penalties.—

(1) A person may not knowingly:

(c) Perform or offer to perform any services described in s. 473.302(7)(a) or (d) ~~s. 473.302(8)(a) or (d)~~ unless such person holds an active license under this chapter and is a licensed firm, provides such services through a licensed firm, or complies with ss. 473.3101 and 473.3141. This paragraph does not prohibit the performance by persons other than certified public accountants of other services involving the use of accounting skills, including the preparation of tax returns and the preparation of financial statements without expression of opinion thereon;

(e) Give false or forged evidence to the department ~~board~~ ~~or a member thereof~~;

Section 114. Paragraph (m) of subsection (1) and subsections (2), (3), and (4) of section 473.323, Florida Statutes, are amended to read:

473.323 Disciplinary proceedings.—

3276 (1) The following acts constitute grounds for which the
3277 disciplinary actions in subsection (3) may be taken:

3278 (m) Failing to provide any written disclosure to a client
3279 or the public which is required by this chapter or rule of the
3280 department ~~board~~.

3281 (2) The department ~~board~~ shall specify, by rule, what acts
3282 or omissions constitute a violation of subsection (1).

3283 (3) When the department ~~board~~ finds any certified public
3284 accountant or firm guilty of any of the grounds set forth in
3285 subsection (1), it may enter an order imposing one or more of
3286 the following penalties:

3287 (a) Denial of an application for licensure.

3288 (b) Revocation or suspension of the certified public
3289 accountant or firm's license or practice privileges in this
3290 state.

3291 (c) Imposition of an administrative fine not to exceed
3292 \$5,000 for each count or separate offense.

3293 (d) Issuance of a reprimand.

3294 (e) Placement of the certified public accountant on
3295 probation for a period of time and subject to such conditions as
3296 the department ~~board~~ may specify, including requiring the
3297 certified public accountant to attend continuing education
3298 courses or to work under the supervision of another licensee.

3299 (f) Restriction of the authorized scope of practice by the
3300 certified public accountant.

(4) The department shall reissue the license of a disciplined licensee upon certification by the department ~~board~~ that the disciplined licensee has complied with all of the terms and conditions set forth in the final order.

Section 115. Subsections (2) of section 474.202, Florida Statutes, is amended to read:

474.202 Definitions.—As used in this chapter:

~~(2) "Board" means the Board of Veterinary Medicine.~~

Section 116. Subsection (3) of section 474.2021, Florida Statutes, is amended to read:

474.2021 Veterinary telehealth.—

(3) The department ~~board~~ has jurisdiction over a veterinarian practicing veterinary telehealth, regardless of where the veterinarian's physical office is located. The practice of veterinary medicine is deemed to occur when the veterinarian, the patient, or both are located within this state at the time the veterinarian practices veterinary telehealth.

Section 117. Section 474.2065, Florida Statutes, is amended to read:

474.2065 Fees.—The department ~~board~~, by rule, shall establish fees for application and examination, reexamination, license renewal, inactive status, renewal of inactive status, license reactivation, periodic inspection of veterinary establishments, and duplicate copies of licenses, certificates, and permits. The fee for the initial application and examination

may not exceed \$650 plus the actual per applicant cost to the department for purchase of portions of the examination from the Professional Examination Service for the American Veterinary Medical Association or a similar national organization. The fee for licensure by endorsement may not exceed \$500. The fee for temporary licensure may not exceed \$200. The department ~~board~~ shall establish fees that are adequate to ensure its continued operation and to fund the proportionate expenses incurred by the department which are allocated to the regulation of veterinarians. Fees shall be based on departmental estimates of the revenue required to administer this chapter and the provisions relating to the regulation of veterinarians.

Section 118. Subsections (1) through (4) of section 474.207, Florida Statutes, are amended to read:

474.207 Licensure by examination.—

(1) Any person desiring to be licensed as a veterinarian shall apply to the department to take a licensure examination. The department ~~board~~ may by rule adopt use of a national examination in lieu of part or all of the examination required by this section, with a reasonable passing score to be set by rule of the department ~~board~~.

(2) The department shall license each applicant who the board certifies has:

(a) Completed the application form and remitted an examination fee set by the department ~~board~~.

3351 (b)1. Graduated from a college of veterinary medicine
3352 accredited by the American Veterinary Medical Association
3353 Council on Education; or

3354 2. Graduated from a college of veterinary medicine listed
3355 in the American Veterinary Medical Association Roster of
3356 Veterinary Colleges of the World and obtained a certificate from
3357 the Education Commission for Foreign Veterinary Graduates or the
3358 Program for the Assessment of Veterinary Education Equivalence.

3359 (c) Successfully completed the examination provided by the
3360 department for this purpose, or an examination determined by the
3361 department board to be equivalent.

3362 (d) Demonstrated knowledge of the laws and rules governing
3363 the practice of veterinary medicine in Florida in a manner
3364 designated by rules of the department board.

3365
3366 The department may ~~shall~~ not issue a license to any applicant
3367 who is under investigation in any state or territory of the
3368 United States or in the District of Columbia for an act which
3369 would constitute a violation of this chapter until the
3370 investigation is complete and disciplinary proceedings have been
3371 terminated, at which time the provisions of s. 474.214 shall
3372 apply.

3373 (3) Notwithstanding ~~the provisions of~~ paragraph (2)(b), an
3374 applicant shall be deemed to have met the education requirements
3375 for licensure upon submission of evidence that the applicant

meets one of the following:

(a) The applicant was certified for examination by the board prior to October 1, 1989; or

(b) The applicant immigrated to the United States after leaving her or his home country because of political reasons, provided such country is located in the Western Hemisphere and lacks diplomatic relations with the United States; and

1. Was a Florida resident immediately preceding her or his application for licensure;

2. Demonstrates to the department board, through submission of documentation verified by the applicant's respective professional association in exile, that she or he received a professional degree in veterinary medicine from a college or university located in the country from which she or he emigrated. However, the department board may not require receipt transcripts from the Republic of Cuba as a condition of eligibility under this section; and

3. Lawfully practiced her or his profession for at least 3 years.

(4) Applicants certified for examination or reexamination under subsection (3) who fail the examination three times subsequent to October 1, 1989, shall be required to demonstrate to the department board that they meet the requirements of paragraph (2)(b) before ~~prior to~~ any further reexamination or certification for licensure.

3401 **Section 119. Section 474.211, Florida Statutes, is amended**
3402 **to read:**

3403 474.211 Renewal of license.—

3404 (1) The department shall renew a license upon receipt of
3405 the renewal application and fee ~~and an affidavit of compliance~~
3406 ~~with continuing education requirements set by rule of the board.~~

3407 (2) The department shall adopt rules establishing a
3408 procedure for the biennial renewal of licenses.

3409 ~~(3) The board may by rule prescribe continuing education,~~
3410 ~~not to exceed 30 hours biennially, as a condition for renewal of~~
3411 ~~a license or certificate. The criteria for such programs,~~
3412 ~~providers, and courses shall be approved by the board.~~

3413 **Section 120. Subsections (1), (2), and (3) of section**
3414 **474.2125, Florida Statutes, are amended to read:**

3415 474.2125 Temporary license.—

3416 (1) The department ~~board~~ shall adopt rules providing for
3417 the issuance of a temporary license to a licensed veterinarian
3418 of another state for the purpose of enabling her or him to
3419 provide veterinary medical services in this state for the
3420 animals of a specific owner or, as may be needed in an emergency
3421 as defined in s. 252.34(4), for the animals of multiple owners,
3422 provided the applicant would qualify for licensure by
3423 endorsement under s. 474.217. No temporary license shall be
3424 valid for more than 30 days after its issuance, and no license
3425 shall cover more than the treatment of the animals of one owner

except in an emergency as defined in s. 252.34(4). After the expiration of 30 days, a new license is required.

(2) Each application for a temporary license shall state the names of all persons who are to enter this state and shall be accompanied by a fee in an amount established by the department board.

(3) Upon certification of the applicant by the department board, the department shall issue a temporary license to the applicant.

Section 121. Paragraph (d) of subsection (1) of section 474.213, Florida Statutes, is amended to read:

474.213 Prohibitions; penalties.—

(1) No person shall:

(d) Give false or forged evidence to the department board or a member thereof for the purpose of obtaining a license;

Section 122. Paragraphs (a), (f), (h), (j), (v), (aa), (ee), (jj), and (nn) of subsection (1) and subsections (2) and (3) of section 474.214, Florida Statutes, are amended to read:

474.214 Disciplinary proceedings.—

(1) The following acts shall constitute grounds for which the disciplinary actions in subsection (2) may be taken:

(a) Attempting to procure a license to practice veterinary medicine by bribery, by fraudulent representations, or through an error of the department ~~or the board~~.

(f) Violating any provision of this chapter or chapter

3451 455, a rule of the ~~board or~~ department, or a lawful order of the
3452 ~~board or~~ department previously entered in a disciplinary
3453 hearing, or failing to comply with a lawfully issued subpoena of
3454 the department.

3455 (h) Being unable to practice veterinary medicine with
3456 reasonable skill or safety to patients by reason of illness,
3457 drunkenness, use of drugs, narcotics, chemicals, or any other
3458 material or substance or as a result of any mental or physical
3459 condition. In enforcing this paragraph, upon a finding by the
3460 secretary, the secretary's designee, or the probable cause panel
3461 of the department ~~board~~ that probable cause exists to believe
3462 that the licensee is unable to practice the profession because
3463 of the reasons stated in this paragraph, the department shall
3464 have the authority to compel a licensee to submit to a mental or
3465 physical examination by a physician designated by the
3466 department. If the licensee refuses to comply with the
3467 department's order, the department may file a petition for
3468 enforcement in the circuit court of the circuit in which the
3469 licensee resides or does business. The licensee may ~~shall~~ not be
3470 named or identified by initials in any other public court
3471 records or documents and the enforcement proceedings shall be
3472 closed to the public. The department shall be entitled to the
3473 summary procedure provided in s. 51.011. A licensee affected
3474 under this paragraph shall be afforded an opportunity at
3475 reasonable intervals to demonstrate that she or he can resume

the competent practice for which she or he is licensed with reasonable skill and safety to patients. Neither the record of proceedings nor the orders entered by the department ~~board~~ in any proceedings under this paragraph shall be used against a licensee in any other proceedings.

(j) Knowingly maintaining a professional connection or association with any person who is in violation of the provisions of this chapter or the rules of the ~~board or~~ department. However, if the licensee verifies that the person is actively participating in a department-approved ~~board-approved~~ program for the treatment of a physical or mental condition, the licensee is required only to report such person to the consultant.

(v) Failing to keep the equipment and premises of the business establishment in a clean and sanitary condition, having a premises permit suspended or revoked pursuant to s. 474.215, or operating or managing premises that do not comply with requirements established by rule of the department ~~board~~.

(aa) Failing to report to the department any person the licensee knows to be in violation of this chapter or of the rules of the department ~~or board~~. However, if the licensee verifies that the person is actively participating in a department-approved ~~board-approved~~ program for the treatment of a physical or mental condition, the licensee is required only to report such person to the consultant.

(ee) Failing to keep contemporaneously written medical records as required by rule of the department ~~board~~.

(jj) Failing to report to the department ~~board~~ within 30 days, in writing, any action set forth in paragraph (b) that has been taken against the practitioner's license to practice veterinary medicine by any jurisdiction, including any agency or subdivision thereof.

(nn) Failing to report a change of address to the department ~~board~~ within 60 days thereof.

(2) When the department ~~board~~ finds any applicant or veterinarian guilty of any of the grounds set forth in subsection (1), regardless of whether the violation occurred before ~~prior to~~ licensure, it may enter an order imposing one or more of the following penalties:

(a) Denial of certification for examination or licensure.

(b) Revocation or suspension of a license.

(c) Imposition of an administrative fine not to exceed \$5,000 for each count or separate offense.

(d) Issuance of a reprimand.

(e) Placement of the veterinarian on probation for a period of time and subject to such conditions as the department ~~board~~ may specify, including requiring the veterinarian to attend continuing education courses or to work under the supervision of another veterinarian.

(f) Restricting the authorized scope of practice.

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(g) Imposition of costs of the investigation and prosecution.

(h) Requiring the veterinarian to undergo remedial education.

In determining appropriate action, the department ~~board~~ must first consider those sanctions necessary to protect the public. Only after those sanctions have been imposed may the disciplining authority consider and include in its order requirements designed to rehabilitate the veterinarian. All costs associated with compliance with any order issued under this subsection are the obligation of the veterinarian.

(3) The department shall reissue the license of a disciplined veterinarian upon certification by the department ~~board~~ that the disciplined veterinarian has complied with all of the terms and conditions set forth in the final order and is capable of competently and safely engaging in the practice of veterinary medicine.

Section 123. Subsections (1), (5), (7), (8), and (9) of section 474.215, Florida Statutes, are amended to read:

474.215 Premises permits.—

(1) Any establishment, permanent or mobile, where a licensed veterinarian practices must have a premises permit issued by the department. Upon application and payment of a fee not to exceed \$250, ~~as set by rule of the board,~~ the department

3551 shall cause such establishment to be inspected. A premises
3552 permit shall be issued if the establishment meets minimum
3553 standards, to be adopted by rule of the department ~~board~~, as to
3554 sanitary conditions, recordkeeping, equipment, radiation
3555 monitoring, services required, and physical plant.

3556 (5) The department may issue a temporary premises permit
3557 to a responsible veterinarian who has submitted the application
3558 fee and a completed application form affirming compliance with
3559 the standards set by rule of the department ~~board~~. If the
3560 department inspects the establishment and discovers that it is
3561 not in compliance with the department's standards, the
3562 department shall notify the veterinarian in writing of the
3563 deficiencies and shall provide 30 days for correction of the
3564 deficiencies and reinspection. Such temporary permit shall
3565 become void upon notification by the department that the
3566 establishment has failed, after reinspection, to meet those
3567 standards. Upon receipt of such notice, the responsible
3568 veterinarian shall close the establishment until completion of a
3569 subsequent inspection affirming that the required standards have
3570 been met and until another permit has been issued by the
3571 department.

3572 (7) The department ~~board~~ by rule shall establish minimum
3573 standards for the operation of limited service veterinary
3574 medical practices. Such rules may ~~shall~~ not restrict limited
3575 service veterinary medical practices and shall be consistent

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with the type of limited veterinary medical service provided.

(a) Any person that offers or provides limited service veterinary medical practice shall obtain a biennial permit from the department ~~board~~ the cost of which may ~~shall~~ not exceed \$250. The limited service permittee shall register each location where a limited service clinic is held and shall pay a fee set by rule not to exceed \$25 to register each such location.

(b) All permits issued under this subsection are subject to the provisions of ss. 474.213 and 474.214.

(c) Notwithstanding any provision of this subsection to the contrary, any temporary rabies vaccination effort operated by a county health department in response to a public health threat, as declared by the State Health Officer in consultation with the State Veterinarian, is not subject to any preregistration, time limitation, or fee requirements, but must adhere to all other requirements for limited service veterinary medical practice as prescribed by rule. The fee charged to the public for a rabies vaccination administered during such temporary rabies vaccination effort may not exceed the actual cost of administering the rabies vaccine. Such rabies vaccination efforts may not be used for any purpose other than to address the public health consequences of the rabies outbreak. The department ~~board~~ shall be immediately notified in writing of any temporary rabies vaccination effort operated under this paragraph.

(8) Any person who is not a veterinarian licensed under this chapter but who desires to own and operate a veterinary medical establishment or limited service clinic shall apply to the department board for a premises permit. If the department board certifies that the applicant complies with the applicable laws and rules of the department board, the department shall issue a premises permit. No permit shall be issued unless a licensed veterinarian is designated to undertake the professional supervision of the veterinary medical practice and the minimum standards set by rule of the department board for premises where veterinary medicine is practiced. Upon application, the department shall submit the permittee's name for a statewide criminal records correspondence check through the Department of Law Enforcement. The permittee shall notify the department board within 10 days after any designation of a new licensed veterinarian responsible for such duties. A permittee under this subsection is subject to the provisions of subsection (9) and s. 474.214.

(9) (a) The department ~~or the board~~ may deny, revoke, or suspend the permit of any permittee under this section and may fine, place on probation, or otherwise discipline any such permittee who has:

1. Obtained a permit by misrepresentation or fraud or through an error of the department ~~or board~~;
2. Attempted to procure, or has procured, a permit for any

other person by making, or causing to be made, any false representation;

3. Violated any of the requirements of this chapter or any rule of the department ~~board~~; or

4. Been convicted or found guilty of, or entered a plea of nolo contendere to, regardless of adjudication, a felony in any court of this state, of any other state, or of the United States.

(b) If the permit is revoked or suspended, the owner, manager, or proprietor shall cease to operate the premises as a veterinary medical practice as of the effective date of the suspension or revocation. In the event of such revocation or suspension, the owner, manager, or proprietor shall remove from the premises all signs and symbols identifying the premises as a veterinary medical practice. The period of any such suspension shall be prescribed by rule of the department ~~board~~, but may not exceed 1 year. If the permit is revoked, the person owning or operating the establishment may not apply for a permit to operate a premises for a period of 1 year after the effective date of such revocation. Upon the effective date of such revocation, the permittee must advise the department ~~board~~ of the disposition of all medicinal drugs and must provide for ensuring the security, confidentiality, and availability to clients of all patient medical records.

Section 124. Section 474.216, Florida Statutes, is amended

to read:

474.216 License and premises permit to be displayed.—Each person to whom a license or premises permit is issued shall keep such document conspicuously displayed in her or his office, place of business, or place of employment, whether a permanent or mobile veterinary establishment or clinic, and shall, whenever required, exhibit said document to any member or authorized representative of the department ~~board~~.

Section 125. Subsections (6), (8), (10), and (11) of section 474.2165, Florida Statutes, are amended to read:

474.2165 Ownership and control of veterinary medical patient records; report or copies of records to be furnished.—

(6) The department may obtain patient records pursuant to a subpoena without written authorization from the client if the department ~~and the probable cause panel of the board~~ find reasonable cause to believe that a veterinarian has excessively or inappropriately prescribed any controlled substance specified in chapter 893 in violation of this chapter or that a veterinarian has practiced his or her profession below that level of care, skill, and treatment required as defined by this chapter.

(8) Notwithstanding the provisions of s. 455.242, records owners shall notify the department ~~board office~~ when they are terminating practice, retiring, or relocating and are no longer available to patients, specifying who the new records owner is

and where the medical records can be found.

(10) Veterinarians in violation of the provisions of this section shall be disciplined by the department ~~board~~.

(11) A records owner furnishing copies of reports or records pursuant to this section shall charge no more than the actual cost of copying, including reasonable staff time, or the amount specified in administrative rule by the department ~~board~~.

Section 126. Subsection (1) of section 474.217, Florida Statutes, is amended to read:

474.217 Licensure by endorsement.—

(1) The department shall issue a license by endorsement to any applicant who, upon applying to the department and remitting a fee set by the department ~~board~~, demonstrates to the department ~~board~~ that she or he:

(a) Has demonstrated, in a manner designated by rule of the department ~~board~~, knowledge of the laws and rules governing the practice of veterinary medicine in this state; and

(b)1. Holds, and has held for the 3 years immediately preceding the application for licensure, a valid, active license to practice veterinary medicine in another state of the United States, the District of Columbia, or a territory of the United States, provided that the applicant has successfully completed a state, regional, national, or other examination that is equivalent to or more stringent than the examination required by the department ~~board~~; or

2. Meets the qualifications of s. 474.207(2)(b) and has successfully completed a state, regional, national, or other examination which is equivalent to or more stringent than the examination given by the department and has passed the ~~board's~~ clinical competency examination or another clinical competency examination specified by rule of the department ~~board~~.

Section 127. Section 474.221, Florida Statutes, is amended to read:

474.221 Impaired practitioner provisions; applicability.—Notwithstanding the transfer of the Division of Medical Quality Assurance to the Department of Health or any other provision of law to the contrary, veterinarians licensed under this chapter shall be governed by the impaired practitioner program provisions of s. 456.076 as if they were under the jurisdiction of the Division of Medical Quality Assurance, except that for veterinarians the Department of Business and Professional Regulation shall, at its option, exercise any of the powers granted to the Department of Health by that section, ~~and "board" shall mean board as defined in this chapter.~~

Section 128. Subsection (4) of section 476.034, Florida Statutes, is amended to read:

476.034 Definitions.—As used in this act:

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

Section 129. Subsection (2) of section 476.074, Florida Statutes, is amended to read:

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476.074 Legal, investigative, and inspection services.—

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

Section 130. Paragraph (c) of subsection (2) and subsection (3) of section 476.114, Florida Statutes, are amended to read:

476.114 Examination; prerequisites.—

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

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

1. A school of barbering licensed pursuant to chapter 1005;
2. A barbering program within the public school system; or
3. A government-operated barbering program in this state.

The department ~~board~~ shall establish by rule procedures whereby the school or program may certify that a person is qualified to take the required examination after the completion of a minimum of 600 actual school hours. If the person passes the examination, she or he has satisfied this requirement; but if

the person fails the examination, she or he may not be qualified to take the examination again until the completion of the full requirements provided by this section.

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

Section 131. Subsections (1) and (2) of section 476.134, Florida Statutes, are amended to read:

476.134 Examinations.—

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

(2) The department ~~board~~ shall adopt rules specifying the areas of competency to be covered by the examination. Such rules

shall include the relative weight assigned in grading each area. All areas tested shall be reasonably related to the protection of the public and the applicant's competency to practice barbering in a manner which will not endanger the public.

Section 132. Subsections (1), (2), (5), and (6) of section 476.144, Florida Statutes, are amended to read:

476.144 Licensure.—

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

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

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

(6) A person may apply for a restricted license to practice barbering. The department board shall adopt rules

specifying procedures for an applicant to obtain a restricted license if the applicant:

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

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

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

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

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

Section 133. Subsection (2) of section 476.154, Florida Statutes, is amended to read:

476.154 Biennial renewal of licenses.—

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

Section 134. Subsection (2) of section 476.155, Florida Statutes, is amended to read:

476.155 Inactive status; reactivation of inactive license.—

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

Section 135. Subsection (1) of section 476.192, Florida Statutes, is amended to read:

476.192 Fees; disposition.—

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

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

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

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

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

Section 136. Paragraph (i) of subsection (1) and subsection (2) of section 476.204, Florida Statutes, are amended to read:

476.204 Penalties.—

(1) It is unlawful for any person to:

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

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

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

(b) Issuance of a reprimand or censure.

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

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

(e) Refusal to certify to the department an applicant for

licensure.

Section 137. Section 476.214, Florida Statutes, is amended to read:

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

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

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

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

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

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

(3) The department may ~~shall~~ not issue or renew a license or certificate of registration under this chapter to any person against whom or barbershop against which the department ~~board~~ has assessed a fine, interest, or costs associated with

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

Section 138. Section 476.234, Florida Statutes, is amended to read:

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

Section 139. Subsections (2) through (13) of section 477.013, Florida Statutes, are renumbered as subsections (1) through (12), respectively, and present subsections (1) and (8) of that section are amended, to read:

477.013 Definitions.—As used in this chapter:

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

(7) ~~(8)~~ "Specialty salon" means any place of business wherein the practice of one or all of the specialties as defined in subsection (5) ~~(6)~~ are engaged in or carried on.

Section 140. Subsections (7), (8), and (9) of section 477.0135, Florida Statutes, are amended to read:

477.0135 Exemptions.—

(7) A license or registration is not required for a person whose occupation or practice is confined solely to hair braiding as defined in s. 477.013(8) ~~s. 477.013(9)~~.

(8) A license or registration is not required for a person whose occupation or practice is confined solely to hair wrapping as defined in s. 477.013(9) ~~s. 477.013(10)~~.

(9) A license or registration is not required for a person whose occupation or practice is confined solely to body wrapping as defined in s. 477.013(11) ~~s. 477.013(12)~~.

Section 141. Section 477.016, Florida Statutes, is amended to read:

477.016 Rulemaking.—

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

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

Section 142. Section 477.018, Florida Statutes, is amended to read:

477.018 Investigative services.—The department shall

provide all investigative services required by the ~~board or the~~
department in carrying out the provisions of this act.

**Section 143. Subsections (2), (3), (5), (6), and (7) of
section 477.019, Florida Statutes, are amended to read:**

477.019 Cosmetologists; qualifications; licensure;
supervised practice; license renewal; endorsement; ~~continuing~~
~~education.~~—

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

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

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

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

1. A school of cosmetology licensed pursuant to chapter
1005.
2. A cosmetology program within the public school system.
3. The Cosmetology Division of the Florida School for the

3976 Deaf and the Blind, provided the division meets the standards of
3977 this chapter.

3978 4. A government-operated cosmetology program in this
3979 state.

3980
3981 The department ~~board~~ shall establish by rule procedures whereby
3982 the school or program may certify that a person is qualified to
3983 take the required examination after the completion of a minimum
3984 of 1,000 actual school hours. If the person then passes the
3985 examination, he or she has satisfied this requirement; but if
3986 the person fails the examination, he or she may not be qualified
3987 to take the examination again until the completion of the full
3988 requirements provided by this section.

3989 (3) Upon an applicant receiving a passing grade, as
3990 established by department ~~board~~ rule, on the examination and
3991 paying the initial licensing fee, the department shall issue a
3992 license to practice cosmetology.

3993 (5) Renewal of license registration shall be accomplished
3994 pursuant to rules adopted by the department ~~board~~.

3995 (6) The department ~~board~~ shall certify as qualified for
3996 licensure by endorsement as a cosmetologist in this state an
3997 applicant who holds a current active license to practice
3998 cosmetology in another state.

3999 ~~(7)(a) The board shall prescribe by rule continuing~~
4000 ~~education requirements intended to ensure protection of the~~

~~public through updated training of licensees and registered specialists, not to exceed 10 hours biennially, as a condition for renewal of a license or registration as a specialist under this chapter. Continuing education courses shall include, but not be limited to, the following subjects as they relate to the practice of cosmetology: human immunodeficiency virus and acquired immune deficiency syndrome; Occupational Safety and Health Administration regulations; workers' compensation issues; state and federal laws and rules as they pertain to cosmetologists, cosmetology, salons, specialists, specialty salons, and booth renters; chemical makeup as it pertains to hair, skin, and nails; and environmental issues. Courses given at cosmetology conferences may be counted toward the number of continuing education hours required if approved by the board.~~

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

Section 144. Paragraphs (b) and (c) of subsection (1) and subsections (4) and (5) of section 477.0201, Florida Statutes, are amended to read:

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

(1) Any person is qualified for registration as a

specialist in any specialty practice within the practice of cosmetology under this chapter who:

(b) Has received a certificate of completion for:

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

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

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

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

1. A school licensed pursuant to s. 477.023.

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

3. A specialty program within the public school system.

4. A specialty division within the Cosmetology Division of the Florida School for the Deaf and the Blind, provided the

training programs comply with minimum curriculum requirements established by the department ~~board~~.

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

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

Section 145. Subsection (2) of section 477.0212, Florida Statutes, is amended to read:

477.0212 Inactive status.—

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

Section 146. Subsections (1) and (2) of section 477.022, Florida Statutes, are amended to read:

477.022 Examinations.—

(1) The department ~~board~~ shall ensure that examinations adequately measure both an applicant's competency and her or his

4076 knowledge of related statutory requirements. Professional
4077 testing services may be utilized to formulate the examinations.
4078 The department board may offer a written clinical examination or
4079 a performance examination, or both, in addition to a written
4080 theory examination.

4081 (2) The department board shall ensure that examinations
4082 comply with state and federal equal employment opportunity
4083 guidelines.

4084 **Section 147. Subsections (2), (8), (9), and (10) of**
4085 **section 477.025, Florida Statutes, are amended to read:**

4086 477.025 Cosmetology salons; specialty salons; requisites;
4087 licensure; inspection; mobile cosmetology salons.—

4088 (2) The department board shall adopt rules governing the
4089 licensure and operation of salons and specialty salons and their
4090 facilities, personnel, safety and sanitary requirements, and the
4091 license application and granting process.

4092 (8) Renewal of license registration for cosmetology salons
4093 or specialty salons shall be accomplished pursuant to rules
4094 adopted by the department board. The department board is further
4095 authorized to adopt rules governing delinquent renewal of
4096 licenses and may impose penalty fees for delinquent renewal.

4097 (9) The department board is authorized to adopt rules
4098 governing the periodic inspection of cosmetology salons and
4099 specialty salons licensed under this chapter.

4100 (10)(a) The department board shall adopt rules governing

4101 the licensure, operation, and inspection of mobile cosmetology
4102 salons, including their facilities, personnel, and safety and
4103 sanitary requirements.

4104 (b) Each mobile salon must comply with all licensure and
4105 operating requirements specified in this chapter or chapter 455
4106 or rules of the ~~board or~~ department that apply to cosmetology
4107 salons at fixed locations, except to the extent that such
4108 requirements conflict with this subsection or rules adopted
4109 pursuant to this subsection.

4110 (c) A mobile cosmetology salon must maintain a permanent
4111 business address, located in the inspection area of the local
4112 department office, at which records of appointments,
4113 itineraries, license numbers of employees, and vehicle
4114 identification numbers of the licenseholder's mobile salon shall
4115 be kept and made available for verification purposes by
4116 department personnel, and at which correspondence from the
4117 department can be received.

4118 (d) To facilitate periodic inspections of mobile
4119 cosmetology salons, before ~~prior to~~ the beginning of each month
4120 each mobile salon licenseholder must file with the department
4121 ~~board~~ a written monthly itinerary listing the locations where
4122 and the dates and hours when the mobile salon will be operating.

4123 (e) The department ~~board~~ shall establish fees for mobile
4124 cosmetology salons, not to exceed the fees for cosmetology
4125 salons at fixed locations.

(f) The operation of mobile cosmetology salons must be in compliance with all local laws and ordinances regulating business establishments, with all applicable requirements of the Americans with Disabilities Act relating to accommodations for persons with disabilities, and with all applicable OSHA requirements.

Section 148. Section 477.026, Florida Statutes, is amended to read:

477.026 Fees; disposition.—

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

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

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

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

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

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

(2) All moneys collected by the department from fees

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authorized by this chapter shall be paid into the Professional Regulation Trust Fund, which fund is created in the department, and shall be applied in accordance with ss. 215.37 and 455.219. The Legislature may appropriate any excess moneys from this fund to the General Revenue Fund.

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

Section 149. Subsections (2) and (4) of section 477.0263, Florida Statutes, are amended to read:

477.0263 Cosmetology services to be performed in licensed salon; exceptions.—

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

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

4176 **Section 150. Section 477.028, Florida Statutes, is amended**
4177 **to read:**

4178 477.028 Disciplinary proceedings.—

4179 (1) The department may ~~board shall have the power to~~
4180 revoke or suspend the license of a cosmetologist licensed under
4181 this chapter, or the registration of a specialist registered
4182 under this chapter, and to reprimand, censure, deny subsequent
4183 licensure or registration of, or otherwise discipline a
4184 cosmetologist or a specialist licensed or registered under this
4185 chapter in any of the following cases:

4186 (a) Upon proof that a license or registration has been
4187 obtained by fraud or misrepresentation.

4188 (b) Upon proof that the holder of a license or
4189 registration is guilty of fraud or deceit or of gross
4190 negligence, incompetency, or misconduct in the practice or
4191 instruction of cosmetology or a specialty.

4192 (c) Upon proof that the holder of a license or
4193 registration is guilty of aiding, assisting, procuring, or
4194 advising any unlicensed person to practice as a cosmetologist.

4195 (2) The department may ~~board shall have the power to~~
4196 revoke or suspend the license of a cosmetology salon or a
4197 specialty salon licensed under this chapter, to deny subsequent
4198 licensure of such salon, or to reprimand, censure, or otherwise
4199 discipline the owner of such salon in either of the following
4200 cases:

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

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

(3) Disciplinary proceedings shall be conducted pursuant to the provisions of chapter 120.

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

Section 151. Paragraph (i) of subsection (1) and subsection (2) of section 477.029, Florida Statutes, are amended to read:

477.029 Penalty.—

(1) It is unlawful for any person to:

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

(2) Any person who violates the provisions of this section

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shall be subject to one or more of the following penalties, as determined by the department ~~board~~:

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

(b) Issuance of a reprimand or censure.

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

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

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

Section 152. Subsections (4) through (16) of section 481.203, Florida Statutes, are renumbered as subsections (3) through (15), respectively, and subsection (3) and present subsection (8) of that section are amended, to read:

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

~~(3) "Board" means the Board of Architecture and Interior Design.~~

(7)~~(8)~~ "Diversified interior design experience" means experience which substantially encompasses the various elements of interior design services set forth under the definition of "interior design" in subsection (9) ~~(10)~~.

Section 153. Section 481.207, Florida Statutes, is amended to read:

481.207 Fees.—The department ~~board~~, by rule, may establish fees for architects and registered interior designers, to be paid for applications, examination, reexamination, licensing and renewal, delinquency, reinstatement, and recordmaking and recordkeeping. The examination fee shall be in an amount that covers the cost of obtaining and administering the examination and shall be refunded if the applicant is found ineligible to sit for the examination. The application fee is nonrefundable. The fee for initial application and examination for architects may not exceed \$775 plus the actual per applicant cost to the department for purchase of the examination from the National Council of Architectural Registration Boards or similar national organizations. The initial nonrefundable fee for registered interior designers may not exceed \$75. The biennial renewal fee for architects may not exceed \$200. The biennial renewal fee for registered interior designers may not exceed \$75. The delinquency fee may not exceed the biennial renewal fee established by the department ~~board~~ for an active license. The department ~~board~~ shall establish fees that are adequate to ensure the continued operation of the department ~~board~~ and to fund the proportionate expenses incurred by the department which are allocated to the regulation of architects and registered interior designers. Fees shall be based on department estimates of the revenue required to implement this part and the provisions of law with respect to the regulation of architects

and interior designers.

Section 154. Subsection (1) of section 481.209, Florida Statutes, is amended to read:

481.209 Examinations.—

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

Section 155. Section 481.211, Florida Statutes, is amended to read:

481.211 Architecture internship required.—An applicant for licensure as a registered architect shall complete, before licensure, an internship of diversified architectural experience approved by the department ~~board~~, which meets the requirements set forth by rule.

Section 156. Subsections (3), (4), and (5) of section 481.215, Florida Statutes, are amended to read:

481.215 Renewal of license or certificate of registration.—

~~(3) A license or certificate of registration renewal may not be issued to an architect or a registered interior designer~~

4301 ~~by the department until the licensee or registrant submits proof~~
4302 ~~satisfactory to the department that, during the 2 years before~~
4303 ~~application for renewal, the licensee or registrant participated~~
4304 ~~per biennium in not less than 20 hours of at least 50 minutes~~
4305 ~~each per biennium of continuing education approved by the board.~~
4306 ~~The board shall approve only continuing education that builds~~
4307 ~~upon the basic knowledge of architecture or interior design. The~~
4308 ~~board may make exception from the requirements of continuing~~
4309 ~~education in emergency or hardship cases.~~

4310 ~~(4) The board shall by rule establish criteria for the~~
4311 ~~approval of continuing education courses and providers and shall~~
4312 ~~by rule establish criteria for accepting alternative~~
4313 ~~nonclassroom continuing education on an hour-for-hour basis.~~

4314 ~~(5) For a license or certificate of registration, the~~
4315 ~~board shall require, by rule adopted pursuant to ss. 120.536(1)~~
4316 ~~and 120.54, 2 hours in specialized or advanced courses on any~~
4317 ~~portion of the Florida Building Code, adopted pursuant to part~~
4318 ~~IV of chapter 553, relating to the licensee's respective area of~~
4319 ~~practice. Such hours count toward the continuing education hours~~
4320 ~~required under subsection (3). A licensee may complete the~~
4321 ~~courses required under this subsection online.~~

4322 **Section 157. Section 481.217, Florida Statutes, is amended**
4323 **to read:**

4324 481.217 Inactive status.—

4325 ~~(1) The board may prescribe by rule continuing education~~

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~~requirements as a condition of reactivating a license. The rules may not require more than one renewal cycle of continuing education to reactivate a license or registration for a registered architect or registered interior designer.~~

~~(2)~~ The department ~~board~~ shall adopt rules relating to application procedures for inactive status and for the reactivation of inactive licenses and registrations.

Section 158.. Subsection (2), paragraph (b) of subsection (3), and subsection (5) of section 481.219, Florida Statutes, are amended to read:

481.219 Qualification of business organizations.—

(2) If a licensee or an applicant proposes to engage in the practice of architecture as a business organization, the licensee or applicant shall qualify the business organization upon approval of the department ~~board~~.

(3)

(b) In the event a qualifying agent ceases employment with a qualified business organization, the department ~~executive director or the chair of the board~~ may authorize another registered architect employed by the business organization to temporarily serve as its qualifying agent for a period of no more than 60 days. The business organization is not authorized to operate beyond such period under this chapter absent replacement of the qualifying agent who has ceased employment.

(5) The department ~~board~~ shall allow a licensee or an

4351 applicant to qualify one or more business organizations to offer
4352 architectural services, or to use a fictitious name to offer
4353 such services, if one or more of the principal officers of the
4354 corporation or limited liability company, or one or more
4355 partners of the partnership, and all personnel of the
4356 corporation, limited liability company, or partnership who act
4357 in its behalf in this state as architects, are registered as
4358 provided by this part.

4359 **Section 159. Subsections (1), (2), (6), (11), and (12) of**
4360 **section 481.221, Florida Statutes are amended to read:**

4361 481.221 Seals; display of certificate number.—

4362 (1) The department ~~board~~ shall prescribe, by rule, one or
4363 more forms of seals to be used by registered architects holding
4364 valid certificates of registration.

4365 (2) Each registered architect shall obtain one seal in a
4366 form approved by rule of the department ~~board~~ and may, in
4367 addition, register her or his seal electronically in accordance
4368 with ss. 668.001-668.006. All final construction documents and
4369 instruments of service which include drawings, plans,
4370 specifications, or reports prepared or issued by the registered
4371 architect and being filed for public record shall bear the
4372 signature and seal of the registered architect who prepared or
4373 approved the document and the date on which they were sealed.
4374 The signature, date, and seal shall be evidence of the
4375 authenticity of that to which they are affixed. Final plans,

specifications, or reports prepared or issued by a registered architect may be transmitted electronically and may be signed by the registered architect, dated, and sealed electronically with the seal in accordance with ss. 668.001-668.006.

(6) No registered architect shall affix her or his signature or seal to any final construction document or instrument of service which includes drawings, plans, specifications, or architectural documents which were not prepared by her or him or under her or his responsible supervising control or by another registered architect and reviewed, approved, or modified and adopted by her or him as her or his own work according to rules adopted by the department ~~board~~.

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

(12) A person may not sign and seal by any means any final plan, specification, or report after her or his certificate of registration has expired or is suspended or revoked. A

4401 registered architect or interior designer whose certificate of
4402 registration is suspended or revoked shall, within 30 days after
4403 the effective date of the suspension or revocation, surrender
4404 her or his seal to the department ~~executive director of the~~
4405 ~~board~~ and confirm in writing to the department ~~executive~~
4406 ~~director~~ the cancellation of the registered architect's or
4407 interior designer's electronic signature in accordance with ss.
4408 668.001-668.006. When a registered architect's or interior
4409 designer's certificate of registration is suspended for a period
4410 of time, her or his seal shall be returned upon expiration of
4411 the period of suspension.

4412 **Section 160. Section 481.222, Florida Statutes, is amended**
4413 **to read:**

4414 481.222 Architects performing building code inspection
4415 services.—Notwithstanding any other provision of law, a person
4416 who is currently licensed to practice as an architect under this
4417 part may provide building code inspection services described in
4418 s. 468.603(4) and (7) ~~s. 468.603(5) and (8)~~ to a local
4419 government or state agency upon its request, without being
4420 certified by the Florida Building Code Administrators and
4421 Inspectors licensing program ~~Board~~ under part XII of chapter
4422 468. With respect to the performance of such building code
4423 inspection services, the architect is subject to the
4424 disciplinary guidelines of this part and s. 468.621(1)(c)-(h).
4425 Any complaint processing, investigation, and discipline that

4426 arise out of an architect's performance of building code
4427 inspection services shall be conducted by the Department of
4428 Business and Professional Regulation ~~Board of Architecture and~~
4429 ~~Interior Design rather than the Florida Building Code~~
4430 ~~Administrators and Inspectors Board~~. An architect may not
4431 perform plans review as an employee of a local government upon
4432 any job that the architect or the architect's company designed.

4433 **Section 161. Paragraphs (a) and (d) of subsection (1) of**
4434 **section 481.223, Florida Statutes, are amended to read:**

4435 481.223 Prohibitions; penalties; injunctive relief.—

4436 (1) A person may not knowingly:

4437 (a) Practice architecture unless the person is an
4438 architect or a registered architect; however, a licensed
4439 architect who has been licensed by the department ~~board~~ and who
4440 chooses to relinquish or not to renew his or her license may use
4441 the title "Architect, Retired" but may not otherwise render any
4442 architectural services.

4443 (d) Give false or forged evidence to the department ~~board~~
4444 ~~or a member thereof~~.

4445 **Section 162. Paragraphs (a), (g), and (i) of subsection**
4446 **(1) and subsections (2), (3), and (4) of section 481.225,**
4447 **Florida Statutes, are amended to read:**

4448 481.225 Disciplinary proceedings against registered
4449 architects.—

4450 (1) The following acts constitute grounds for which the

disciplinary actions in subsection (3) may be taken:

(a) Violating any provision of s. 455.227(1), s. 481.221, or s. 481.223, or any rule of the ~~board or~~ department lawfully adopted pursuant to this part or chapter 455.

(g) Committing an act of fraud or deceit, or of negligence, incompetency, or misconduct, in the practice of architecture, including, but not limited to, allowing the preparation of any architectural studies, plans, or other instruments of service in an office that does not have a full-time Florida-registered architect assigned to such office or failing to ensure the responsible supervising control of services or projects, as required by department ~~board~~ rule.

(i) Aiding, assisting, procuring, or advising any unlicensed person to practice architecture contrary to this part or to a rule of the department ~~or the board~~.

(2) The department ~~board~~ shall specify, by rule, what acts or omissions constitute a violation of subsection (1).

(3) When the department ~~board~~ finds any registered architect guilty of any of the grounds set forth in subsection (1), it may enter an order imposing one or more of the following penalties:

(a) Denial of an application for licensure.

(b) Revocation or suspension of a license.

(c) Imposition of an administrative fine not to exceed \$1,000 for each count or separate offense and a fine of up to

4476 \$5,000 for matters pertaining to a material violation of the
4477 Florida Building Code as reported by a local jurisdiction.

4478 (d) Issuance of a reprimand.

4479 (e) Placement of the registered architect on probation for
4480 a period of time and subject to such conditions as the
4481 department board may specify, including requiring the registered
4482 architect to attend continuing education courses or to work
4483 under the supervision of another registered architect.

4484 (f) Restriction of the authorized scope of practice by the
4485 registered architect.

4486 (4) The department shall reissue the license of a
4487 disciplined registered architect upon certification by the
4488 department board that he or she has complied with all of the
4489 terms and conditions set forth in the final order.

4490 **Section 163. Paragraph (a) of subsection (1) and**
4491 **subsection (2) of section 481.2251, Florida Statutes, are**
4492 **amended to read:**

4493 481.2251 Disciplinary proceedings against registered
4494 interior designers.—

4495 (1) The following acts constitute grounds for which the
4496 disciplinary actions specified in subsection (2) may be taken:

4497 (a) Attempting to register or renewing registration by
4498 bribery, by fraudulent misrepresentation, or through an error of
4499 the department board;

4500 (2) When the department board finds any person guilty of

any of the grounds set forth in subsection (1), it may enter an order taking the following action or imposing one or more of the following penalties:

- (a) Refusal to register the applicant;
- (b) Refusal to renew an existing registration;
- (c) Removal from the state registry; or
- (d) Imposition of an administrative fine not to exceed \$500 for each violation or separate offense and a fine of up to \$2,500 for matters pertaining to a material violation of the Florida Building Code as reported by a local jurisdiction.

Section 164. Subsection (1) of section 481.303, Florida Statutes, is amended to read:

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

~~(1) "Board" means the Board of Landscape Architecture.~~

Section 165. Section 481.306, Florida Statutes, is amended to read:

481.306 Authority to make rules.—The department may board ~~has authority to~~ adopt rules pursuant to ss. 120.536(1) and 120.54 to implement the provisions of this chapter and chapter 455 conferring duties upon it.

Section 166. Section 481.307, Florida Statutes, is amended to read:

481.307 Fees.—The department board, by rule, may establish fees to be paid for applications, examination, reexamination, licensing and renewal, delinquency, reinstatement, and

recordmaking and recordkeeping. The examination fee shall be in an amount that covers the costs of obtaining and administering the examination and shall be refunded if the applicant is found ineligible to sit for the examination. The application fee is nonrefundable. The combined fees for initial application and examination may not exceed \$800 plus the actual per applicant cost to the department for purchase of portions of the examination from the Council of Landscape Architectural Registration Boards or a similar national organization. The biennial renewal fee may not exceed \$600. The delinquency fee may not exceed the biennial renewal fee established by the department ~~board~~ for an active license. The department ~~board~~ shall establish fees that are adequate to ensure the continued operation of the department ~~board~~ and to fund the proportionate expenses incurred by the department which are allocated to the regulation of landscape architects. Fees shall be based on department estimates of the revenue required to implement this part and the provisions of law with respect to the regulation of landscape architects.

Section 167. Subsection (1) of section 481.309, Florida Statutes, is amended to read:

481.309 Examinations.—

(1) A person desiring to be licensed as a registered landscape architect shall apply to the department to take the licensure examination. The department shall examine each

applicant who the department ~~board~~ certifies:

(a) Has completed the application form and remitted a nonrefundable application fee and an examination fee which is refundable if the applicant is found to be ineligible to take the examination; and

(b)1. Has completed a professional degree program in landscape architecture as approved by the department ~~Landscape Architectural Accreditation Board~~; or

2. Presents evidence of not less than 6 years of actual practical experience in landscape architectural work of a grade and character satisfactory to the department ~~board~~. Each year of education completed in a recognized school shall be considered to be equivalent to 1 year of experience, with a maximum credit of 4 years.

Section 168. Section 481.310, Florida Statutes, is amended to read:

481.310 Practical experience requirement.—Beginning October 1, 1990, every applicant for licensure as a registered landscape architect shall demonstrate, before ~~prior to~~ licensure, 1 year of practical experience in landscape architectural work. An applicant who holds a master of landscape architecture degree and a bachelor's degree in a related field is not required to demonstrate 1 year of practical experience in landscape architectural work to obtain licensure. The department ~~board~~ shall adopt rules providing standards for the required

experience. An applicant who qualifies for examination pursuant to s. 481.309(1)(b)1. may obtain the practical experience after completing the required professional degree. Experience used to qualify for examination pursuant to s. 481.309(1)(b)2. may not be used to satisfy the practical experience requirement under this section.

Section 169. Section 481.311, Florida Statutes, is amended to read:

481.311 Licensure.—

(1) The department shall license any applicant who the department board certifies is qualified to practice landscape architecture and who has paid the initial licensure fee.

(2) The department board shall certify for licensure any applicant who:

(a) Passes the examination required by s. 481.309; and

(b) Satisfies the experience requirement of s. 481.310.

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

(a) Qualifies to take the examination as set forth in s. 481.309; and has passed a national, regional, state, or territorial licensing examination which is substantially equivalent to the examination required by s. 481.309;

(b) Holds a valid license to practice landscape architecture issued by another state or territory of the United States, if the criteria for issuance of such license were

substantially identical to the licensure criteria which existed in this state at the time the license was issued; or

(c) Has held a valid license to practice landscape architecture in another state or territory of the United States for at least 10 years before the date of application and has successfully completed a state, regional, national, or other examination that is equivalent to or more stringent than the examination required by the department board, subject to subsection (5). An applicant who has met the requirements to be qualified for a license by endorsement, except for successful completion of an examination that is equivalent to or more stringent than the examination required by the department board, may take the examination required by the department board without completing additional education requirements. Such application must be submitted to the department board while the applicant holds a valid license in another state or territory or within 2 years after the expiration of such license.

(4) The department board may refuse to certify any applicant who is under investigation in any jurisdiction for any act which would constitute a violation of this act or of chapter 455, until the investigation is complete and disciplinary proceedings have been terminated.

(5) The department board may refuse to certify any applicant who has violated any of the provisions of s. 481.325.

Section 170. Subsections (3), (4), and (5) of section

4626 **481.313, Florida Statutes, are amended to read:**

4627 481.313 Renewal of license.—

4628 ~~(3) No license renewal shall be issued to a landscape~~
4629 ~~architect by the department until the licensee submits proof,~~
4630 ~~satisfactory to the department, that during the 2-year period~~
4631 ~~prior to application for renewal, the licensee participated in~~
4632 ~~such continuing education courses required by the board. The~~
4633 ~~board shall approve only continuing education courses that~~
4634 ~~relate to and increase the basic knowledge of landscape~~
4635 ~~architecture. The board may make an exception from the~~
4636 ~~requirements of continuing education in emergency or hardship~~
4637 ~~cases.~~

4638 ~~(4) The board, by rule adopted pursuant to ss. 120.536(1)~~
4639 ~~and 120.54, shall establish criteria for the approval of~~
4640 ~~continuing education courses and providers, and shall by rule~~
4641 ~~establish criteria for accepting alternative nonclassroom~~
4642 ~~continuing education on an hour-for-hour basis. A landscape~~
4643 ~~architect shall receive hour-for-hour credit for attending~~
4644 ~~continuing education courses approved by the Landscape~~
4645 ~~Architecture Continuing Education System or another nationally~~
4646 ~~recognized clearinghouse for continuing education that relate to~~
4647 ~~and increase his or her basic knowledge of landscape~~
4648 ~~architecture, as determined by the board, if the landscape~~
4649 ~~architect submits proof satisfactory to the board that such~~
4650 ~~course was approved by the Landscape Architecture Continuing~~

4651 ~~Education System or another nationally recognized clearinghouse~~
4652 ~~for continuing education, along with the syllabus or outline for~~
4653 ~~such course and proof of course attendance.~~

4654 ~~(5) The board shall require, by rule adopted pursuant to~~
4655 ~~ss. 120.536(1) and 120.54, a specified number of hours in~~
4656 ~~specialized or advanced courses, approved by the Florida~~
4657 ~~Building Commission, on any portion of the Florida Building~~
4658 ~~Code, adopted pursuant to part IV of chapter 553, relating to~~
4659 ~~the licensee's respective area of practice.~~

4660 **Section 171. Section 481.315, Florida Statutes, is amended**
4661 **to read:**

4662 481.315 Inactive status.—

4663 (1) A license that has become inactive or delinquent may
4664 be reactivated under this section upon application to the
4665 department and payment of any applicable biennial renewal or
4666 delinquency fee, or both, and a reactivation fee. ~~The board may~~
4667 ~~not require a licensee to complete more than one renewal cycle~~
4668 ~~of continuing education requirements.~~

4669 (2) The department ~~board~~ shall adopt rules relating to
4670 application procedures for inactive status and for the
4671 reactivation of inactive licenses.

4672 **Section 172. Subsection (1) of section 481.317, Florida**
4673 **Statutes, is amended to read:**

4674 481.317 Temporary certificates.—

4675 (1) Upon the approval by the department ~~board~~ and payment

of the fee set in s. 481.307, the department shall grant a temporary certificate of registration for work on a specified project in this state for a period not to exceed 1 year to an applicant who is licensed in another state or territory to practice landscape architecture.

Section 173. Subsection (3) of section 481.319, Florida Statutes, is amended to read:

481.319 Corporate and partnership practice of landscape architecture.—

(3) A landscape architect applying to practice in the name of a corporation must file with the department the names and addresses of all officers and department ~~board~~ members of the corporation, including the principal officer or officers, duly registered to practice landscape architecture in this state and, also, of all individuals duly registered to practice landscape architecture in this state who shall be in responsible charge of the practice of landscape architecture by the corporation in this state. A landscape architect applying to practice in the name of a partnership must file with the department the names and addresses of all partners of the partnership, including the partner or partners duly registered to practice landscape architecture in this state and, also, of an individual or individuals duly registered to practice landscape architecture in this state who shall be in responsible charge of the practice of landscape architecture by said partnership in this state.

4701 **Section 174. Subsections (1) and (2) of section 481.321,**
4702 **Florida Statutes, are amended to read:**

4703 481.321 Seals; display of certificate number.—

4704 (1) The department ~~board~~ shall prescribe, by rule, one or
4705 more forms of seals for use by a registered landscape architect
4706 who holds a valid certificate of registration. Each registered
4707 landscape architect shall obtain one seal in a form approved by
4708 rule of the department ~~board~~ and may, in addition, register her
4709 or his seal electronically in accordance with ss. 668.001-
4710 668.006. All final plans, specifications, or reports prepared or
4711 issued by the registered landscape architect and filed for
4712 public record shall be signed by the registered landscape
4713 architect, dated, and stamped or sealed electronically with her
4714 or his seal. The signature, date, and seal constitute evidence
4715 of the authenticity of that to which they are affixed. Final
4716 plans, specifications, or reports prepared or issued by a
4717 registered landscape architect may be transmitted electronically
4718 and may be signed by the registered landscape architect, dated,
4719 and sealed electronically with the seal in accordance with ss.
4720 668.001-668.006.

4721 (2) It is unlawful for any person to sign and seal by any
4722 means any final plan, specification, or report after her or his
4723 certificate of registration is expired, suspended, or revoked. A
4724 registered landscape architect whose certificate of registration
4725 is suspended or revoked shall, within 30 days after the

effective date of the suspension or revocation, surrender her or his seal to the department ~~executive director of the board~~ and confirm in writing to the department ~~executive director~~ the cancellation of the landscape architect's electronic signature in accordance with ss. 668.001-668.006. When a landscape architect's certificate of registration is suspended for a period of time, her or his seal shall be returned upon expiration of the period of suspension.

Section 175. Paragraph (d) of subsection (1) of section 481.323, Florida Statutes, is amended to read:

481.323 Prohibitions; penalties.—

(1) A person may not knowingly:

(d) Give false or forged evidence to the department ~~board~~ or a member thereof;

Section 176. Subsections (2), (3), and (4) of section 481.325, Florida Statutes, are amended to read:

481.325 Disciplinary proceedings.—

(2) The department ~~board~~ shall specify, by rule, what acts or omissions constitute a violation of subsection (1).

(3) When the department ~~board~~ finds any registered landscape architect guilty of any of the grounds set forth in subsection (1), it may enter an order imposing one or more of the following penalties:

(a) Denial of an application for licensure.

(b) Revocation or suspension of a license.

(c) Imposition of an administrative fine not to exceed \$1,000 for each count or separate offense and a fine of up to \$5,000 for matters pertaining to a material violation of the Florida Building Code as reported by a local jurisdiction.

(d) Issuance of a reprimand.

(e) Placement of the registered landscape architect on probation for a period of time and subject to such conditions as the department board may specify, including requiring the registered landscape architect to attend continuing education courses or to work under the supervision of another registered landscape architect.

(f) Restriction of the authorized scope of practice by the registered landscape architect.

(4) The department shall reissue the license of a disciplined registered landscape architect upon certification by the department board that she or he has complied with all of the terms and conditions set forth in the final order.

Section 177. Paragraph (c) of subsection (7) of section 489.103, Florida Statutes, is amended to read:

489.103 Exemptions.—This part does not apply to:

(7)

(c) To qualify for exemption under this subsection, an owner must personally appear and sign the building permit application and must satisfy local permitting agency requirements, if any, proving that the owner has a complete

understanding of the owner's obligations under the law as specified in the disclosure statement in this section. However, for purposes of implementing a "United States Department of Energy SunShot Initiative: Rooftop Solar Challenge" grant and the participation of county and municipal governments, including local permitting agencies under the jurisdiction of such county and municipal governments, an owner's notarized signature or personal appearance to sign the permit application is not required for a solar project, as described in subparagraph (a)3., if the building permit application is submitted electronically to the permitting agency and the owner certifies the application and disclosure statement using the permitting agency's electronic confirmation system. If any person violates the requirements of this subsection, the local permitting agency shall withhold final approval, revoke the permit, or pursue any action or remedy for unlicensed activity against the owner and any person performing work that requires licensure under the permit issued. The local permitting agency shall provide the person with a disclosure statement in substantially the following form:

DISCLOSURE STATEMENT

1. I understand that state law requires construction to be done by a licensed contractor and have applied for an owner-builder permit under an exemption from the law. The exemption specifies that I, as the owner of the property listed, may act as my own

contractor with certain restrictions even though I do not have a license.

2. I understand that building permits are not required to be signed by a property owner unless he or she is responsible for the construction and is not hiring a licensed contractor to assume responsibility.

3. I understand that, as an owner-builder, I am the responsible party of record on a permit. I understand that I may protect myself from potential financial risk by hiring a licensed contractor and having the permit filed in his or her name instead of my own name. I also understand that a contractor is required by law to be licensed in Florida and to list his or her license numbers on permits and contracts.

4. I understand that I may build or improve a one-family or two-family residence or a farm outbuilding. I may also build or improve a commercial building if the costs do not exceed \$75,000. The building or residence must be for my own use or occupancy. It may not be built or substantially improved for sale or lease, unless I am completing the requirements of a building permit where the contractor listed on the permit substantially completed the project. If a building or residence that I have built or substantially improved myself is sold or leased within 1 year after the construction is complete, the law will presume that I built or substantially improved it for sale or lease, which violates the exemption.

4826 5. I understand that, as the owner-builder, I must provide
4827 direct, onsite supervision of the construction.

4828 6. I understand that I may not hire an unlicensed person to act
4829 as my contractor or to supervise persons working on my building
4830 or residence. It is my responsibility to ensure that the persons
4831 whom I employ have the licenses required by law and by county or
4832 municipal ordinance.

4833 7. I understand that it is a frequent practice of unlicensed
4834 persons to have the property owner obtain an owner-builder
4835 permit that erroneously implies that the property owner is
4836 providing his or her own labor and materials. I, as an owner-
4837 builder, may be held liable and subjected to serious financial
4838 risk for any injuries sustained by an unlicensed person or his
4839 or her employees while working on my property. My homeowner's
4840 insurance may not provide coverage for those injuries. I am
4841 willfully acting as an owner-builder and am aware of the limits
4842 of my insurance coverage for injuries to workers on my property.

4843 8. I understand that I may not delegate the responsibility for
4844 supervising work to a licensed contractor who is not licensed to
4845 perform the work being done. Any person working on my building
4846 who is not licensed must work under my direct supervision and
4847 must be employed by me, which means that I must comply with laws
4848 requiring the withholding of federal income tax and social
4849 security contributions under the Federal Insurance Contributions
4850 Act (FICA) and must provide workers' compensation for the

employee. I understand that my failure to follow these laws may subject me to serious financial risk.

9. I agree that, as the party legally and financially responsible for this proposed construction activity, I will abide by all applicable laws and requirements that govern owner-builders as well as employers. I also understand that the construction must comply with all applicable laws, ordinances, building codes, and zoning regulations.

10. I understand that I may obtain more information regarding my obligations as an employer from the Internal Revenue Service, the United States Small Business Administration, the Florida Department of Financial Services, and the Florida Department of Revenue. I also understand that I may contact the Department of Business and Professional Regulation ~~Florida Construction Industry Licensing Board~~ at ...(telephone number)... or ...(Internet website address)... for more information about licensed contractors.

11. I am aware of, and consent to, an owner-builder building permit applied for in my name and understand that I am the party legally and financially responsible for the proposed construction activity at the following address: ...(address of property)....

12. I agree to notify ...(issuer of disclosure statements)... immediately of any additions, deletions, or changes to any of the information that I have provided on this disclosure.

Licensed contractors are regulated by laws designed to protect the public. If you contract with a person who does not have a license, the ~~Construction Industry Licensing Board and~~ Department of Business and Professional Regulation may be unable to assist you with any financial loss that you sustain as a result of a complaint. Your only remedy against an unlicensed contractor may be in civil court. It is also important for you to understand that, if an unlicensed contractor or employee of an individual or firm is injured while working on your property, you may be held liable for damages. If you obtain an owner-builder permit and wish to hire a licensed contractor, you will be responsible for verifying whether the contractor is properly licensed and the status of the contractor's workers' compensation coverage.

Before a building permit can be issued, this disclosure statement must be completed and signed by the property owner and returned to the local permitting agency responsible for issuing the permit. A copy of the property owner's driver license, the notarized signature of the property owner, or other type of verification acceptable to the local permitting agency is required when the permit is issued.

Signature: ...(signature of property owner)....

Date: ...(date)....

Section 178. Subsections (2) through (19) of section 489.105, Florida Statutes, are renumbered as subsections (1)

through (18), respectively, and present subsections (1) and (6) of that section are amended, to read:

489.105 Definitions.—As used in this part:

~~(1) "Board" means the Construction Industry Licensing Board.~~

(5) ~~(6)~~ "Contracting" means, except as exempted in this part, engaging in business as a contractor and includes, but is not limited to, performance of any of the acts as set forth in subsection (2) ~~(3)~~ which define types of contractors. The attempted sale of contracting services and the negotiation or bid for a contract on these services also constitutes contracting. If the services offered require licensure or agent qualification, the offering, negotiation for a bid, or attempted sale of these services requires the corresponding licensure. However, the term "contracting" does ~~shall~~ not extend to an individual, partnership, corporation, trust, or other legal entity that offers to sell or sells completed residences on property on which the individual or business entity has any legal or equitable interest, or to the individual or business entity that offers to sell or sells manufactured or factory-built buildings that will be completed on site on property on which either party to a contract has any legal or equitable interest, if the services of a qualified contractor certified or registered pursuant to the requirements of this chapter have been or will be retained for the purpose of constructing or

4926 completing such residences.

4927 **Section 179. Section 489.108, Florida Statutes, is amended**
4928 **to read:**

4929 489.108 Rulemaking authority.—The department ~~board~~ has
4930 authority to adopt rules pursuant to ss. 120.536(1) and 120.54
4931 to implement the provisions of this chapter conferring duties
4932 upon it.

4933 **Section 180. Paragraphs (c), (e), (f), and (g) of**
4934 **subsection (1) and subsection (2) of section 489.109, Florida**
4935 **Statutes, are amended to read:**

4936 489.109 Fees.—

4937 (1) The department ~~board~~, by rule, shall establish
4938 reasonable fees to be paid for applications, certification and
4939 renewal, registration and renewal, and recordmaking and
4940 recordkeeping. The fees shall be established as follows:

4941 (c) The department ~~board~~, by rule, may establish
4942 delinquency fees, not to exceed the applicable renewal fee for
4943 renewal applications made after the expiration date of the
4944 certificate or registration.

4945 (e) The department ~~board~~, by rule, shall impose a renewal
4946 fee for an inactive status certificate or registration, not to
4947 exceed the renewal fee for an active status certificate or
4948 registration. Neither the inactive certification fee nor the
4949 inactive registration fee may exceed \$50. The department ~~board~~,
4950 by rule, may provide for a different fee for inactive status

where such status is sought by a building code administrator, plans examiner, or inspector certified pursuant to part XII of chapter 468 who is employed by a local government and is not allowed by the terms of such employment to maintain a certificate on active status issued pursuant to this part.

(f) The department board, by rule, shall impose an additional late fee on a delinquent status certificateholder or registrant when such certificateholder or registrant applies for active or inactive status.

(g) The department board, by rule, shall impose an additional fee, not to exceed the applicable renewal fee, which reasonably reflects the costs of processing a certificateholder's or registrant's request to change licensure status at any time other than at the beginning of a licensure cycle.

~~(2) The board shall establish fees that are adequate to ensure the continued operation of the board.~~ Fees shall be based on department estimates of the revenue required to implement this part and the provisions of law with respect to the regulation of the construction industry.

Section 181. Subsections (1) and (2), paragraph (f) of subsection (3), and subsections (6), (7), and (8) of section 489.113, Florida Statutes, are amended to read:

489.113 Qualifications for practice; restrictions.—

(1) Any person who desires to engage in contracting on a

4976 statewide basis shall, as a prerequisite thereto, establish his
4977 or her competency and qualifications to be certified pursuant to
4978 this part. To establish competency, a person shall pass the
4979 appropriate examination approved ~~by the board~~ and certified by
4980 the department. If an applicant has received a baccalaureate
4981 degree in building construction from an accredited 4-year
4982 college, or a related degree as approved by the department ~~board~~
4983 by rule, and has a grade point average of 3.0 or higher, such
4984 applicant is only required to take and pass the business and
4985 finance portion of the examination. Any person who desires to
4986 engage in contracting on other than a statewide basis shall, as
4987 a prerequisite thereto, be registered pursuant to this part,
4988 unless exempted by this part.

4989 (2) A person must be certified or registered in order to
4990 engage in the business of contracting in this state. However,
4991 for purposes of complying with the provisions of this chapter, a
4992 subcontractor who is not certified or registered may perform
4993 construction work under the supervision of a person who is
4994 certified or registered, provided that the work is within the
4995 scope of the supervising contractor's license, the supervising
4996 contractor is responsible for the work, and the subcontractor
4997 being supervised is not engaged in construction work that would
4998 require a license as a contractor under any of the categories
4999 listed in s. 489.105(2)(d)-(o) ~~s. 489.105(3)(d)-(e)~~. This
5000 subsection does not affect the application of any local

5001 construction licensing ordinances. To enforce this subsection:

5002 (a) The department shall issue a cease and desist order to
5003 prohibit any person from engaging in the business of contracting
5004 who does not hold the required certification or registration for
5005 the work being performed under this part. For the purpose of
5006 enforcing a cease and desist order, the department may file a
5007 proceeding in the name of the state seeking issuance of an
5008 injunction or a writ of mandamus against any person who violates
5009 any provision of such order.

5010 (b) A county, municipality, or local licensing board
5011 created by special act may issue a cease and desist order to
5012 prohibit any person from engaging in the business of contracting
5013 who does not hold the required certification or registration for
5014 the work being performed under this part.

5015 (3) A contractor shall subcontract all electrical,
5016 mechanical, plumbing, roofing, sheet metal, swimming pool, and
5017 air-conditioning work, unless such contractor holds a state
5018 certificate or registration in the respective trade category,
5019 however:

5020 (f) A solar contractor may ~~shall~~ not be required to
5021 subcontract minor, as defined by department ~~board~~ rule,
5022 electrical, mechanical, plumbing, or roofing work so long as
5023 that work is within the scope of the license held by the solar
5024 contractor and where such work exclusively pertains to the
5025 installation of residential solar energy equipment as defined by

5026 rules of the department board ~~adopted in conjunction with the~~
5027 ~~Electrical Contracting Licensing Board.~~

5028 (6)(a) The department board shall, by rule, designate
5029 those types of specialty contractors which may be certified
5030 under this part. The limit of the scope of work and
5031 responsibility of a specialty contractor shall be established by
5032 the department board by rule. However, a certified specialty
5033 contractor category established by department board rule exists
5034 as a voluntary statewide licensing category and does not create
5035 a mandatory licensing requirement. Any mandatory statewide
5036 construction contracting licensure requirement may only be
5037 established through specific statutory provision.

5038 (b) By July 1, 2025, the department board shall, by rule,
5039 establish certified specialty contractor categories for
5040 voluntary licensure for all of the following:

- 5041 1. Structural aluminum or screen enclosures.
- 5042 2. Marine seawall work.
- 5043 3. Marine bulkhead work.
- 5044 4. Marine dock work.
- 5045 5. Marine pile driving.
- 5046 6. Structural masonry.
- 5047 7. Structural prestressed, precast concrete work.
- 5048 8. Rooftop solar heating installation.
- 5049 9. Structural steel.
- 5050 10. Window and door installation, including garage door

5051 installation and hurricane or windstorm protection.

5052 11. Plaster and lath.

5053 12. Structural carpentry.

5054 (7) If an eligible applicant fails any contractor's
5055 written examination, except the general and building
5056 contractors' examination, and provides the department ~~board~~ with
5057 acceptable proof of lack of comprehension of written
5058 examinations, the applicant may petition the department ~~board~~ to
5059 be administered a uniform oral examination, subject to the
5060 following conditions:

5061 (a) The applicant documents 10 years of experience in the
5062 appropriate construction craft.

5063 (b) The applicant files written recommendations concerning
5064 his or her competency in the appropriate construction craft.

5065 (c) The applicant is administered only one oral
5066 examination within a period of 1 year.

5067 (8) Any public record of the department ~~board~~, when
5068 certified by the department ~~executive director of the board or~~
5069 ~~the executive director's representative~~, may be received as
5070 prima facie evidence in any administrative or judicial
5071 proceeding.

5072 **Section 182. Subsection (1) of section 489.1131, Florida**
5073 **Statutes, is amended to read:**

5074 489.1131 Credit for relevant military training and
5075 education.—

5076 (1) The department shall provide a method by which
5077 honorably discharged veterans may apply for licensure. The
5078 method must include a veteran-specific application and provide:

5079 (a) To the fullest extent possible, credit toward the
5080 requirements for licensure for military experience, training,
5081 and education received and completed during service in the
5082 United States Armed Forces if the military experience, training,
5083 or education is substantially similar to the experience,
5084 training, or education required for licensure.

5085 (b) Acceptance of up to 3 years of active duty service in
5086 the United States Armed Forces, regardless of duty or training,
5087 to meet the experience requirements of s. 489.111(2)(c). At
5088 least 1 additional year of active experience as a foreman in the
5089 trade, either civilian or military, is required to fulfill the
5090 experience requirement of s. 489.111(2)(c).

5091
5092 The department ~~board~~ may adopt rules pursuant to ss. 120.536(1)
5093 and 120.54 to implement this subsection.

5094 **Section 183. Subsection (1) of section 489.1136, Florida**
5095 **Statutes, is amended to read:**

5096 489.1136 Medical gas certification.—

5097 (1)(a) In addition to the certification or registration
5098 required to engage in business as a plumbing contractor, any
5099 plumbing contractor who wishes to engage in the business of
5100 installation, improvement, repair, or maintenance of any tubing,

5101 pipe, or similar conduit used to transport gaseous or partly
5102 gaseous substances for medical purposes shall take, ~~as part of~~
5103 ~~the contractor's continuing education requirement, at least once~~
5104 ~~during the holding of such license,~~ a course of at least 6 hours
5105 before any installation, improvement, repair, or maintenance of
5106 any tubing, pipe, or similar conduit used to transport gaseous
5107 or partly gaseous substances for medical purposes. Such course
5108 shall be given by an instructional facility or teaching entity
5109 that has been approved by the department ~~board~~. In order for a
5110 course to be approved, the department ~~board~~ must find that the
5111 course is designed to teach familiarity with the National Fire
5112 Prevention Association Standard 99C (Standard on Gas and Vacuum
5113 Systems, latest edition) and also designed to teach familiarity
5114 and practical ability in performing and inspecting brazing
5115 duties required of medical gas installation, improvement,
5116 repair, or maintenance work. Such course shall issue a
5117 certificate of completion to the taker of the course, which
5118 certificate shall be available for inspection by any entity or
5119 person seeking to have such contractor engage in the business of
5120 installation, improvement, repair, or maintenance of a medical
5121 gas system.

5122 (b) Any other natural person who is employed by a licensed
5123 plumbing contractor to provide work on the installation,
5124 improvement, repair, or maintenance of a medical gas system,
5125 except as noted in paragraph (c), shall, as a prerequisite to

his or her ability to provide such service, take a course approved by the department ~~board~~. Such course shall be at least 8 hours and consist of both classroom and practical work designed to teach familiarity with the National Fire Prevention Association Standard 99C (Standard on Gas and Vacuum Systems, latest edition) and also designed to teach familiarity and practical ability in performing and inspecting brazing duties required of medical gas installation, improvement, repair, or maintenance work. Such course shall also include the administration of a practical examination in the skills required to perform work as outlined above, including brazing, and each examination shall be reasonably constructed to test for knowledge of the subject matter. The person taking such course and examination must, upon successful completion of both, be issued a certificate of completion by the giver of such course, which certificate shall be made available by the holder for inspection by any person or entity seeking to have such person perform work on the installation, improvement, repair, or maintenance of a medical gas system.

(c) Any other natural person who wishes to perform only brazing duties incidental to the installation, improvement, repair, or maintenance of a medical gas system shall pass an examination designed to show that person's familiarity with and practical ability in performing brazing duties required of medical gas installation, improvement, repair, or maintenance.

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Such examination shall be from a test approved by the department
~~board~~. Such examination must test for knowledge of National Fire
Prevention Association Standard 99C (Standard on Gas and Vacuum
Systems, latest edition). The person taking such examination
must, upon passing such examination, be issued a certificate of
completion by the giver of such examination, and such
certificate shall be made available by the holder for inspection
by any person or entity seeking to have or employ such person to
perform brazing duties on a medical gas system.

(d) It is the responsibility of the licensed plumbing
contractor to ascertain whether members of his or her workforce
are in compliance with this subsection, and such contractor is
subject to discipline under s. 489.129 for violation of this
subsection.

(e) Training programs in medical gas piping installation,
improvement, repair, or maintenance shall be reviewed annually
by the department ~~board~~ to ensure that programs have been
provided equitably across the state.

(f) Periodically, the department ~~board~~ shall review
training programs in medical gas piping installation for quality
in content and instruction in accordance with the National Fire
Prevention Association Standard 99C (Standard on Gas and Vacuum
Systems, latest edition). The department ~~board~~ shall also
respond to complaints regarding approved programs.

Section 184. Section 489.114, Florida Statutes, is amended

5176 **to read:**

5177 489.114 Evidence of workers' compensation coverage.—Except
5178 as provided in s. 489.115(5)(d), any person, business
5179 organization, or qualifying agent engaged in the business of
5180 contracting in this state and certified or registered under this
5181 part shall, as a condition precedent to the issuance or renewal
5182 of a certificate or registration of the contractor, provide to
5183 the department ~~Construction Industry Licensing Board~~, as
5184 provided by department ~~board~~ rule, evidence of workers'
5185 compensation coverage pursuant to chapter 440. In the event that
5186 the Division of Workers' Compensation of the Department of
5187 Financial Services receives notice of the cancellation of a
5188 policy of workers' compensation insurance insuring a person or
5189 entity governed by this section, the Division of Workers'
5190 Compensation shall certify and identify all persons or entities
5191 by certification or registration license number to the
5192 department after verification is made by the Division of
5193 Workers' Compensation that persons or entities governed by this
5194 section are no longer covered by workers' compensation
5195 insurance. Such certification and verification by the Division
5196 of Workers' Compensation may result from records furnished to
5197 the Division of Workers' Compensation by the persons or entities
5198 governed by this section or an investigation completed by the
5199 Division of Workers' Compensation. The department shall notify
5200 the persons or entities governed by this section who have been

determined to be in noncompliance with chapter 440, and the persons or entities notified shall provide certification of compliance with chapter 440 to the department and pay an administrative fine in the amount of \$500. The failure to maintain workers' compensation coverage as required by law shall be grounds for the department board to revoke, suspend, or deny the issuance or renewal of a certificate or registration of the contractor under the provisions of s. 489.129.

Section 185. Paragraph (a) of subsection (2), subsection (3), paragraph (b) of subsection (4), and subsections (5), (6), (7), and (9) of section 489.115, Florida Statutes, are amended to read:

489.115 Certification and registration; endorsement; reciprocity; renewals; ~~continuing education.~~

(2)(a) The department shall issue a certificate or registration to each person qualified by the department board and upon receipt of the original license fee.

(3) The department board shall certify as qualified for certification by endorsement any applicant who:

(a) Meets the requirements for certification as set forth in this section; has passed a national, regional, state, or United States territorial licensing examination that is substantially equivalent to the examination required by this part; and has satisfied the requirements set forth in s. 489.111;

5226 (b) Holds a valid license to practice contracting issued
5227 by another state or territory of the United States, if the
5228 criteria for issuance of such license were substantially
5229 equivalent to Florida's current certification criteria;

5230 (c) Holds a valid, current license to practice contracting
5231 issued by another state or territory of the United States, if
5232 the state or territory has entered into a reciprocal agreement
5233 with the department ~~board~~ for the recognition of contractor
5234 licenses issued in that state, based on criteria for the
5235 issuance of such licenses that are substantially equivalent to
5236 the criteria for certification in this state; or

5237 (d) Has held a valid, current license to practice
5238 contracting issued by another state or territory of the United
5239 States for at least 10 years before the date of application and
5240 is applying for the same or similar license in this state,
5241 subject to subsections (5)-(9). The department ~~board~~ may
5242 consider an applicant's technical competence to ensure the
5243 applicant is able to meet the requirements of this state's codes
5244 and standards for wind mitigation and water intrusion. The
5245 department ~~board~~ may also consider whether such applicant has
5246 had a license to practice contracting revoked, suspended, or
5247 otherwise acted against by the licensing authority of another
5248 state, territory, or country. Such application must be made
5249 either when the license in another state or territory is active
5250 or within 2 years after such license was last active. Division I

5251 contractors and roofing contractors must complete a 2-hour
5252 course on the Florida Building Code which includes information
5253 on wind mitigation techniques. The required courses may be
5254 completed online.

5255 (4)

5256 ~~(b)1. Each certificateholder or registrant shall provide~~
5257 ~~proof, in a form established by rule of the board, that the~~
5258 ~~certificateholder or registrant has completed at least 14~~
5259 ~~classroom hours of at least 50 minutes each of continuing~~
5260 ~~education courses during each biennium since the issuance or~~
5261 ~~renewal of the certificate or registration. The board shall~~
5262 ~~establish by rule that a portion of the required 14 hours must~~
5263 ~~deal with the subject of workers' compensation, business~~
5264 ~~practices, workplace safety, and, for applicable licensure~~
5265 ~~categories, wind mitigation methodologies, and 1 hour of which~~
5266 ~~must deal with laws and rules. The board shall by rule establish~~
5267 ~~criteria for the approval of continuing education courses and~~
5268 ~~providers, including requirements relating to the content of~~
5269 ~~courses and standards for approval of providers, and may by rule~~
5270 ~~establish criteria for accepting alternative nonclassroom~~
5271 ~~continuing education on an hour-for-hour basis. The board shall~~
5272 ~~prescribe by rule the continuing education, if any, which is~~
5273 ~~required during the first biennium of initial licensure. A~~
5274 ~~person who has been licensed for less than an entire biennium~~
5275 ~~must not be required to complete the full 14 hours of continuing~~

5276 education.

5277 ~~2. In addition, the board may approve specialized~~
5278 ~~continuing education courses on compliance with the wind~~
5279 ~~resistance provisions for one and two family dwellings contained~~
5280 ~~in the Florida Building Code and any alternate methodologies for~~
5281 ~~providing such wind resistance which have been approved for use~~
5282 ~~by the Florida Building Commission. Division I~~
5283 ~~certificateholders or registrants who demonstrate proficiency~~
5284 ~~upon completion of such specialized courses may certify plans~~
5285 ~~and specifications for one and two family dwellings to be in~~
5286 ~~compliance with the code or alternate methodologies, as~~
5287 ~~appropriate, except for dwellings located in floodways or~~
5288 ~~coastal hazard areas as defined in ss. 60.3D and E of the~~
5289 ~~National Flood Insurance Program.~~

5290 ~~3. The board shall require, by rule adopted pursuant to~~
5291 ~~ss. 120.536(1) and 120.54, a specified number of hours in~~
5292 ~~specialized or advanced module courses, approved by the Florida~~
5293 ~~Building Commission, on any portion of the Florida Building~~
5294 ~~Code, adopted pursuant to part IV of chapter 553, relating to~~
5295 ~~the contractor's respective discipline.~~

5296 (5) (a) As a prerequisite to the initial issuance or the
5297 renewal of a certificate or registration, the applicant shall
5298 submit an affidavit on a form provided by the department ~~board~~
5299 attesting to the fact that the applicant has obtained workers'
5300 compensation insurance as required by chapter 440, public

5301 liability insurance, and property damage insurance for the
5302 safety and welfare of the public, in amounts determined by rule
5303 of the department ~~board~~. The department ~~board~~ shall by rule
5304 establish a procedure to verify the accuracy of such affidavits
5305 based upon a random sample method.

5306 (b) In addition to the affidavit of insurance, as a
5307 prerequisite to the initial issuance of a certificate, the
5308 applicant shall furnish a credit report from a nationally
5309 recognized credit agency that reflects the financial
5310 responsibility of the applicant and evidence of financial
5311 responsibility, credit, and business reputation of either
5312 himself or herself or the business organization he or she
5313 desires to qualify. The department ~~board~~ shall adopt rules
5314 defining financial responsibility based upon the applicant's
5315 credit history, ability to be bonded, and any history of
5316 bankruptcy or assignment of receivers. The department ~~board~~ may
5317 also adopt rules that would allow applicants to demonstrate
5318 financial responsibility, as an alternative to the foregoing, by
5319 providing minimum credit scores or bonds payable as prescribed
5320 for financially responsible officers. Such rules shall specify
5321 the financial responsibility grounds on which the department
5322 ~~board~~ may refuse to qualify an applicant for certification.

5323 (c) If, within 60 days from the date the applicant is
5324 notified that he or she has qualified, he or she does not
5325 provide the evidence required, he or she shall apply to the

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department for an extension of time which shall be granted upon a showing of just cause.

(d) An applicant for initial issuance of a certificate or registration shall submit as a prerequisite to qualifying for an exemption from workers' compensation coverage requirements under s. 440.05 an affidavit attesting to the fact that the applicant will obtain an exemption within 30 days after the date the initial certificate or registration is issued by the department ~~board~~.

(6) An applicant for initial issuance of a certificate or registration shall submit to a statewide criminal history records check through the Department of Law Enforcement. The Department of Business and Professional Regulation shall submit the requests for the criminal history records check to the Department of Law Enforcement for state processing, and the Department of Law Enforcement shall return the results to the department to determine if the applicant meets certification or registration requirements. If the applicant has been convicted of a felony, the department ~~board~~ may deny licensure to the applicant based upon the severity of the crime, the relationship of the crime to contracting, or the potential for public harm. The department ~~board~~ shall also, in denying or approving licensure, consider the length of time since the commission of the crime and the rehabilitation of the applicant. The department ~~board~~ may not deny licensure to an applicant based

5351 solely upon a felony conviction or the applicant's failure to
5352 provide proof of restoration of civil rights.

5353 (7) An initial applicant shall, along with the
5354 application, and a certificateholder or registrant shall, upon
5355 requesting a change of status, submit to the department ~~board~~ a
5356 credit report from a nationally recognized credit agency that
5357 reflects the financial responsibility of the applicant or
5358 certificateholder or registrant. The credit report required for
5359 the initial applicant shall be considered the minimum evidence
5360 necessary to satisfy the department ~~board~~ that he or she is
5361 financially responsible to be certified, has the necessary
5362 credit and business reputation to engage in contracting in the
5363 state, and has the minimum financial stability necessary to
5364 avoid the problem of financial mismanagement or misconduct. The
5365 department ~~board~~ shall, by rule, adopt guidelines for
5366 determination of financial stability, which may include minimum
5367 requirements for net worth, cash, and bonding for Division I
5368 certificateholders of no more than \$20,000 and for Division II
5369 certificateholders of no more than \$10,000. Fifty percent of the
5370 financial requirements may be met by completing a 14-hour
5371 financial responsibility course approved by the department
5372 ~~board~~.

5373 (9) An initial applicant shall submit, along with the
5374 application, a complete set of fingerprints to the department.
5375 The fingerprints shall be submitted to the Department of Law

5376 Enforcement for state processing, and the Department of Law
5377 Enforcement shall forward them to the Federal Bureau of
5378 Investigation for national processing for the purpose of
5379 determining if the applicant has a criminal history record. The
5380 department shall and the department ~~board~~ may review the
5381 background results to determine if an applicant meets licensure
5382 requirements. The cost for the fingerprint processing shall be
5383 borne by the person subject to the background screening. These
5384 fees are to be collected by the authorized agencies or vendors.
5385 The authorized agencies or vendors are responsible for paying
5386 the processing costs to the Department of Law Enforcement.

5387 **Section 186. Subsections (7) and (8) of section 489.116,**
5388 **Florida Statutes, are renumbered as subsections (6) and (7),**
5389 **respectively, and subsections (2) through (5) and present**
5390 **subsections (6) and (7) of that section are amended, to read:**

5391 489.116 Inactive and delinquent status; renewal and
5392 cancellation notices.—

5393 (2) The department ~~board~~ shall permit a certificateholder
5394 or registrant to elect, at the time of licensure renewal, an
5395 active or inactive status.

5396 (3) An inactive status certificateholder or registrant may
5397 change to active status at any time, if the certificateholder or
5398 registrant meets all requirements for active status, pays any
5399 additional licensure fees necessary to equal those imposed on an
5400 active status certificateholder or registrant, pays any

5401 applicable late fees, and meets all ~~continuing education~~
5402 requirements prescribed by the department ~~board~~.

5403 (4) A certificateholder or registrant shall apply with a
5404 completed application, as determined by department ~~board~~ rule,
5405 to renew an active or inactive status certificate or
5406 registration before the certificate or registration expires.
5407 Failure of a certificateholder or registrant to so apply shall
5408 cause the certificate or registration to become a delinquent
5409 certificate or registration. Further, any delinquent
5410 certificateholder or registrant who fails to apply to renew
5411 licensure on either active or inactive status before expiration
5412 of the current licensure cycle must reapply in the same manner
5413 as an applicant for initial certification or registration.

5414 (5) A delinquent status certificateholder or registrant
5415 must apply with a completed application, as determined by
5416 department ~~board~~ rule, for active or inactive status during the
5417 current licensure cycle. Failure by a delinquent status
5418 certificateholder or registrant to become active or inactive
5419 before the expiration of the current licensure cycle renders the
5420 certificate or registration void, and any subsequent licensure
5421 shall be subject to all procedures and requirements imposed on
5422 an applicant for initial licensure.

5423 ~~(6) The board may not require an inactive~~
5424 ~~certificateholder or registrant to complete more than one~~
5425 ~~renewal cycle of continuing education for reactivating a~~

~~certificate or registration.~~

(6)~~(7)~~ The status or any change in status of a certificateholder or registrant may ~~shall~~ not alter in any way the department's ~~board's~~ right to impose discipline or to enforce discipline previously imposed on a certificateholder or registrant for acts or omissions committed by the certificateholder or registrant while holding a certificate or registration.

Section 187. Paragraphs (a) and (c) of subsection (1), subsection (2), paragraph (a) of subsection (3), and subsection (4) of section 489.117, Florida Statutes, are amended to read:

489.117 Registration; specialty contractors.—

(1)(a) A person engaged in the business of a contractor as defined in s. 489.105(2)(a)-(o) ~~s. 489.105(3)(a)-(o)~~ must be registered before engaging in business as a contractor in this state, unless he or she is certified. Except as provided in paragraph (2)(b), to be initially registered, the applicant must submit the required fee and file evidence of successful compliance with the local examination and licensing requirements, if any, in the area for which registration is desired. An examination is not required for registration.

(c) Each registrant shall report to the department ~~board~~ each local jurisdiction and each category of registration in which the registrant holds a certificate of competency or license, or where the registrant has been granted a certificate

5451 of competency or license by reciprocal agreement, for which
5452 registration is required by this part, within 30 days after
5453 obtaining such certificate or license.

5454 (2) (a) Except as provided in paragraph (b), the department
5455 ~~board~~ may not issue a new registration after July 1, 1993, based
5456 on any certificate of competency or license for a category of
5457 contractor defined in s. 489.105(2) (a) - (o) ~~s. 489.105(3) (a) - (o)~~
5458 which is issued by a municipal or county government that does
5459 not exercise disciplinary control and oversight over such
5460 locally licensed contractors, including forwarding a recommended
5461 order in each action to the department ~~board~~ as provided in s.
5462 489.131(7). For purposes of this subsection and s. 489.131(10),
5463 the department ~~board~~ shall determine the adequacy of such
5464 disciplinary control by reviewing the local government's ability
5465 to process and investigate complaints and to take disciplinary
5466 action against locally licensed contractors.

5467 (b) The department ~~board~~ shall issue a registration to an
5468 eligible applicant to engage in the business of a contractor in
5469 a specified local jurisdiction, provided each of the following
5470 conditions are satisfied:

5471 1. The applicant held, in any local jurisdiction in this
5472 state during 2021, 2022, or 2023, a certificate of registration
5473 issued by the state or a local license issued by a local
5474 jurisdiction to perform work in a category of contractor defined
5475 in s. 489.105(2) (a) - (o) ~~s. 489.105(3) (a) - (o)~~.

2. The applicant submits all of the following to the
department ~~board~~:

a. Evidence of the certificate of registration or local
license held by the applicant as required by subparagraph 1.

b. Evidence that the specified local jurisdiction does not
have a license type available for the category of work for which
the applicant was issued a certificate of registration or local
license during 2021, 2022, or 2023, such as a notification on
the website of the local jurisdiction or an e-mail or letter
from the office of the local building official or local building
department stating that such license type is not available in
that local jurisdiction.

c. Evidence that the applicant has submitted the required
fee.

d. Evidence of compliance with the insurance and financial
responsibility requirements of s. 489.115(5).

An examination is not required for an applicant seeking a
registration under this paragraph.

(c) The department ~~board~~ is responsible for disciplining
licensees issued a registration under paragraph (b). The
department ~~board~~ shall make such licensure and disciplinary
information available through the automated information system
provided pursuant to s. 455.2286.

(d) The fees for an applicant seeking a registration under

5501 paragraph (b) and renewal of such registration every 2 years are
5502 the same as the fees established by the department ~~board~~ for
5503 applications, registration and renewal, and record making and
5504 recordkeeping, as set forth in s. 489.109. The department shall
5505 provide license, renewal, and cancellation notices pursuant to
5506 ss. 455.273 and 455.275.

5507 (3)(a) Upon findings of fact supporting the need therefor,
5508 the department ~~board~~ may grant a limited nonrenewable
5509 registration to a contractor not domiciled in the state, for one
5510 project. During the period of such registration the department
5511 ~~board~~ may require compliance with this and any other statute of
5512 the state.

5513 (4)(a)1. A person whose job scope does not substantially
5514 correspond to either the job scope of one of the contractor
5515 categories defined in s. 489.105(2)(a)-(o) ~~s. 489.105(3)(a)-(o)~~,
5516 or the job scope of one of the certified specialty contractor
5517 categories established by department ~~board~~ rule, is not required
5518 to register with the department ~~board~~. A local government, as
5519 defined in s. 163.211, may not require a person to obtain a
5520 license, issued by the local government or the state, for a job
5521 scope which does not substantially correspond to the job scope
5522 of one of the contractor categories defined in s. 489.105(2)(a)-
5523 (o) and (q) ~~s. 489.105(3)(a)-(o) and (q)~~ or authorized in s.
5524 489.1455(1), or the job scope of one of the certified specialty
5525 contractor categories established pursuant to s. 489.113(6). A

5526 local government may not require a state or local license to
5527 obtain a permit for such job scopes. For purposes of this
5528 section, job scopes for which a local government may not require
5529 a license include, but are not limited to, painting; flooring;
5530 cabinetry; interior remodeling when the scope of the project
5531 does not include a task for which a state license is required;
5532 driveway or tennis court installation; handyman services;
5533 decorative stone, tile, marble, granite, or terrazzo
5534 installation; plastering; pressure washing; stuccoing; caulking;
5535 and canvas awning and ornamental iron installation.

5536 2. A county that includes an area designated as an area of
5537 critical state concern under s. 380.05 may offer a license for
5538 any job scope which requires a contractor license under this
5539 part if the county imposed such a licensing requirement before
5540 January 1, 2021.

5541 3. A local government may continue to offer a license for
5542 veneer, including aluminum or vinyl gutters, siding, soffit, or
5543 fascia; rooftop painting, coating, and cleaning above three
5544 stories in height; or fence installation and erection if the
5545 local government imposed such a licensing requirement before
5546 January 1, 2021.

5547 4. A local government may not require a license as a
5548 prerequisite to submit a bid for public works projects if the
5549 work to be performed does not require a license under general
5550 law.

5551 (b) The local jurisdictions are responsible for providing
5552 the following information to the department ~~board~~ within 30 days
5553 after licensure of, or any disciplinary action against, a
5554 locally licensed contractor who is registered under this part:

- 5555 1. Licensure information.
5556 2. Code violation information pursuant to s. 553.781.
5557 3. Disciplinary information.
5558

5559 The department ~~board~~ shall maintain such licensure and
5560 disciplinary information as it is provided to the department
5561 ~~board~~ and shall make the information available through the
5562 automated information system provided pursuant to s. 455.2286.

5563 (c) Providing discipline to such locally licensed
5564 contractors is the responsibility of the local jurisdiction.

5565 (d) Any person who is not required to obtain registration
5566 or certification pursuant to s. 489.105(2)(d)-(o) ~~s.~~
5567 ~~489.105(3)(d)-(e)~~ may perform contracting services for the
5568 construction, remodeling, repair, or improvement of single-
5569 family residences, including a townhouse as defined in the
5570 Florida Building Code, without obtaining a local license if such
5571 person is under the supervision of a certified or registered
5572 general, building, or residential contractor. As used in this
5573 paragraph, supervision may ~~shall~~ not be deemed to require the
5574 existence of a direct contract between the certified or
5575 registered general, building, or residential contractor and the

5576 person performing specialty contracting services.

5577 (e) Any person who is not certified or registered may
5578 perform the work of a specialty contractor whose scope of
5579 practice is limited to the type of work specified under s.
5580 489.105(2)(j), (k), or (l) ~~s. 489.105(3)(j), (k), or (l)~~ for the
5581 construction, remodeling, repair, or improvement of commercial
5582 or residential swimming pools, interactive water features as
5583 defined in the Florida Building Code, hot tubs, and spas without
5584 obtaining a local license or certification as a specialty
5585 contractor if he or she is supervised by a contractor who is
5586 certified or registered under s. 489.105(2)(j), (k), or (l) ~~s.~~
5587 ~~489.105(3)(j), (k), or (l)~~; the work is within the scope of the
5588 supervising contractor's license; the supervising contractor is
5589 responsible for the work; and the work does not require
5590 certification or registration under s. 489.105(2)(d)-(i), (m)-
5591 (o) ~~s. 489.105(3)(d)-(i), (m)-(o), or s. 489.505~~. Such
5592 supervision does not require a direct contract between the
5593 contractor certified or registered under s. 489.105(2)(j), (k),
5594 or (l) ~~s. 489.105(3)(j), (k), or (l)~~ and the person performing
5595 the work, or for the person performing the work to be an
5596 employee of the contractor certified or registered under s.
5597 489.105(2)(j), (k), or (l) ~~s. 489.105(3)(j), (k), or (l)~~. This
5598 paragraph does not limit the exemptions provided in s. 489.103
5599 and may not be construed to expand the scope of a contractor
5600 certified or registered under s. 489.105(2)(j), (k), or (l) ~~s.~~

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5601 ~~489.105(3)(j), (k), or (l)~~ to provide plumbing or electrical
5602 services for which certification or registration is required by
5603 this part or part II.

5604 **Section 188. Section 489.118, Florida Statutes, is amended**
5605 **to read:**

5606 489.118 Certification of registered contractors;
5607 grandfathering provisions.—The department ~~board~~ shall, upon
5608 receipt of a completed application and appropriate fee, issue a
5609 certificate in the appropriate category to any contractor
5610 registered under this part who makes application to the
5611 department ~~board~~ and can show that he or she meets each of the
5612 following requirements:

5613 (1) Currently holds a valid registered local license in
5614 one of the contractor categories defined in s. 489.105(3)(a)-(p)
5615 ~~s. 489.105(3)(a)-(p)~~.

5616 (2) Has, for that category, passed a written examination
5617 that the department ~~board~~ finds to be substantially similar to
5618 the examination required to be licensed as a certified
5619 contractor under this part. For purposes of this subsection, a
5620 written, proctored examination such as that produced by the
5621 National Assessment Institute, Block and Associates, NAI/Block,
5622 Exporior Assessments, Professional Testing, Inc., or Assessment
5623 Systems, Inc., shall be considered to be substantially similar
5624 to the examination required to be licensed as a certified
5625 contractor. The department ~~board~~ may not impose or make any

requirements regarding the nature or content of these cited examinations.

(3) Has at least 5 years of experience as a contractor in that contracting category, or as an inspector or building administrator with oversight over that category, at the time of application. For contractors, only time periods in which the contractor license is active and the contractor is not on probation shall count toward the 5 years required by this subsection.

(4) Has not had his or her contractor's license revoked at any time, had his or her contractor's license suspended within the last 5 years, or been assessed a fine in excess of \$500 within the last 5 years.

(5) Is in compliance with the insurance and financial responsibility requirements in s. 489.115(5).

Section 189. Paragraphs (b), (c), and (e) of subsection (2), paragraph (a) of subsection (3), paragraphs (a), (b), and (e) of subsection (5), subsection (6), and paragraphs (a) and (b) of subsection (7) of section 489.119, Florida Statutes, are amended to read:

489.119 Business organizations; qualifying agents.—

(2) If the applicant proposes to engage in contracting as a business organization, including any partnership, corporation, business trust, or other legal entity, or in any name other than the applicant's legal name or a fictitious name where the

5651 applicant is doing business as a sole proprietorship, the
5652 applicant must apply for registration or certification as the
5653 qualifying agent of the business organization.

5654 (b)1. An application for registration or certification to
5655 qualify a business organization must include an affidavit on a
5656 form provided by the department ~~board~~ attesting that the
5657 applicant has final approval authority for all construction work
5658 performed by the business organization and that the applicant
5659 has final approval authority on all business matters, including
5660 contracts, specifications, checks, drafts, or payments,
5661 regardless of the form of payment, made by the business
5662 organization, except where a financially responsible officer is
5663 approved.

5664 2. The application for financially responsible officer
5665 must include an affidavit on a form provided by the department
5666 ~~board~~ attesting that the applicant's approval is required for
5667 all checks, drafts, or payments, regardless of the form of
5668 payment, made by the business organization and that the
5669 applicant has authority to act for the business organization in
5670 all financial matters.

5671 3. The application for secondary qualifying agent must
5672 include an affidavit on a form provided by the department ~~board~~
5673 attesting that the applicant has authority to supervise all
5674 construction work performed by the business organization as
5675 provided in s. 489.1195(2).

5676 (c) The department ~~board~~ may deny an application for
5677 registration or certification to qualify a business organization
5678 if the applicant, or any person listed in paragraph (a), has
5679 been involved in past disciplinary actions or on any grounds for
5680 which an individual registration or certification may be denied.

5681 (e) A joint venture, including a joint venture composed of
5682 qualified business organizations, is itself a separate and
5683 distinct organization that must be qualified in accordance with
5684 department ~~board~~ rules.

5685 (3)(a) A qualifying agent must be certified or registered
5686 under this part in order for the business organization to
5687 operate in the category of contracting in which the qualifying
5688 agent is certified or registered. If any qualifying agent ceases
5689 to be affiliated with a business organization, he or she shall
5690 inform the department. In addition, if the qualifying agent is
5691 the only certified or registered contractor affiliated with the
5692 business organization, the business organization shall notify
5693 the department of the termination of the qualifying agent and
5694 shall have 60 days from the termination of the qualifying
5695 agent's affiliation with the business organization in which to
5696 employ another qualifying agent. The business organization may
5697 not engage in contracting until a qualifying agent is employed,
5698 unless the department ~~executive director or chair of the board~~
5699 has granted a temporary nonrenewable certificate or registration
5700 to the financially responsible officer, the president, a

partner, or, in the case of a limited partnership, the general partner, who assumes all responsibilities of a primary qualifying agent for the business organization. This temporary certificate or registration shall only allow the business organization to proceed with incomplete contracts. For the purposes of this paragraph, an incomplete contract is one which has been awarded to, or entered into by, the business organization before ~~prior to~~ the cessation of affiliation of the qualifying agent with the business organization or one on which the business organization was the low bidder and the contract is subsequently awarded, regardless of whether any actual work has commenced under the contract before ~~prior to~~ the qualifying agent ceasing to be affiliated with the business organization.

(5) (a) Each registered or certified contractor shall affix the number of his or her registration or certification to each application for a building permit and on each building permit issued and recorded. Each city or county building department shall require, as a precondition for the issuance of the building permit, that the contractor taking out the permit must provide verification giving his or her department ~~Construction Industry Licensing Board~~ registration or certification number.

(b) The registration or certification number of each contractor shall appear in each offer of services, business proposal, bid, contract, or advertisement, regardless of medium, as defined by department ~~board~~ rule, used by that contractor or

business organization in the practice of contracting.

(e) The department ~~board~~ shall issue a notice of noncompliance for the first offense, and may assess a fine or issue a citation for failure to correct the offense within 30 days or for any subsequent offense, to any contractor or business organization that fails to include the certification or registration number as required by this part when submitting an advertisement for publication, broadcast, or printing or fails to display the certification or registration number as required by this part.

(6) Each qualifying agent shall pay the department an amount equal to the original fee for registration or certification to qualify a new business organization. If the qualifying agent for a business organization desires to qualify additional business organizations, the department ~~board~~ shall require the qualifying agent to present evidence of his or her ability to supervise the construction activities of each such organization. Approval of each business organization is discretionary with the department ~~board~~.

(7) (a) A business organization proposing to engage in contracting is not required to apply for or obtain authorization under this part to engage in contracting if:

1. The business organization employs one or more registered or certified contractors licensed in accordance with this part who are responsible for obtaining permits and

5751 supervising all of the business organization's contracting
5752 activities;

5753 2. The business organization engages only in contracting
5754 on property owned by the business organization or by its parent,
5755 subsidiary, or affiliated entities; and

5756 3. The business organization, or its parent entity if the
5757 business organization is a wholly owned subsidiary, maintains a
5758 minimum net worth of \$20 million.

5759 (b) Any business organization engaging in contracting
5760 under this subsection shall provide the department ~~board~~ with
5761 the name and license number of each registered or certified
5762 contractor employed by the business organization to supervise
5763 its contracting activities. The business organization is not
5764 required to post a bond or otherwise evidence any financial or
5765 credit information except as necessary to demonstrate compliance
5766 with paragraph (a).

5767 **Section 190. Paragraphs (b) and (d) of subsection (1),**
5768 **paragraphs (a) and (b) of subsection (2), and paragraphs (a) and**
5769 **(b) of subsection (3) of section 489.1195, Florida Statutes, are**
5770 **amended to read:**

5771 489.1195 Responsibilities.—

5772 (1) A qualifying agent is a primary qualifying agent
5773 unless he or she is a secondary qualifying agent under this
5774 section.

5775 (b) Upon approval by the department ~~board~~, a business

entity may designate a financially responsible officer for purposes of certification or registration. A financially responsible officer shall be responsible for all financial aspects of the business organization and may not be designated as the primary qualifying agent. The designated financially responsible officer shall furnish evidence of the financial responsibility, credit, and business reputation of either himself or herself, or the business organization he or she desires to qualify, as determined appropriate by the department ~~board~~.

(d) The department ~~board~~ shall adopt rules prescribing the qualifications for financially responsible officers, including net worth, cash, and bonding requirements. These qualifications must be at least as extensive as the requirements for the financial responsibility of qualifying agents.

(2)(a) One of the qualifying agents for a business organization that has more than one qualifying agent may be designated as the sole primary qualifying agent for the business organization by a joint agreement that is executed, on a form provided by the department ~~board~~, by all qualifying agents for the business organization.

(b) The joint agreement must be submitted to the department ~~board~~ for approval. If the department ~~board~~ determines that the joint agreement is in good order, it shall approve the designation and immediately notify the qualifying

agents of such approval. The designation made by the joint agreement is effective upon receipt of the notice by the qualifying agents.

(3)(a) A qualifying agent who has been designated by a joint agreement as the sole primary qualifying agent for a business organization may terminate this status as such by giving actual notice to the business organization, to the department board, and to all secondary qualifying agents of his or her intention to terminate this status. The notice to the department board must include proof satisfactory to the department board that he or she has given the notice required in this paragraph.

(b) The status of the qualifying agent shall cease upon the designation of a new primary qualifying agent or 60 days after satisfactory notice of termination has been provided to the department board, whichever first occurs.

Section 191. Section 489.121, Florida Statutes, is amended to read:

489.121 Emergency registration upon death of contractor.— If an incomplete contract exists at the time of death of a contractor, the contract may be completed by any person even though not certified or registered. Such person shall notify the department board, within 30 days after the death of the contractor, of his or her name and address, knowledge of the contract, and ability to complete it. If the department board

approves, he or she may proceed with the contract. For purposes of this section, an incomplete contract is one which has been awarded to, or entered into by, the contractor before his or her death, or on which he or she was the low bidder and the contract is subsequently awarded to him or her, regardless of whether any actual work has commenced under the contract before the contractor's death.

Section 192. Subsection (1) of section 489.126, Florida Statutes, is amended to read:

489.126 Moneys received by contractors.—

(1) For purposes of this section, the term "contractor" includes all definitions as set forth in s. 489.105(2) ~~s. 489.105(3)~~, and any person performing or contracting or promising to perform work described therein, without regard to the licensure of the person.

Section 193. Subsection (6) of section 489.127, Florida Statutes, is amended to read:

489.127 Prohibitions; penalties.—

(6) Local building departments may collect outstanding fines against registered or certified contractors issued by the department ~~Construction Industry Licensing Board~~ and may retain 75 percent of the fines they are able to collect, provided that they transmit 25 percent of the fines they are able to collect to the department according to a procedure to be determined by the department.

5851 **Section 194. Subsections (1) through (9), paragraph (d) of**
5852 **subsection (11), and subsection (12) of section 489.129, Florida**
5853 **Statutes, are amended to read:**

5854 489.129 Disciplinary proceedings.—

5855 (1) The department ~~board~~ may take any of the following
5856 actions against any certificateholder or registrant: place on
5857 probation or reprimand the licensee, revoke, suspend, or deny
5858 the issuance or renewal of the certificate or registration,
5859 require financial restitution to a consumer for financial harm
5860 directly related to a violation of a provision of this part,
5861 impose an administrative fine not to exceed \$10,000 per
5862 violation, require continuing education, or assess costs
5863 associated with investigation and prosecution, if the
5864 contractor, financially responsible officer, or business
5865 organization for which the contractor is a primary qualifying
5866 agent, a financially responsible officer, or a secondary
5867 qualifying agent responsible under s. 489.1195 is found guilty
5868 of any of the following acts:

5869 (a) Obtaining a certificate or registration by fraud or
5870 misrepresentation.

5871 (b) Being convicted or found guilty of, or entering a plea
5872 of nolo contendere to, regardless of adjudication, a crime in
5873 any jurisdiction which directly relates to the practice of
5874 contracting or the ability to practice contracting.

5875 (c) Violating any provision of chapter 455.

5876 (d) Performing any act which assists a person or entity in
5877 engaging in the prohibited uncertified and unregistered practice
5878 of contracting, if the certificateholder or registrant knows or
5879 has reasonable grounds to know that the person or entity was
5880 uncertified and unregistered.

5881 (e) Knowingly combining or conspiring with an uncertified
5882 or unregistered person by allowing his or her certificate or
5883 registration to be used by the uncertified or unregistered
5884 person with intent to evade the provisions of this part. When a
5885 certificateholder or registrant allows his or her certificate or
5886 registration to be used by one or more business organizations
5887 without having any active participation in the operations,
5888 management, or control of such business organizations, such act
5889 constitutes prima facie evidence of an intent to evade the
5890 provisions of this part.

5891 (f) Acting in the capacity of a contractor under any
5892 certificate or registration issued hereunder except in the name
5893 of the certificateholder or registrant as set forth on the
5894 issued certificate or registration, or in accordance with the
5895 personnel of the certificateholder or registrant as set forth in
5896 the application for the certificate or registration, or as later
5897 changed as provided in this part.

5898 (g) Committing mismanagement or misconduct in the practice
5899 of contracting that causes financial harm to a customer.
5900 Financial mismanagement or misconduct occurs when:

5901 1. Valid liens have been recorded against the property of
5902 a contractor's customer for supplies or services ordered by the
5903 contractor for the customer's job; the contractor has received
5904 funds from the customer to pay for the supplies or services; and
5905 the contractor has not had the liens removed from the property,
5906 by payment or by bond, within 75 days after the date of such
5907 liens;

5908 2. The contractor has abandoned a customer's job and the
5909 percentage of completion is less than the percentage of the
5910 total contract price paid to the contractor as of the time of
5911 abandonment, unless the contractor is entitled to retain such
5912 funds under the terms of the contract or refunds the excess
5913 funds within 30 days after the date the job is abandoned; or

5914 3. The contractor's job has been completed, and it is
5915 shown that the customer has had to pay more for the contracted
5916 job than the original contract price, as adjusted for subsequent
5917 change orders, unless such increase in cost was the result of
5918 circumstances beyond the control of the contractor, was the
5919 result of circumstances caused by the customer, or was otherwise
5920 permitted by the terms of the contract between the contractor
5921 and the customer.

5922 (h) Being disciplined by any municipality or county for an
5923 act or violation of this part.

5924 (i) Failing in any material respect to comply with the
5925 provisions of this part or violating a rule or lawful order of

5926 the department ~~board~~.

5927 (j) Abandoning a construction project in which the
5928 contractor is engaged or under contract as a contractor. A
5929 project may be presumed abandoned after 90 days if the
5930 contractor terminates the project without just cause or without
5931 proper notification to the owner, including the reason for
5932 termination, or fails to perform work without just cause for 90
5933 consecutive days.

5934 (k) Signing a statement with respect to a project or
5935 contract falsely indicating that the work is bonded; falsely
5936 indicating that payment has been made for all subcontracted
5937 work, labor, and materials which results in a financial loss to
5938 the owner, purchaser, or contractor; or falsely indicating that
5939 workers' compensation and public liability insurance are
5940 provided.

5941 (l) Committing fraud or deceit in the practice of
5942 contracting.

5943 (m) Committing incompetency or misconduct in the practice
5944 of contracting.

5945 (n) Committing gross negligence, repeated negligence, or
5946 negligence resulting in a significant danger to life or
5947 property.

5948 (o) Proceeding on any job without obtaining applicable
5949 local building department permits and inspections.

5950 (p) Intimidating, threatening, coercing, or otherwise

discouraging the service of a notice to owner under part I of chapter 713 or a notice to contractor under chapter 255 or part I of chapter 713.

(q) Failing to satisfy within a reasonable time, the terms of a civil judgment obtained against the licensee, or the business organization qualified by the licensee, relating to the practice of the licensee's profession.

(r) Committing misapplication of construction funds in violation of s. 713.345. If a contractor, subcontractor, sub-subcontractor, or other person licensed by the department ~~board~~ under this chapter is convicted of misapplication of construction funds, the department ~~board~~ must suspend all licenses issued to such licensee under this chapter for a minimum of 1 year from the date of conviction. The suspension required under this paragraph is not exclusive, and the department ~~board~~ may impose any additional penalties set forth in this subsection.

For the purposes of this subsection, construction is considered to be commenced when the contract is executed and the contractor has accepted funds from the customer or lender. A contractor does not commit a violation of this subsection when the contractor relies on a building code interpretation rendered by a building official or person authorized by s. 553.80 to enforce the building code, absent a finding of fraud or deceit in the

5976 practice of contracting, or gross negligence, repeated
5977 negligence, or negligence resulting in a significant danger to
5978 life or property on the part of the building official, in a
5979 proceeding under chapter 120.

5980 (2) If a registrant or certificateholder disciplined under
5981 subsection (1) is a qualifying agent or financially responsible
5982 officer for a business organization and the violation was
5983 performed in connection with a construction project undertaken
5984 by that business organization, the department ~~board~~ may impose
5985 an additional administrative fine not to exceed \$5,000 per
5986 violation against the business organization or against any
5987 partner, officer, director, trustee, or member if such person
5988 participated in the violation or knew or should have known of
5989 the violation and failed to take reasonable corrective action.

5990 (3) The department ~~board~~ may specify by rule the acts or
5991 omissions which constitute violations of this section.

5992 (4) In recommending penalties in any proposed recommended
5993 final order, the department shall follow the penalty guidelines
5994 established by the department ~~board~~ by rule. The department
5995 shall advise the administrative law judge of the appropriate
5996 penalty, including mitigating and aggravating circumstances, and
5997 the specific rule citation.

5998 (5) The department ~~board~~ may not reinstate the
5999 certification or registration of, or cause a certificate or
6000 registration to be issued to, a person who or business

6001 organization which the department ~~board~~ has determined is
6002 unqualified or whose certificate or registration the department
6003 ~~board~~ has suspended until it is satisfied that such person or
6004 business organization has complied with all the terms and
6005 conditions set forth in the final order and is capable of
6006 competently engaging in the business of contracting.

6007 (6) (a) The department ~~board~~ may assess interest or
6008 penalties on all fines imposed under this chapter against any
6009 person or business organization which has not paid the imposed
6010 fine by the due date established by rule or final order. The
6011 provisions of chapter 120 do not apply to such assessment.
6012 Interest rates to be imposed shall be established by rule and
6013 may ~~shall~~ not be usurious.

6014 (b) Venue for all actions to enforce any fine levied by
6015 the department ~~board~~ shall be in Duval County. The department
6016 ~~board~~ is authorized to enter into contracts with private
6017 businesses or attorneys to collect such fines with payment for
6018 such collections made on a contingent fee basis. All such
6019 contracts shall be publicly advertised and competitively awarded
6020 based upon responses submitted to a request for proposals
6021 developed by the department ~~board~~.

6022 (7) The department may ~~board shall~~ not issue or renew a
6023 certificate or registration to any person or business
6024 organization that has been assessed a fine, interest, or costs
6025 associated with investigation and prosecution, or has been

6026 ordered to pay restitution, until such fine, interest, or costs
6027 associated with investigation and prosecution or restitution are
6028 paid in full or until all terms and conditions of the final
6029 order have been satisfied.

6030 (8) If the department ~~board~~ finds any certified or
6031 registered contractor guilty of a violation, the department
6032 ~~board~~ may, as part of its disciplinary action, require such
6033 contractor to obtain continuing education in the areas of
6034 contracting affected by such violation.

6035 (9) Any person certified or registered pursuant to this
6036 part who has had his or her license revoked may ~~shall~~ not be
6037 eligible to be a partner, officer, director, or trustee of a
6038 business organization defined by this section or be employed in
6039 a managerial or supervisory capacity for a 5-year period. Such
6040 person shall also be ineligible to reapply for certification or
6041 registration under this part for a period of 5 years after the
6042 effective date of the revocation.

6043 (11)

6044 (d) The arbitrator's order shall become a final order of
6045 the department ~~board~~ if not challenged by the complainant or the
6046 certificateholder or registrant within 30 days after filing. The
6047 department's ~~board's~~ review of the arbitrator's order shall
6048 operate in the manner of the review of recommended orders
6049 pursuant to s. 120.57(1) and may ~~shall~~ not be a de novo review.

6050 (12) When an investigation of a contractor is undertaken,

the department shall promptly furnish to the contractor or the contractor's attorney a copy of the complaint or document that resulted in the initiation of the investigation. The department shall make the complaint and supporting documents available to the contractor. The complaint or supporting documents shall contain information regarding the specific facts that serve as the basis for the complaint. The contractor may submit a written response to the information contained in such complaint or document within 20 days after service to the contractor of the complaint or document. The contractor's written response shall be considered by the probable cause panel. The right to respond does not prohibit the issuance of a summary emergency order if necessary to protect the public. However, if the department decides ~~secretary, or the secretary's designee, and the chair of the board or the chair of the probable cause panel agree in writing~~ that such notification would be detrimental to the investigation, the department may withhold notification. The department may conduct an investigation without notification to a contractor if the act under investigation is a criminal offense.

Section 195. Paragraphs (c) and (f) of subsection (3), paragraphs (b) and (c) of subsection (6), paragraphs (c), (d), (e), and (f) of subsection (7), and subsections (10), (11), and (12) of section 489.131, Florida Statutes, are amended to read:

489.131 Applicability.—

6076 (3) Nothing in this part limits the power of a
6077 municipality or county:

6078 (c) To collect business taxes, subject to s. 205.065, and
6079 inspection fees for engaging in contracting or examination fees
6080 from persons who are registered with the department ~~board~~
6081 pursuant to local examination requirements and issue business
6082 tax receipts. However, nothing in this part shall be construed
6083 to require general contractors, building contractors, or
6084 residential contractors to obtain additional business tax
6085 receipts for specialty work when such specialty work is
6086 performed by employees of such contractors on projects for which
6087 they have substantially full responsibility and such contractors
6088 do not hold themselves out to the public as being specialty
6089 contractors.

6090 (f) To refuse to issue permits or issue permits with
6091 specific conditions to a contractor who has committed multiple
6092 violations, when he or she has been disciplined for each of them
6093 by the department ~~board~~ and when each disciplinary action has
6094 involved revocation or suspension of a license, imposition of an
6095 administrative fine of at least \$1,000, or probation; or to
6096 issue permits with specific conditions to a contractor who,
6097 within the previous 12 months, has had disciplinary action other
6098 than a citation or letter of guidance taken against him or her
6099 by the department or by a local board or agency which licenses
6100 contractors and has reported the action pursuant to paragraph

6101 (6) (c), for engaging in the business or acting in the capacity
6102 of a contractor without a license. However, this subsection does
6103 not supersede the provisions of s. 489.113(4), and no county or
6104 municipality may require any certificateholder to obtain a local
6105 professional license or pay a local professional license fee as
6106 a condition of performing any services within the scope of the
6107 certificateholder's statewide license as established under this
6108 part.

6109 (6)

6110 (b) To engage in contracting in the territorial area, an
6111 applicant shall also be registered with the department ~~board~~, as
6112 required by s. 489.117.

6113 (c) Each local board or agency that licenses contractors
6114 must transmit quarterly to the department ~~board~~ a report of any
6115 disciplinary action taken against contractors and of any
6116 administrative or disciplinary action taken against unlicensed
6117 persons for engaging in the business or acting in the capacity
6118 of a contractor including any cease and desist orders issued
6119 pursuant to s. 489.113(2) (b) and any fine issued pursuant to s.
6120 489.127(5) .

6121 (7)

6122 (c) In addition to any action the local jurisdiction
6123 enforcement body may take against the individual's local
6124 license, and any fine the local jurisdiction may impose, the
6125 local jurisdiction enforcement body shall issue a recommended

penalty for department ~~board~~ action. This recommended penalty may include a recommendation for no further action, or a recommendation for suspension, restitution, revocation, or restriction of the registration, or a fine to be levied by the department ~~board~~, or a combination thereof. The recommended penalty must specify the violations of this chapter upon which the recommendation is based. The local jurisdiction enforcement body shall inform the disciplined contractor and the complainant of the local license penalty imposed, the department ~~board~~ penalty recommended, his or her rights to appeal, and the consequences should he or she decide not to appeal. The local jurisdiction enforcement body shall, upon having reached adjudication or having accepted a plea of nolo contendere, immediately inform the department ~~board~~ of its action and the recommended department ~~board~~ penalty.

(d) The ~~department, the~~ disciplined contractor, or the complainant may challenge the local jurisdiction enforcement body's recommended penalty for department ~~board~~ action to the department ~~Construction Industry Licensing Board~~. A challenge shall be filed within 60 days after the issuance of the recommended penalty to the department ~~board~~. If challenged, there is a presumptive finding of probable cause and the case may proceed without the need for a probable cause hearing.

(e) Failure of the department, the disciplined contractor, or the complainant to challenge the local jurisdiction's

recommended penalty within the time period set forth in this subsection shall constitute a waiver of the right to a hearing before the department ~~board~~. A waiver of the right to a hearing before the department ~~board~~ shall be deemed an admission of the violation, and the penalty recommended shall become a final order according to procedures developed by department ~~board~~ rule without further department ~~board~~ action. The disciplined contractor may appeal this department ~~board~~ action to the district court.

(f)1. The department may investigate any complaint which is made with the department. However, the department may not initiate or pursue any complaint against a registered contractor who is not also a certified contractor where a local jurisdiction enforcement body has jurisdiction over the complaint, unless summary procedures are initiated by the secretary pursuant to s. 455.225(8), or unless the local jurisdiction enforcement body has failed to investigate and prosecute a complaint, or make a finding of no violation, within 6 months of receiving the complaint. The department shall refer the complaint to the local jurisdiction enforcement body for investigation, and if appropriate, prosecution. However, the department may investigate such complaints to the extent necessary to determine whether summary procedures should be initiated.

2. Upon a recommendation by the department, the department

6176 ~~board~~ may make conditional, suspend, or rescind its
6177 determination of the adequacy of the local government
6178 enforcement body's disciplinary procedures granted under s.
6179 489.117(2).

6180 (10) No municipal or county government may issue any
6181 certificate of competency or license for any contractor defined
6182 in s. 489.105(2)(a)-(o) ~~s. 489.105(3)(a)-(o)~~ after July 1, 1993,
6183 unless such local government exercises disciplinary control and
6184 oversight over such locally licensed contractors, including
6185 forwarding a recommended order in each action to the department
6186 ~~board~~ as provided in subsection (7). Each local board that
6187 licenses and disciplines contractors must have at least two
6188 consumer representatives on that board. If the local board has
6189 seven or more members, at least three of those members must be
6190 consumer representatives. The consumer representative may be any
6191 resident of the local jurisdiction who is not, and has never
6192 been, a member or practitioner of a profession regulated by the
6193 department ~~board~~ or a member of any closely related profession.

6194 (11) Any municipal or county government which enters or
6195 has in place a reciprocal agreement which accepts a certificate
6196 of competency or license issued by another municipal or county
6197 government in lieu of its own certificate of competency or
6198 license allowing contractors defined in s. 489.105(2)(a)-(o) ~~s.~~
6199 ~~489.105(3)(a)-(o)~~, shall file a certified copy of such agreement
6200 with the department ~~board~~ not later than 60 days after July 1,

1993, or 30 days after the effective date of such agreement.

(12) Unless specifically provided, ~~the provisions of this~~
part does ~~shall not be construed to~~ create a civil cause of
action.

**Section 196. Subsection (5) of section 489.132, Florida
Statutes, is amended to read:**

489.132 Prohibited acts by unlicensed principals;
investigation; hearing; penalties.—

(5) The department may suspend, revoke, or deny issuance
or renewal of a certificate or registration for any individual
or business organization that associates a person as an officer,
director, or partner, or in a managerial or supervisory
capacity, after such person has been found under a final order
to have violated this section or was an officer, director,
partner, trustee, or manager of a business organization
disciplined by the department ~~board~~ by revocation, suspension,
or fine in excess of \$2,500, upon finding reasonable cause that
such person knew or reasonably should have known of the conduct
leading to the discipline.

**Section 197. Subsections (2) and (4) of section 489.133,
Florida Statutes, are amended to read:**

489.133 Pollutant storage systems specialty contractors;
definitions; certification; restrictions.—

(2) The department ~~board~~ shall adopt rules providing
standards for registration of precision tank testers who

precision test a pollutant storage tank. The Department of Environmental Protection shall approve the methodology, procedures, and equipment used and shall approve the applicant as being eligible for registration as a registered precision tank tester. A registered precision tank tester is subject to the provisions of ss. 489.129 and 489.132 and is considered a contractor operating as a primary qualifying agent for the business entity employing him or her, which is considered a contracting firm for the purposes of ss. 489.129 and 489.132. A person who registers under this subsection is exempt from municipal, county, or development district registration under s. 489.117 and may operate as a precision tank tester statewide.

(4) The department ~~board~~ shall adopt rules providing standards for certification of pollutant storage systems specialty contractors, including persons who remove such systems. The department ~~board~~ shall provide the proposed rules to the Department of Environmental Protection for review and comment before ~~prior to~~ adoption. The rules shall include, but not be limited to:

(a) Standards for operating as a pollutant storage systems specialty contractor.

(b) Requirements for certification as a pollutant storage systems specialty contractor.

(c) Requirements for certification without examination of pollutant storage systems specialty contractors for any person

6251 who has passed a local licensure examination, a licensure
6252 examination in another state, or a licensure examination of a
6253 national organization, which is at least as stringent as the
6254 examination adopted by the department ~~board~~.

6255 **Section 198. Subsections (1) and (2) of section 489.1401,**
6256 **Florida Statutes, are amended to read:**

6257 489.1401 Legislative intent.—

6258 (1) It is the intent of the Legislature that actions taken
6259 by the department ~~Construction Industry Licensing Board~~ with
6260 respect to contractor sanctions and pursuant to this chapter are
6261 an exercise of the department's regulatory power for the
6262 protection of public safety and welfare.

6263 (2) It is the intent of the Legislature that the sole
6264 purpose of the Florida Homeowners' Construction Recovery Fund is
6265 to compensate an aggrieved claimant who contracted for the
6266 construction or improvement of the homeowner's residence located
6267 within this state and who has obtained a final judgment in a
6268 court of competent jurisdiction, was awarded restitution by the
6269 department ~~Construction Industry Licensing Board~~, or received an
6270 award in arbitration against a licensee on grounds of financial
6271 mismanagement or misconduct, abandoning a construction project,
6272 or making a false statement with respect to a project. Such
6273 grievance must arise directly out of a transaction conducted
6274 when the judgment debtor was licensed and must involve an act
6275 enumerated in s. 489.129(1)(g), (j), or (k).

6276 **Section 199. Paragraphs (c) through (l) of subsection (1)**
6277 **of section 489.1402, Florida Statutes, are redesignated as**
6278 **paragraphs (b) through (k), respectively, and present paragraphs**
6279 **(b) and (d) of that subsection are amended, to read:**

6280 489.1402 Homeowners' Construction Recovery Fund;
6281 definitions.—

6282 (1) The following definitions apply to ss. 489.140-
6283 489.144:

6284 ~~(b) "Board" means the Construction Industry Licensing~~
6285 ~~Board.~~

6286 (c) ~~(d)~~ "Contractor" means a Division I or Division II
6287 contractor performing his or her respective services described
6288 in s. 489.105(2) ~~s. 489.105(3)~~.

6289 **Section 200. Paragraphs (a), (e), (f), and (g) of**
6290 **subsection (1), paragraph (f) of subsection (2), and subsection**
6291 **(3) of section 489.141, Florida Statutes, are amended to read:**

6292 489.141 Conditions for recovery; eligibility.—

6293 (1) A claimant is eligible to seek recovery from the
6294 recovery fund after making a claim and exhausting the limits of
6295 any available bond, cash bond, surety, guarantee, warranty,
6296 letter of credit, or policy of insurance if each of the
6297 following conditions is satisfied:

6298 (a) The claimant has received a final judgment in a court
6299 of competent jurisdiction in this state or has received an award
6300 in arbitration or the department ~~Construction Industry Licensing~~

6301 ~~Board~~ has issued a final order directing the licensee to pay
6302 restitution to the claimant. The department ~~board~~ may waive this
6303 requirement if:

6304 1. The claimant is unable to secure a final judgment
6305 against the licensee due to the death of the licensee; or

6306 2. The claimant has sought to have assets involving the
6307 transaction that gave rise to the claim removed from the
6308 bankruptcy proceedings so that the matter might be heard in a
6309 court of competent jurisdiction in this state and, after due
6310 diligence, the claimant is precluded by action of the bankruptcy
6311 court from securing a final judgment against the licensee.

6312 (e) The contract was executed and the violation occurred
6313 on or after July 1, 1993, and provided that:

6314 1. The claimant has caused to be issued a writ of
6315 execution upon such judgment, and the officer executing the writ
6316 has made a return showing that no personal or real property of
6317 the judgment debtor or licensee liable to be levied upon in
6318 satisfaction of the judgment can be found or that the amount
6319 realized on the sale of the judgment debtor's or licensee's
6320 property pursuant to such execution was insufficient to satisfy
6321 the judgment;

6322 2. If the claimant is unable to comply with subparagraph
6323 1. for a valid reason to be determined by the department ~~board~~,
6324 the claimant has made all reasonable searches and inquiries to
6325 ascertain whether the judgment debtor or licensee is possessed

6326 of real or personal property or other assets subject to being
6327 sold or applied in satisfaction of the judgment and by his or
6328 her search has discovered no property or assets or has
6329 discovered property and assets and has taken all necessary
6330 action and proceedings for the application thereof to the
6331 judgment but the amount thereby realized was insufficient to
6332 satisfy the judgment; and

6333 3. The claimant has made a diligent attempt, as defined by
6334 department ~~board~~ rule, to collect the restitution awarded by the
6335 department ~~board~~.

6336 (f) A claim for recovery is made within 1 year after the
6337 conclusion of any civil, criminal, or administrative action or
6338 award in arbitration based on the act. This paragraph applies to
6339 any claim filed with the department ~~board~~ after October 1, 1998.

6340 (g) Any amounts recovered by the claimant from the
6341 judgment debtor or licensee, or from any other source, have been
6342 applied to the damages awarded by the court or the amount of
6343 restitution ordered by the department ~~board~~.

6344 (2) A claimant is not qualified to make a claim for
6345 recovery from the recovery fund if:

6346 (f) The claimant had entered into a contract with a
6347 licensee to perform a scope of work described in s.
6348 489.105(2)(d)-(g) ~~s. 489.105(3)(d)-(g)~~ before July 1, 2016.

6349 (3) The department ~~board~~ may determine by rule
6350 documentation that is required to complete a claim.

6351 **Section 201. Section 489.142, Florida Statutes, is amended**
6352 **to read:**

6353 489.142 Department ~~Board~~ powers relating to recovery;
6354 conduct of hearings and service.—

6355 (1) With respect to actions for recovery from the recovery
6356 fund, the department ~~board~~ may intervene, enter an appearance,
6357 file an answer, defend the action, or take any action it deems
6358 appropriate and may take recourse through any appropriate method
6359 of review on behalf of the State of Florida. The department
6360 ~~board~~ may delegate to the department by rule the authority to
6361 close any case when a claimant is not qualified to make a claim
6362 for recovery from the recovery fund under s. 489.141(2); when
6363 after notice the claimant has failed to provide documentation in
6364 support of the claim as required by the department ~~board~~; or
6365 when the licensee has reached the aggregate limit.

6366 (2) Notwithstanding any other provision of law, the
6367 department ~~board~~ shall cause a notice of hearing to be served 14
6368 days in advance of the hearing on the claimant and on the
6369 licensee whose license is subject to suspension by s. 489.143.
6370 Each notice shall inform the recipient of any administrative
6371 hearing or judicial review that is available under s. 120.569,
6372 s. 120.57, or s. 120.68; shall indicate the procedure that must
6373 be followed to obtain the hearing or judicial review; and shall
6374 state the time limits that apply. Service of the notice on the
6375 licensee shall be made in accordance with s. 455.275. Service of

the notice on the claimant shall be by regular United States mail at the address provided on the claim. The service of notice in accordance with this section is complete upon expiration of 14 days after deposit in the United States mail. Proof of service of a notice shall be made by entry in the records of the department that the notice was given. The entry shall be admissible in judicial and administrative proceedings of this state and shall constitute sufficient proof that notice was given.

(3) Notwithstanding any other provision of law, department ~~board~~ hearings on claims shall be conducted in accordance with ss. 120.569 and 120.57(2). All claim hearings shall be conducted at the department's ~~board's~~ regular meeting at the place, date, and time published. Orders of the department ~~board~~ denying or awarding funds to a claimant constitute final orders that may be appealed in accordance with s. 120.68. Orders awarding or denying claims shall be served in the same manner as notices of hearing in this section.

Section 202. Section 489.1425, Florida Statutes, is amended to read:

489.1425 Duty of contractor to notify residential property owner of recovery fund.—

(1) Each agreement or contract for repair, restoration, improvement, or construction to residential real property must contain a written statement explaining the consumer's rights

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under the recovery fund, except where the value of all labor and materials does not exceed \$2,500. The written statement must be substantially in the following form:

FLORIDA HOMEOWNERS' CONSTRUCTION

RECOVERY FUND

PAYMENT, UP TO A LIMITED AMOUNT, MAY BE AVAILABLE FROM THE FLORIDA HOMEOWNERS' CONSTRUCTION RECOVERY FUND IF YOU LOSE MONEY ON A PROJECT PERFORMED UNDER CONTRACT, WHERE THE LOSS RESULTS FROM SPECIFIED VIOLATIONS OF FLORIDA LAW BY A LICENSED CONTRACTOR. FOR INFORMATION ABOUT THE RECOVERY FUND AND FILING A CLAIM, CONTACT THE FLORIDA DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION ~~CONSTRUCTION INDUSTRY LICENSING BOARD~~ AT THE FOLLOWING TELEPHONE NUMBER AND ADDRESS:

The statement must shall be immediately followed by the department's ~~board's~~ address and telephone number as established by department ~~board~~ rule.

(2)(a) Upon finding a first violation of subsection (1), the department ~~board~~ may fine the contractor up to \$500, and the moneys must be deposited into the recovery fund.

(b) Upon finding a second or subsequent violation of subsection (1), the department ~~board~~ shall fine the contractor \$1,000 per violation, and the moneys must be deposited into the recovery fund.

Section 203. Subsections (1), (2), (4), and (6) of section 489.143, Florida Statutes, are amended to read:

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489.143 Payment from the fund.—

(1) The fund shall be disbursed as provided in s. 489.141 on a final order of the department ~~board~~.

(2) A claimant who meets all of the conditions prescribed in s. 489.141 may apply to the department ~~board~~ to cause payment to be made to a claimant from the recovery fund in an amount equal to the judgment, award, or restitution order or \$25,000, whichever is less, or an amount equal to the unsatisfied portion of such person's judgment, award, or restitution order, but only to the extent and amount of actual damages suffered by the claimant, and only up to the maximum payment allowed for each respective Division I and Division II claim. Payment from the fund for other costs related to or pursuant to civil proceedings such as postjudgment interest, attorney fees, court costs, medical damages, and punitive damages is prohibited. The recovery fund is not obligated to pay a judgment, an award, or a restitution order, or any portion thereof, which is not expressly based on one of the grounds for recovery set forth in s. 489.141.

(4) Upon receipt by a claimant under subsection (2) of payment from the recovery fund, the claimant shall assign his or her additional right, title, and interest in the judgment, award, or restitution order, to the extent of such payment, to the department ~~board~~, and thereupon the department ~~board~~ shall be subrogated to the right, title, and interest of the claimant;

6451 and any amount subsequently recovered on the judgment, award, or
6452 restitution order, to the extent of the right, title, and
6453 interest of the department ~~board~~ therein, shall be for the
6454 purpose of reimbursing the recovery fund.

6455 (6) For contracts entered into before July 1, 2004,
6456 payments for claims against any one licensee may not exceed, in
6457 the aggregate, \$100,000 annually, up to a total aggregate of
6458 \$250,000. For any claim approved by the department ~~board~~ which
6459 is in excess of the annual cap, the amount in excess of \$100,000
6460 up to the total aggregate cap of \$250,000 is eligible for
6461 payment in the next and succeeding fiscal years, but only after
6462 all claims for the then-current calendar year have been paid.
6463 Payments may not exceed the aggregate annual or per claimant
6464 limits under law. Beginning January 1, 2005, for each Division I
6465 contract entered into after July 1, 2004, payment from the
6466 recovery fund is subject only to a total aggregate cap of
6467 \$500,000 for each Division I licensee. Beginning January 1,
6468 2017, for each Division II contract entered into on or after
6469 July 1, 2016, payment from the recovery fund is subject only to
6470 a total aggregate cap of \$150,000 for each Division II licensee.
6471 Beginning January 1, 2025, for Division I and Division II
6472 contracts entered into on or after July 1, 2024, payment from
6473 the recovery fund is subject only to a total aggregate cap of \$2
6474 million for each Division I licensee and \$600,000 for each
6475 Division II licensee.

6476 **Section 204. Paragraph (a) of subsection (1) of section**
6477 **489.1455, Florida Statutes, is amended to read:**

6478 489.1455 Journeyman; reciprocity; standards.—

6479 (1) Counties and municipalities are authorized to issue
6480 journeyman licenses in the plumbing, pipe fitting, mechanical,
6481 or HVAC trades to an individual who:

6482 (a) Has scored at least 70 percent, or after October 1,
6483 1997, at least 75 percent, on a proctored journeyman Block and
6484 Associates examination or other proctored examination approved
6485 by the department ~~board~~ for the trade in which he or she is
6486 licensed;

6487 **Section 205. Section 489.146, Florida Statutes, is amended**
6488 **to read:**

6489 489.146 Privatization of services.—Notwithstanding any
6490 other provision of this part relating to the review of licensure
6491 applications, issuance of licenses and renewals, collection of
6492 revenues, fees, and fines, service of documents, publications,
6493 and printing, and other ministerial functions of the department
6494 relating to the regulation of contractors, the department shall
6495 make all reasonable efforts to contract with one or more private
6496 entities for provision of such services, when such services can
6497 be provided in a more efficient manner by private entities. The
6498 department or the department ~~board~~ shall retain final authority
6499 for licensure decisions and rulemaking, including all appeals or
6500 other legal action resulting from such licensure decisions or

rulemaking.

Section 206. Subsection (1) of section 489.509, Florida Statutes, is amended to read:

489.509 Fees.—

(1) The department ~~board~~, by rule, shall establish fees to be paid for applications, examination, reexamination, transfers, licensing and renewal, reinstatement, and recordmaking and recordkeeping. The examination fee shall be in an amount that covers the cost of obtaining and administering the examination and shall be refunded if the applicant is found ineligible to sit for the examination. The application fee is nonrefundable. The fee for initial application and examination for certification of electrical contractors may not exceed \$400. The initial application fee for registration may not exceed \$150. The biennial renewal fee may not exceed \$400 for certificateholders and \$200 for registrants. The fee for initial application and examination for certification of alarm system contractors may not exceed \$400. The biennial renewal fee for certified alarm system contractors may not exceed \$450. The department ~~board~~ may establish a fee for a temporary certificate as an alarm system contractor not to exceed \$75. The department ~~board~~ may also establish by rule a delinquency fee not to exceed \$50. The fee to transfer a certificate or registration from one business organization to another may not exceed \$200. The fee for reactivation of an inactive license may not exceed \$50. The

department board shall establish fees that are adequate to ensure the continued operation of the department board. Fees shall be based on department estimates of the revenue required to implement this part and the provisions of law with respect to the regulation of electrical contractors and alarm system contractors.

Section 207. Section 489.510, Florida Statutes, is amended to read:

489.510 Evidence of workers' compensation coverage.—Except as provided in s. 489.515(3)(b), any person, business organization, or qualifying agent engaged in the business of contracting in this state and certified or registered under this part shall, as a condition precedent to the issuance or renewal of a certificate or registration of the contractor, provide to the department ~~Electrical Contractors' Licensing Board~~, as provided by department board rule, evidence of workers' compensation coverage pursuant to chapter 440. In the event that the Division of Workers' Compensation of the Department of Financial Services receives notice of the cancellation of a policy of workers' compensation insurance insuring a person or entity governed by this section, the Division of Workers' Compensation shall certify and identify all persons or entities by certification or registration license number to the department after verification is made by the Division of Workers' Compensation that persons or entities governed by this

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section are no longer covered by workers' compensation insurance. Such certification and verification by the Division of Workers' Compensation may result from records furnished to the Division of Workers' Compensation by the persons or entities governed by this section or an investigation completed by the Division of Workers' Compensation. The department shall notify the persons or entities governed by this section who have been determined to be in noncompliance with chapter 440, and the persons or entities notified shall provide certification of compliance with chapter 440 to the department and pay an administrative fine in the amount of \$500. The failure to maintain workers' compensation coverage as required by law shall be grounds for the department board ~~board~~ to revoke, suspend, or deny the issuance or renewal of a certificate or registration of the contractor under the provisions of s. 489.533.

Section 208. Paragraph (b) of subsection (1) and subsections (2) through (5) of section 489.511, Florida Statutes, are amended to read:

489.511 Certification; application; examinations; endorsement.—

(1)

(b) Any person desiring to be certified as a contractor shall apply to the department in writing and must meet the following criteria:

1. Be of good moral character;

6576 2. Pass the certification examination, achieving a passing
6577 grade as established by department ~~board~~ rule; and

6578 3. Meet eligibility requirements according to one of the
6579 following criteria:

6580 a. Has, within the 6 years immediately preceding the
6581 filing of the application, at least 3 years of proven management
6582 experience in the trade or education equivalent thereto, or a
6583 combination thereof, but not more than one-half of such
6584 experience may be educational equivalent;

6585 b. Has, within the 8 years immediately preceding the
6586 filing of the application, at least 4 years of experience as a
6587 supervisor or contractor in the trade for which he or she is
6588 making application, or at least 4 years of experience as a
6589 supervisor in electrical or alarm system work with the United
6590 States Armed Forces;

6591 c. Has, within the 12 years immediately preceding the
6592 filing of the application, at least 6 years of comprehensive
6593 training, technical education, or supervisory experience
6594 associated with an electrical or alarm system contracting
6595 business, or at least 6 years of technical experience,
6596 education, or training in electrical or alarm system work with
6597 the United States Armed Forces or a governmental entity;

6598 d. Has, within the 12 years immediately preceding the
6599 filing of the application, been licensed for 3 years as a
6600 professional engineer who is qualified by education, training,

6601 or experience to practice electrical engineering; or

6602 e. Has any combination of qualifications under sub-
6603 subparagraphs a.-c. totaling 6 years of experience.

6604 (2) The department ~~board~~ may determine by rule the number
6605 of times per year the applicant may take the examination and
6606 after three unsuccessful attempts may require the applicant to
6607 complete additional college-level or technical education courses
6608 in the areas of deficiency, as determined by the department
6609 ~~board~~, as a condition of future eligibility to take the
6610 examination.

6611 (3) (a) "Good moral character" means a personal history of
6612 honesty, fairness, and respect for the rights of others and for
6613 laws of this state and nation.

6614 (b) The department ~~board~~ may determine that an individual
6615 applying for certification is ineligible for failure to satisfy
6616 the requirement of good moral character only if:

6617 1. There is a substantial connection between the lack of
6618 good moral character of the individual and the professional
6619 responsibilities of a certified contractor; and

6620 2. The finding by the department ~~board~~ of lack of good
6621 moral character is supported by clear and convincing evidence.

6622 (c) When an individual is found to be unqualified for
6623 certification because of a lack of good moral character, the
6624 department ~~board~~ shall furnish such individual a statement
6625 containing the findings of the department ~~board~~, a complete

record of the evidence upon which the determination was based,
and a notice of the rights of the individual to a rehearing and
appeal.

(4) The department ~~board~~ shall, by rule, designate those
types of specialty electrical or alarm system contractors who
may be certified under this part. The limit of the scope of work
and responsibility of a certified specialty contractor shall be
established by department ~~board~~ rule. A certified specialty
contractor category exists as an optional statewide licensing
category. Qualification for certification in a specialty
category created by rule shall be the same as set forth in
paragraph (1)(b). The existence of a specialty category created
by rule does not itself create any licensing requirement;
however, neither does its optional nature remove any licensure
requirement established elsewhere in this part.

(5) The department ~~board~~ shall certify as qualified for
certification by endorsement any individual applying for
certification who:

(a) Meets the requirements for certification as set forth
in this section; has passed a national, regional, state, or
United States territorial licensing examination that is
substantially equivalent to the examination required by this
part; and has satisfied the requirements set forth in s.
489.521;

(b) Holds a valid license to practice electrical or alarm

6651 system contracting issued by another state or territory of the
6652 United States, if the criteria for issuance of such license were
6653 substantially equivalent to the certification criteria that
6654 existed in this state at the time the certificate was issued; or

6655 (c) Has held a valid, current license to practice
6656 electrical or alarm system contracting issued by another state
6657 or territory of the United States for at least 10 years before
6658 the date of application and is applying for the same or similar
6659 license in this state, subject to ss. 489.510 and 489.521(3)(a)
6660 and subparagraph (1)(b)1. Such application must be made either
6661 when the license in another state or territory is active or
6662 within 2 years after such license was last active. Electrical
6663 contractors and alarm system contractors must complete a 2-hour
6664 course on the Florida Building Code. The required courses may be
6665 completed online.

6666 **Section 209. Paragraph (c) of subsection (1) and**
6667 **subsections (3) and (6) of section 489.513, Florida Statutes,**
6668 **are amended to read:**

6669 489.513 Registration; application; requirements.—

6670 (1) Any person engaged in the business of contracting in
6671 the state shall be registered in the proper classification
6672 unless he or she is certified. Any person desiring to be a
6673 registered contractor shall apply to the department for
6674 registration and must:

6675 (c) Meet eligibility requirements according to the

following criteria:

1. As used in this subsection, the term "good moral character" means a personal history of honesty, fairness, and respect for the rights of others and for state and federal law.

2. The department ~~board~~ may determine that an individual applying for registration is ineligible due to failure to satisfy the requirement of good moral character only if:

a. There is a substantial connection between the lack of good moral character of the individual and the professional responsibilities of a registered contractor; and

b. The finding by the department ~~board~~ of lack of good moral character is supported by clear and convincing evidence.

3. When an individual is found to be unqualified because of lack of good moral character, the department ~~board~~ must furnish such individual a statement containing the findings of the department ~~board~~, a complete record of evidence upon which the determination was based, and a notice of the rights of the individual to a rehearing and an appeal.

(3) To be registered as an electrical contractor, an alarm system contractor I, an alarm system contractor II, or a residential alarm system contractor, the applicant shall file evidence of holding a current certificate of competency issued by any municipality or county of the state for the type of work for which registration is desired, on a form provided by the department, together with evidence of having passed an

6701 appropriate local examination, written or oral, designed to test
6702 skills and knowledge relevant to the technical performance of
6703 the profession, accompanied by the registration fee fixed
6704 pursuant to this part. For any person working or wishing to work
6705 in any local jurisdiction that does not require an examination
6706 for its license, the applicant may apply and shall be considered
6707 qualified to be issued a registration in the appropriate
6708 electrical or alarm system category, provided that he or she
6709 shows that he or she has scored at least 75 percent on an
6710 examination which is substantially equivalent to the examination
6711 approved by the department ~~board~~ for certification in the
6712 category and that he or she has had at least 3 years' technical
6713 experience in the trade. The requirement to take and pass an
6714 examination in order to obtain a registration does ~~shall~~ not
6715 apply to persons making application before ~~prior to~~ the
6716 effective date of this act.

6717 (6) The local jurisdictions are responsible for providing
6718 the following information to the department ~~board~~ within 30 days
6719 after licensure of, or any disciplinary action against, a
6720 locally licensed contractor who is registered under this part:

- 6721 (a) Licensure information.
6722 (b) Code violation information pursuant to s. 553.781.
6723 (c) Disciplinary information.

6724
6725 The department ~~board~~ shall maintain such licensure and

disciplinary information as it is provided to the department
~~board~~ and shall make the information available through the
automated information system provided pursuant to s. 455.2286.

**Section 210. Section 489.514, Florida Statutes, is amended
to read:**

489.514 Certification for registered contractors;
grandfathering provisions.—

(1) The department ~~board~~ shall, upon receipt of a
completed application, appropriate fee, and proof of compliance
with the provisions of this section, issue:

(a) To an applying registered electrical contractor, a
certificate as an electrical contractor, ~~as defined in s.~~
~~489.505(12);~~

(b) To an applying registered alarm system contractor, a
certificate in the matching alarm system contractor category, ~~as~~
~~defined in s. 489.505(2)(a) or (b);~~ or

(c) To an applying registered electrical specialty
contractor, a certificate in the matching electrical specialty
contractor category, ~~as defined in s. 489.505(19).~~

(2) Any contractor registered under this part who makes
application under this section to the department ~~board~~ shall
meet each of the following requirements for certification:

(a) Currently holds a valid registered local license in
the category of electrical contractor, alarm system contractor,
or electrical specialty contractor.

6751 (b) Has, for that category, passed a written, proctored
6752 examination that the department ~~board~~ finds to be substantially
6753 similar to the examination required to be licensed as a
6754 certified contractor under this part. For purposes of this
6755 subsection, a written, proctored examination such as that
6756 produced by the National Assessment Institute, Block and
6757 Associates, NAI/Block, Exepior Assessments, Professional
6758 Testing, Inc., or Assessment Systems, Inc., shall be considered
6759 to be substantially similar to the examination required to be
6760 licensed as a certified contractor. The department ~~board~~ may not
6761 impose or make any requirements regarding the nature or content
6762 of these cited examinations.

6763 (c) Has at least 5 years of experience as a contractor in
6764 that contracting category, or as an inspector or building
6765 administrator with oversight over that category, at the time of
6766 application. For contractors, only time periods in which the
6767 contractor license is active and the contractor is not on
6768 probation shall count toward the 5 years required under this
6769 subsection.

6770 (d) Has not had his or her contractor's license revoked at
6771 any time, had his or her contractor's license suspended in the
6772 last 5 years, or been assessed a fine in excess of \$500 in the
6773 last 5 years.

6774 (e) Is in compliance with the insurance and financial
6775 responsibility requirements in s. 489.515(1)(b).

6776 **Section 211. Subsections (1) through (4) of section**
6777 **489.515, Florida Statutes, are amended to read:**

6778 489.515 Issuance of certificates; registrations.—

6779 (1)(a) The department shall issue a certificate to a
6780 person who the department ~~board~~ certifies is qualified to become
6781 a certified contractor.

6782 (b) The department ~~board~~ shall certify as qualified for
6783 certification any person who satisfies the requirements of s.
6784 489.511 and who submits satisfactory evidence that he or she has
6785 obtained both workers' compensation insurance or an acceptable
6786 exemption certificate issued by the department and public
6787 liability and property damage insurance for the health, safety,
6788 and welfare of the public in amounts determined by rule of the
6789 department ~~board~~, and furnishes evidence of financial
6790 responsibility, credit, and business reputation of either
6791 himself or herself or the business organization he or she
6792 desires to qualify.

6793 (c) Upon compliance with the provisions of this section
6794 and payment of the certification fee, the department shall issue
6795 the person a certificate.

6796 (2) The department shall issue a registration to a person
6797 who is in compliance with the provisions of s. 489.513 and who
6798 the department ~~board~~ certifies is qualified to be registered.

6799 (3)(a) As a prerequisite to the initial issuance or the
6800 renewal of a certificate or registration, the applicant shall

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submit an affidavit on a form provided by the department ~~board~~ attesting to the fact that the applicant has obtained both workers' compensation insurance or an acceptable exemption certificate issued by the department and public liability and property damage insurance for the health, safety, and welfare of the public in amounts determined by rule of the department ~~board~~. The department ~~board~~ shall by rule establish a procedure to verify the accuracy of such affidavits based upon a random audit method.

(b) An applicant for initial issuance of a certificate or registration shall submit as a prerequisite to qualifying for an exemption from workers' compensation coverage requirements under s. 440.05 an affidavit attesting to the fact that the applicant will obtain an exemption within 30 days after the date the initial certificate or registration is issued by the department ~~board~~.

(4) The department ~~board~~ may refuse to certify any applicant who has violated any of the provisions of s. 489.533.

Section 212. Subsection (4) of section 489.516, Florida Statutes, is amended to read:

489.516 Qualifications to practice; restrictions; prerequisites.—

(4) A county or municipality may suspend or deny a locally issued permit when the local building official, tax collector, or other authorized person determines that the contractor has

failed to obtain both workers' compensation insurance or an acceptable exemption certificate issued by the department and public liability and property damage insurance in the amounts determined by rule of the department ~~board~~.

Section 213. Section 489.5161, Florida Statutes, is amended to read:

489.5161 Credit for relevant military training and education.—

(1) The department shall provide a method by which honorably discharged veterans may apply for licensure. The method must include a veteran-specific application and provide, to the fullest extent possible, credit toward the requirements for licensure for military experience, training, and education received and completed during service in the United States Armed Forces if the military experience, training, or education is substantially similar to the experience, training, or education required for licensure. The department ~~board~~ may adopt rules pursuant to ss. 120.536(1) and 120.54 to implement this subsection.

(2) Notwithstanding any other provision of law, beginning October 1, 2017, and annually thereafter, the department, ~~in conjunction with the board,~~ is directed to prepare and submit a report titled "Construction and Electrical Contracting Veteran Applicant Statistics" to the Governor, the President of the Senate, and the Speaker of the House of Representatives. The

report shall include statistics and information relating to this section and s. 489.1131 which detail:

(a) The number of applicants who identified themselves as veterans.

(b) The number of veterans whose application for a license was approved.

(c) The number of veterans whose application for a license was denied, including data on the reasons for denial.

(d) Data on the application processing times for veterans.

(e) Recommendations on ways to improve the department's ability to meet the needs of veterans which would effectively address the challenges that veterans face when separating from military service and seeking a license regulated by the department pursuant to this part.

Section 214. Subsections (4), (5), and (6) of section 489.517, Florida Statutes, are renumbered as subsections (3), (4), and (5), respectively, and subsection (3) and present subsections (5) and (6) of that section are amended, to read:

489.517 Renewal of certificate or registration;~~continuing education.~~—

~~(3)(a) Each certificateholder or registrant licensed as a specialty contractor or an alarm system contractor shall provide proof, in a form established by rule of the board, that the certificateholder or registrant has completed at least 7 classroom hours of at least 50 minutes each of continuing~~

6876 ~~education courses during each biennium since the issuance or~~
6877 ~~renewal of the certificate or registration. The board shall by~~
6878 ~~rule establish criteria for the approval of continuing education~~
6879 ~~courses and providers and may by rule establish criteria for~~
6880 ~~accepting alternative nonclassroom continuing education on an~~
6881 ~~hour-for-hour basis.~~

6882 ~~(b) Each certificateholder or registrant licensed as an~~
6883 ~~electrical contractor shall provide proof, in a form established~~
6884 ~~by rule of the board, that the certificateholder or registrant~~
6885 ~~has completed at least 11 classroom hours of at least 50 minutes~~
6886 ~~each of continuing education courses during each biennium since~~
6887 ~~the issuance or renewal of the certificate or registration. The~~
6888 ~~board shall by rule establish criteria for the approval of~~
6889 ~~continuing education courses and providers and may by rule~~
6890 ~~establish criteria for accepting alternative nonclassroom~~
6891 ~~continuing education on an hour-for-hour basis.~~

6892 ~~(4)(5)~~ By applying for renewal, each certificateholder or
6893 registrant certifies that he or she has continually maintained
6894 the required amounts of public liability and property damage
6895 insurance as specified by department ~~board~~ rule. The department
6896 ~~board~~ shall establish by rule a procedure to verify the public
6897 liability and property damage insurance for a specified period,
6898 based upon a random sampling method.

6899 ~~(5)(6)~~ The department ~~board~~ shall require, by rule adopted
6900 pursuant to ss. 120.536(1) and 120.54, a specialized number of

6901 hours in specialized or advanced module courses, approved by the
6902 Florida Building Commission, on any portion of the Florida
6903 Building Code, adopted pursuant to part IV of chapter 553,
6904 relating to the contractor's respective discipline.

6905 **Section 215. Subsection (6) is renumbered as subsection**
6906 **(5), paragraph (b) of subsection (1), paragraphs (b) and (d) of**
6907 **subsection (4), and subsection (5) of section 489.518, Florida**
6908 **Statutes, are amended to read:**

6909 489.518 Alarm system agents.—

6910 (1) A licensed electrical or alarm system contractor may
6911 not employ a person to perform the duties of a burglar alarm
6912 system agent unless the person:

6913 (b) Has successfully completed a minimum of 14 hours of
6914 training within 90 days after employment, to include basic alarm
6915 system electronics in addition to related training including
6916 CCTV and access control training, with at least 2 hours of
6917 training in the prevention of false alarms. Such training shall
6918 be from a department-approved ~~board-approved~~ provider, and the
6919 employee or applicant for employment shall provide proof of
6920 successful completion to the licensed employer. The department
6921 ~~board~~ shall by rule establish criteria for the approval of
6922 training courses and providers and may by rule establish
6923 criteria for accepting alternative nonclassroom education on an
6924 hour-for-hour basis. The department ~~board~~ shall approve
6925 providers that conduct training in other than the English

language. The department ~~board~~ shall establish a fee for the approval of training providers or courses, not to exceed \$60. Qualified employers may conduct training classes for their employees, with department ~~board~~ approval.

(4)

(b) The identification card shall be designed in a department-approved ~~board-approved~~ format. The card must include a picture of the agent, must specify at least the name of the holder of the card and the name and license number of the contractor, and must be signed by the contractor and by the holder of the card. Each identification card is valid for a period of 2 years after the date of issuance. The identification card must be in the possession of each burglar alarm system agent while engaged in burglar alarm system agent duties.

(d) Each identification card must be renewed every 2 years ~~and in a board-approved format to show compliance with the 6 hours of continuing education necessary to maintain certification as a burglar alarm system agent.~~

~~(5) Each burglar alarm system agent must receive 6 hours of continuing education on burglar alarm system installation and repair and false alarm prevention every 2 years from a board-approved sponsor of training and through a board-approved training course.~~

Section 216. Subsection (6) of section 489.5185, Florida Statutes, is renumbered as subsection (5) and paragraph (b) of

subsection (1), paragraphs (a) and (f) of subsection (2), paragraphs (b) and (d) of subsection (4), and subsection (5) of that section are amended, to read:

489.5185 Fire alarm system agents.—

(1) A certified unlimited electrical contractor or licensed fire alarm contractor may not employ a person to perform the duties of a fire alarm system agent unless the person:

(b) Has successfully completed a minimum of 14 hours of initial training, to include basic fire alarm system technology in addition to related training in National Fire Protection Association (NFPA) codes and standards and access control training, with at least 2 hours of training in the prevention of false alarms. Such training must be from a department-approved ~~board-approved~~ provider, and the employee or applicant for employment must provide proof of successful completion to the licensed employer. The department ~~board~~, by rule, shall establish criteria for the approval of training courses and providers. The department ~~board~~ shall approve qualified providers that conduct training in other than the English language. The department ~~board~~ shall establish a fee for the approval of training providers, not to exceed \$200, and a fee for the approval of courses at \$25 per credit hour, not to exceed \$100 per course.

(2)(a) Any applicant for employment as a fire alarm system

6976 agent, or any individual employed as a fire alarm system agent
6977 on the effective date of this act, who has completed alarm
6978 system agent or burglar alarm system agent training before ~~prior~~
6979 ~~to~~ the effective date of this act in a department-certified
6980 ~~board-certified~~ program is not required to take additional
6981 training in order to comply with the initial training
6982 requirements of this section.

6983 (f) If a person holds a current National Institute of
6984 Certification in Engineering Technologies (NICET) Level II
6985 certification or higher in Fire Alarm Systems or Inspection and
6986 Testing of Fire Alarm Systems, a current certification as an
6987 Electronic Security Association (ESA) Certified Fire Alarm
6988 Technician, or a current certification as an ESA Certified Fire
6989 Alarm Designer, he or she is required to complete only the 2
6990 hours of training in the prevention of false alarms required by
6991 paragraph (1)(b) from a department-approved ~~board-approved~~
6992 sponsor of training and through a department-approved ~~board-~~
6993 ~~approved~~ training course.

6994 (4)

6995 (b) The card shall follow a department-approved ~~board-~~
6996 ~~approved~~ format, to include a picture of the agent; shall
6997 specify at least the name of the holder of the card and the name
6998 and license number of the certified unlimited electrical
6999 contractor or licensed fire alarm contractor; and shall be
7000 signed by both the contractor and the holder of the card. Each

7001 identification card shall be valid for a period of 2 years after
7002 the date of issuance. The identification card must be in the
7003 possession of the fire alarm system agent while engaged in fire
7004 alarm system agent duties.

7005 ~~(d) Each identification card must be renewed every 2 years~~
7006 ~~and in a board approved format to show compliance with the 6~~
7007 ~~hours of continuing education necessary to maintain~~
7008 ~~certification as a fire alarm system agent.~~

7009 ~~(5)(a) Except as provided in paragraph (b), each fire~~
7010 ~~alarm system agent must receive 6 hours of continuing education~~
7011 ~~on fire alarm system installation and repair and false alarm~~
7012 ~~prevention every 2 years from a board approved sponsor of~~
7013 ~~training and through a board approved training course.~~

7014 ~~(b) A person holding a current NICET Level II~~
7015 ~~certification or higher in Fire Alarm Systems or Inspection and~~
7016 ~~Testing of Fire Alarm Systems, certification as an ESA Certified~~
7017 ~~Fire Alarm Technician, or certification as an ESA Certified Fire~~
7018 ~~Alarm Designer is required to complete only 2 hours of~~
7019 ~~continuing education training in the prevention of false alarms~~
7020 ~~every 2 years from a board approved sponsor of training and~~
7021 ~~through a board approved training course.~~

7022 **Section 217. Subsections (1) and (3) of section 489.519,**
7023 **Florida Statutes, are amended to read:**

7024 489.519 Inactive status.—

7025 (1) A certificate or registration that becomes inactive

7026 may be reactivated under s. 489.517 upon application to the
7027 department. ~~The board may not require a licensee to complete~~
7028 ~~more than one renewal cycle of continuing education to~~
7029 ~~reactivate a certificate or registration.~~

7030 ~~(3) The board shall impose, by rule, continuing education~~
7031 ~~requirements for inactive certificateholders, when inactive~~
7032 ~~status is sought by certificateholders who are also building~~
7033 ~~code administrators, plans examiners, or inspectors certified~~
7034 ~~pursuant to part XII of chapter 468.~~

7035 **Section 218. Section 489.520, Florida Statutes, is amended**
7036 **to read:**

7037 489.520 Automated licensure status information system.—By
7038 January 1, 1995, the department shall implement an automated
7039 licensure status information system for electrical and alarm
7040 system contracting. The system shall provide instant
7041 notification to local building departments and other interested
7042 parties, as determined by the ~~board or~~ department, regarding the
7043 status of the certification or registration of any contractor
7044 certified or registered pursuant to the provisions of this part.
7045 The provision of such information shall consist, at a minimum,
7046 of an indication of whether the certification or registration of
7047 the contractor applying for a permit is active, of any current
7048 failure of the contractor to make restitution according to the
7049 terms of any final action by the department ~~board~~, of any
7050 ongoing disciplinary cases against the contractor that are

subject to public disclosure, and whether there are any outstanding fines against the contractor.

Section 219. Paragraphs (a) and (b) of subsection (2), subsections (3), (4), and (5), paragraph (c) of subsection (7), subsections (8) and (9), and paragraph (b) of subsection (10) of section 489.521, Florida Statutes, are amended to read:

489.521 Business organizations; qualifying agents.—

(2)(a)1. If the applicant proposing to engage in contracting is a partnership, corporation, business trust, or other legal entity, other than a sole proprietorship, the application shall state the name of the partnership and its partners; the name of the corporation and its officers and directors and the name of each of its stockholders who is also an officer or director; the name of the business trust and its trustees; or the name of such other legal entity and its members. In addition, the applicant shall furnish evidence of statutory compliance if a fictitious name is used. A joint venture, including a joint venture composed of qualified business organizations, is itself a separate and distinct organization that shall be qualified in accordance with department board rules. The registration or certification, when issued upon application of a business organization, shall be in the name of the qualifying agent, and the name of the business organization shall be noted thereon. If there is a change in any information that is required to be stated on the application,

7076 the business organization shall, within 45 days after such
7077 change occurs, mail the correct information to the department.

7078 2. Any person certified or registered pursuant to this
7079 part who has had his or her license revoked may ~~shall~~ not be
7080 eligible for a 5-year period to be a partner, officer, director,
7081 or trustee of a business organization as defined by this
7082 section. Such person shall also be ineligible to reapply for
7083 certification or registration under this part for a period of 5
7084 years.

7085 (b) The applicant shall also show that the proposed
7086 qualifying agent is legally qualified to act for the business
7087 organization in all matters connected with its electrical or
7088 alarm system contracting business and concerning regulations by
7089 the department ~~board~~ and that he or she has authority to
7090 supervise electrical or alarm system contracting undertaken by
7091 the business organization.

7092 (3)(a) The applicant shall furnish evidence of financial
7093 responsibility, credit, and business reputation of the business
7094 organization, as well as the name of the qualifying agent. The
7095 department ~~board~~ shall adopt rules defining financial
7096 responsibility based upon the business organization's credit
7097 history, ability to be bonded, and any history of bankruptcy or
7098 assignment of receivers. Such rules shall specify the financial
7099 responsibility grounds on which the department ~~board~~ may
7100 determine that a business organization is not qualified to

engage in contracting.

(b) In the event a qualifying agent must take the certification examination, the department ~~board~~ shall, within 60 days from the date of the examination, inform the business organization in writing whether or not its qualifying agent has qualified.

(c) If the qualifying agent of a business organization applying to engage in contracting, after having been notified to do so, does not appear for examination within 1 year from the date of filing of the application, the examination fee paid by it shall be credited as an earned fee to the department. A new application to engage in contracting shall be accompanied by another application fee fixed pursuant to this act. Forfeiture of a fee may be waived by the department ~~board~~ for good cause.

(d) Once the department ~~board~~ has determined that the business organization's proposed qualifying agent has qualified, the business organization shall be authorized to engage in the contracting business. The certificate, when issued, shall be in the name of the qualifying agent, and the name of the business organization shall be noted thereon.

(4) As a prerequisite to the initial issuance of a certificate, the applicant or the business organization he or she qualifies shall submit evidence that he or she or the business organization has obtained public liability and property damage insurance for the safety and welfare of the public in an

7126 amount to be determined by department ~~board~~ rule.

7127 (5) At least one officer or supervising employee of the
7128 business organization must be qualified under this act in order
7129 for the business organization to be qualified to engage in
7130 contracting in the category of the business conducted. If any
7131 individual so qualified on behalf of the business organization
7132 ceases to qualify the business organization, he or she shall
7133 notify the ~~board and the~~ department thereof within 30 days after
7134 such occurrence. In addition, if the individual is the only
7135 individual who qualifies the business organization, the business
7136 organization shall notify the ~~board and the~~ department of the
7137 individual's termination, and it shall have a period of 60 days
7138 from the termination of the individual to qualify another person
7139 under the provision of this act, failing which, the department
7140 ~~board~~ shall determine that the business organization is no
7141 longer qualified to engage in contracting. The individual shall
7142 also inform the department ~~board~~ in writing when he or she
7143 proposes to engage in contracting in his or her own name or in
7144 affiliation with another business organization, and the
7145 individual, or such new business organization, shall supply the
7146 same information to the department ~~board~~ as required for
7147 applicants under this act. After an investigation of the
7148 financial responsibility, credit, and business reputation of the
7149 individual or the new business organization and upon a favorable
7150 determination, the department ~~board~~ shall certify the business

7151 organization as qualified, and the department shall issue,
7152 without examination, a new certificate in the individual's name,
7153 which shall include the name of the new business organization,
7154 as provided in this section.

7155 (7)

7156 (c) The department ~~board~~ shall assess a fine of not less
7157 than \$100 or issue a citation to any contractor who fails to
7158 include that contractor's certification or registration number
7159 when submitting an advertisement for publication, broadcast, or
7160 printing. In addition, any person who claims in any
7161 advertisement to be a certified or registered contractor, but
7162 who does not hold a valid state certification or registration,
7163 commits a misdemeanor of the second degree, punishable as
7164 provided in s. 775.082 or s. 775.083.

7165 (8) Each qualifying agent shall pay the department an
7166 amount equal to the original fee for certification or
7167 registration to qualify any additional business organizations.
7168 If the qualifying agent for a business organization desires to
7169 qualify additional business organizations, the department ~~board~~
7170 shall require him or her to present evidence of supervisory
7171 ability and financial responsibility of each such organization.
7172 Allowing a licensee to qualify more than one business
7173 organization shall be conditioned upon the licensee showing that
7174 the licensee has both the capacity and intent to adequately
7175 supervise each business organization in accordance with s.

7176 489.522(1). The department may ~~board shall~~ not limit the number
7177 of business organizations which the licensee may qualify except
7178 upon the licensee's failing to provide such information as is
7179 required under this subsection or upon a finding that such
7180 information or evidence as is supplied is incomplete or
7181 unpersuasive in showing the licensee's capacity and intent to
7182 comply with the requirements of this subsection. A qualification
7183 for an additional business organization may be revoked or
7184 suspended upon a finding by the department ~~board~~ that the
7185 licensee has failed in the licensee's responsibility to
7186 adequately supervise the operations of that business
7187 organization in accordance with s. 489.522(1). Failure of the
7188 responsibility to adequately supervise the operations of a
7189 business organization in accordance with s. 489.522(1) shall be
7190 grounds for denial to qualify additional business organizations.

7191 (9) If a business organization or any of its partners,
7192 officers, directors, trustees, or members is disciplined for
7193 violating s. 489.533(1), the department ~~board~~ may, on that basis
7194 alone, deny issuance of a certificate or registration to a
7195 qualifying agent on behalf of that business organization.

7196 (10)

7197 (b) Any business organization engaging in contracting
7198 under this subsection shall provide the department ~~board~~ with
7199 the name and license number of each registered or certified
7200 contractor employed by the business organization to supervise

its contracting activities. The business organization is not required to post a bond or otherwise evidence any financial or credit information except as necessary to demonstrate compliance with paragraph (a).

Section 220. Subsection (2) and paragraph (a) of subsection (3) of section 489.522, Florida Statutes, are amended to read:

489.522 Qualifying agents; responsibilities.—

(2) One of the qualifying agents for a business organization that has more than one qualifying agent may be designated as the sole primary qualifying agent for the business organization by a joint agreement that is executed, on a form provided by the department board, by all qualifying agents for the business organization. The joint agreement shall be submitted to the department board for approval. If the department board determines that the joint agreement is in good order, it shall approve the designation and immediately notify the qualifying agents of such approval. The designation made by the joint agreement is effective upon receipt of the notice by the qualifying agents. The qualifying agent designated for a business organization by a joint agreement is the sole primary qualifying agent for the business organization, and all other qualifying agents for the business organization are secondary qualifying agents.

(a) A designated sole primary qualifying agent has all the

responsibilities and duties of a primary qualifying agent, notwithstanding that there are secondary qualifying agents for specified jobs. The designated sole primary qualifying agent is jointly and equally responsible with secondary qualifying agents for field work supervision.

(b) A secondary qualifying agent is responsible only for:

1. The supervision of field work at sites where his or her license was used to obtain the building permit; and

2. Any other work for which he or she accepts responsibility.

A secondary qualifying agent is not responsible for supervision of financial matters.

(c) A primary qualifying agent shall have approval authority for checks, payments, drafts, and contracts issued by or entered into by the business organization.

(3)(a) A qualifying agent who has been designated by a joint agreement as the sole primary qualifying agent for a business organization may terminate this status as such by giving actual notice to the business organization, to the department board, and to all secondary qualifying agents of his or her intention to terminate this status. The notice to the department board shall include proof satisfactory to the department board that he or she has given the notice required in this paragraph. The status of the qualifying agent shall cease

7251 upon the designation of a new primary qualifying agent or 60
7252 days after satisfactory notice of termination has been provided
7253 to the department ~~board~~, whichever first occurs. If no new
7254 primary qualifying agent has been designated within 60 days, all
7255 secondary qualifying agents for the business organization shall
7256 become primary qualifying agents, unless the joint agreement
7257 specifies that one or more of them shall become sole qualifying
7258 agents under such circumstances, in which case only they shall
7259 become sole qualifying agents.

7260 **Section 221. Section 489.523, Florida Statutes, is amended**
7261 **to read:**

7262 489.523 Emergency registration upon death of contractor.—
7263 If an incomplete contract exists at the time of death of a
7264 contractor, the contract may be completed by any person even
7265 though not certified. The person shall notify the department
7266 ~~appropriate board~~, within 30 days after the death of the
7267 contractor, of his or her name and address, knowledge of the
7268 contract, and ability to complete it. If the department ~~board~~
7269 approves, he or she may proceed with the contract. The
7270 department ~~board~~ shall then issue an emergency registration
7271 which shall expire upon the completion of the contract. For
7272 purposes of this section, and upon written approval of the
7273 department ~~board~~, an incomplete contract may be one which has
7274 been awarded to, or entered into by, the contractor before his
7275 or her death, or on which he or she was the low bidder and the

contract is subsequently awarded to him or her, regardless of whether any actual work has commenced under the contract before the contractor's death.

Section 222. Section 489.525, Florida Statutes, is amended to read:

489.525 Report to local building officials.—The department may report to all building officials the contents of this part and the contents of the rules of the department ~~board~~. Any information that is available through the Internet or other electronic means may be excluded from the report.

Section 223. Subsections (2), (3), (4), (5), and (6) and paragraphs (b) and (e) of subsection (7) of section 489.533, Florida Statutes, are amended to read:

489.533 Disciplinary proceedings.—

(2) When the department ~~board~~ finds any applicant, contractor, or business organization for which the contractor is a primary qualifying agent or secondary qualifying agent responsible under s. 489.522 guilty of any of the grounds set forth in subsection (1), it may enter an order imposing one or more of the following penalties:

(a) Denial of an application for certification or registration.

(b) Revocation or suspension of a certificate or registration.

(c) Imposition of an administrative fine not to exceed

7301 \$10,000 for each count or separate offense.

7302 (d) Issuance of a reprimand.

7303 (e) Placement of the contractor on probation for a period
7304 of time and subject to such conditions as the department ~~board~~
7305 may specify, including requiring the contractor to attend
7306 continuing education courses or to work under the supervision of
7307 another contractor.

7308 (f) Restriction of the authorized scope of practice by the
7309 contractor.

7310 (g) Require financial restitution to a consumer.

7311 (3) In recommending penalties in any proposed recommended
7312 final order, the department shall follow the penalty guidelines
7313 established by the department ~~board~~ by rule. The department
7314 shall advise the administrative law judge of the appropriate
7315 penalty, including mitigating and aggravating circumstances, and
7316 the specific rule citation.

7317 (4) The department ~~board~~ may not reinstate the certificate
7318 or registration of, or cause a certificate or registration to be
7319 issued to, a person who the department ~~board~~ has determined
7320 unqualified until it is satisfied that such person has complied
7321 with all the terms and conditions set forth in the final order
7322 and is capable of competently engaging in the business of
7323 contracting.

7324 (5) When the department ~~board~~ imposes administrative fines
7325 pursuant to subsection (2) resulting from violation of chapter

633 or violation of the rules of the State Fire Marshal, 50 percent of the fine shall be paid into the Insurance Regulatory Trust Fund to help defray the costs of investigating the violations and obtaining the corrective action. The State Fire Marshal may participate at its discretion, but not as a party, in any proceedings before the department board relating to violation of chapter 633 or the rules of the State Fire Marshal, in order to make recommendations as to the appropriate penalty in such case. However, the State Fire Marshal does ~~shall~~ not have standing to bring disciplinary proceedings regarding certification.

(6) The department board may restrain any violation of this part by action in a court of competent jurisdiction.

(7)

(b) A ~~No~~ licensee may not avail himself or herself of the mediation process more than three times without the approval of the department board. The department board may consider the subject and the dates of the earlier complaints in rendering its decision. The department's board's decision may ~~shall~~ not be considered a final agency action and is not appealable.

(e) The department, ~~in conjunction with the board,~~ shall determine by rule the types of cases which may be included in the mediation process. The department may initiate or continue disciplinary action, pursuant to chapter 455 and this chapter against the licensee as determined by rule.

7351 **Section 224. Paragraph (a) of subsection (1) of section**
7352 **489.5335, Florida Statutes, is amended to read:**

7353 489.5335 Journeyman; reciprocity; standards.—

7354 (1) Counties and municipalities are authorized to issue
7355 journeyman licenses in the electrical and alarm system trades to
7356 an individual who:

7357 (a) Has scored at least 70 percent, or after October 1,
7358 1997, at least 75 percent, on a proctored journeyman Block and
7359 Associates examination or other proctored examination approved
7360 by the department ~~board~~ for the trade in which he or she is
7361 licensed;

7362 **Section 225. Paragraph (e) of subsection (3) and**
7363 **paragraphs (b) and (c) of subsection (5) of section 489.537,**
7364 **Florida Statutes, are amended to read:**

7365 489.537 Application of this part.—

7366 (3) Nothing in this act limits the power of a municipality
7367 or county:

7368 (e)1. To refuse to issue permits or issue permits with
7369 specific conditions to a contractor who has committed multiple
7370 violations, when he or she has been disciplined for each of them
7371 by the department ~~board~~ and when each disciplinary action has
7372 involved revocation or suspension of a license, imposition of an
7373 administrative fine of at least \$1,000, or probation.

7374 2. To issue permits with specific conditions to a
7375 contractor who, within the previous 12 months, has had final

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7376 action taken against him or her, by the department or by a local
7377 board or agency which licenses contractors and has reported the
7378 action pursuant to paragraph (5)(c), for engaging in the
7379 business or acting in the capacity of a contractor without a
7380 license.

7381 (5)

7382 (b) To engage in contracting in the territorial area, an
7383 applicant shall also be registered with the department ~~board~~.

7384 (c) Each local board or agency which licenses contractors
7385 shall transmit monthly to the department ~~board~~ a report of any
7386 disciplinary action taken against contractors and any
7387 administrative or disciplinary action taken against unlicensed
7388 persons for engaging in the business or acting in the capacity
7389 of a contractor, including any cease and desist order issued
7390 pursuant to s. 489.516(2)(b).

7391 **Section 226. Section 489.552, Florida Statutes, is amended**
7392 **to read:**

7393 489.552 Registration required.—A person may ~~shall~~ not hold
7394 himself or herself out as a septic tank contractor or a master
7395 septic tank contractor in this state unless he or she is
7396 registered by the department in accordance with the provisions
7397 of this part. However, nothing in this part prohibits any person
7398 licensed pursuant to s. 489.105(2)(m) ~~s. 489.105(3)(m)~~ in this
7399 state from engaging in the profession for which he or she is
7400 licensed.

7401 **Section 227. Subsection (1) of section 492.102, Florida**
7402 **Statutes, is amended to read:**

7403 492.102 Definitions.—For the purposes of this chapter,
7404 unless the context clearly requires otherwise:

7405 ~~(1) "Board" means the Board of Professional Geologists.~~

7406 **Section 228. Section 492.104, Florida Statutes, is amended**
7407 **to read:**

7408 492.104 Rulemaking authority.—The department ~~Board of~~
7409 ~~Professional Geologists~~ has authority to adopt rules pursuant to
7410 ss. 120.536(1) and 120.54 to implement this chapter. Every
7411 licensee shall be governed and controlled by this chapter and
7412 the rules adopted by the department ~~board~~. The department ~~board~~
7413 is authorized to set, by rule, fees for application,
7414 examination, late renewal, initial licensure, and license
7415 renewal. These fees may not exceed the cost of implementing the
7416 application, examination, initial licensure, and license renewal
7417 or other administrative process and shall be established as
7418 follows:

7419 (1) The application fee may ~~shall~~ not exceed \$150 and
7420 shall be nonrefundable.

7421 (2) The examination fee may ~~shall~~ not exceed \$250, and the
7422 fee may be apportioned to each part of a multipart examination.
7423 The examination fee shall be refundable in whole or part if the
7424 applicant is found to be ineligible to take any portion of the
7425 licensure examination.

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

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

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

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

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

Section 229. Subsection (1), paragraph (b) of subsection (2), and subsection (3) of section 492.105, Florida Statutes, are amended to read:

492.105 Licensure by examination; requirements; fees.—

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

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

7451 refundable if the applicant is found to be ineligible to take
7452 the examination.

7453 (b) Is at least 18 years of age.

7454 (c) Has not committed any act or offense in any
7455 jurisdiction which would constitute the basis for disciplining a
7456 professional geologist licensed pursuant to this chapter.

7457 (d) Has fulfilled the following educational requirements
7458 at a college or university, the geological curricula of which
7459 meet the criteria established by an accrediting agency
7460 recognized by the United States Department of Education:

7461 1. Graduation from such college or university with a major
7462 in geology or other related science acceptable to the department
7463 ~~board~~; and

7464 2. Satisfactory completion of at least 30 semester hours
7465 or 45 quarter hours of geological coursework.

7466 (e) Has at least 5 years of verified professional
7467 geological work experience, which includes a minimum of 3 years
7468 of professional geological work under the supervision of a
7469 licensed or qualified geologist or professional engineer
7470 registered under chapter 471 as qualified in the field or
7471 discipline of professional engineering work performed; or has a
7472 minimum of 5 accumulative years of verified geological work
7473 experience in responsible charge of geological work as
7474 determined by the department ~~board~~.

7475 (2) The department shall issue a license to practice

professional geology to any person who has:

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

(3) The department may ~~shall~~ not issue a license to any applicant who is under investigation in any jurisdiction for an offense which would constitute a violation of this chapter. Upon completion of the investigation, the disciplinary provisions of s. 492.113 shall apply.

Section 230. Subsections (1) and (2) of section 492.1051, Florida Statutes, are amended to read:

492.1051 Registered geologist-in-training; requirements.—

(1) A person desiring to register as a geologist-in-training shall apply to the department to take a discrete portion of the examination required for licensure as a professional geologist in this state. This discrete portion shall cover the fundamentals of geology. The department shall examine each applicant who the department ~~board~~ certifies:

(a) Has completed the application form and remitted a nonrefundable application fee and an examination fee that is refundable if the applicant is found to be ineligible to take the examination.

(b) Has not committed an act or offense in any jurisdiction which constitutes grounds for disciplining a professional geologist licensed under this chapter; and

(c) Has successfully completed at least 30 semester hours

7501 or 45 quarter hours of geological coursework at a college or
7502 university, the geological curricula of which meet the criteria
7503 established by an accrediting agency recognized by the United
7504 States Department of Education and, if still enrolled, has
7505 provided a letter of good academic standing from the college or
7506 university.

7507 (2) The department shall register as a geologist-in-
7508 training each applicant who the department board certifies has
7509 passed the fundamentals of geology portion of the licensure
7510 examination.

7511 **Section 231. Section 492.106, Florida Statutes, is amended**
7512 **to read:**

7513 492.106 Provisional licenses.—The department may provide a
7514 provisional license to any person who is not a resident of and
7515 has not established a place of business in this state, and who
7516 is duly licensed in another state, territory, or possession of
7517 the United States, or in the District of Columbia, and who has
7518 qualifications which the department board, upon advice of a
7519 committee of the department board, deems comparable to those
7520 required of professional geologists in this state, upon written
7521 application accompanied by the proper application fee, offered
7522 before ~~prior to~~ the practice of professional geology in this
7523 state, under the following restrictions:

7524 (1) Satisfactory proof of licensure as required above
7525 shall include the name, residence address, business address, and

7526 certification of the license of the applicant from the issuing
7527 state, together with the name and address of the authority
7528 issuing such license.

7529 (2) The practice of professional geology under a
7530 provisional license may ~~shall~~ not exceed 1 year.

7531 (3) The practice of professional geology under a
7532 provisional license shall be confined to one specified project.
7533 Such license may not be renewed or reissued for 5 years from the
7534 date of original issuance.

7535 (4) A written statement shall be furnished to the
7536 department within 60 days of completion of the work, indicating
7537 the time engaged and the nature of the work. A person holding a
7538 provisional license shall exhibit such provisional license each
7539 time and on each occasion that an indication of licensure is
7540 required.

7541 **Section 232. Subsection (1) of section 492.107, Florida**
7542 **Statutes, is amended to read:**

7543 492.107 Seals.—

7544 (1) The department ~~board~~ shall prescribe, by rule, a form
7545 of seal, including its electronic form, to be used by persons
7546 holding valid licenses. All geological papers, reports, and
7547 documents prepared or issued by the licensee shall be signed,
7548 dated, and sealed by the licensee who performed or is
7549 responsible for the supervision, direction, or control of the
7550 work contained in the papers, reports, or documents. Such

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signature, date, and seal shall be evidence of the authenticity of that to which they are affixed. Geological papers, reports, and documents prepared or issued by the licensee may be transmitted electronically provided they have been signed by the licensee, dated, and electronically sealed. It is unlawful for any person to sign or seal any document as a professional geologist unless that person holds a current, active license as a professional geologist which has not expired or been revoked or suspended, unless reinstated or reissued.

Section 233. Subsection (1) of section 492.108, Florida Statutes, is amended to read:

492.108 Licensure by endorsement; requirements; fees.—

(1) The department shall issue a license by endorsement to any applicant who, upon applying to the department and remitting an application fee, has been certified by the department ~~board~~ that he or she:

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

1. Is the holder of an active license in good standing in a state, trust, territory, or possession of the United States.

2. Was licensed through written examination in at least one state, trust, territory, or possession of the United States, the examination requirements of which have been approved by the department ~~board~~ as substantially equivalent to or more stringent than those of this state, and has received a score on

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such examination which is equal to or greater than the score required by this state for licensure by examination.

3. Has taken and successfully passed the laws and rules portion of the examination required for licensure as a professional geologist in this state.

(b) Has held a valid license to practice geology in another state, trust, territory, or possession of the United States for at least 10 years before the date of application and has successfully completed a state, regional, national, or other examination that is equivalent to or more stringent than the examination required by the department. If such applicant has met the requirements for a license by endorsement except successful completion of an examination that is equivalent to or more stringent than the examination required by the department board, such applicant may take the examination required by the department board. Such application must be submitted to the department board while the applicant holds a valid license in another state or territory or within 2 years after the expiration of such license.

Section 234. Subsection (2) of section 492.1101, Florida Statutes, is amended to read:

492.1101 Inactive status.—

(2) The department board shall adopt ~~promulgate~~ rules relating to the reactivation of inactive licenses and shall prescribe by rule a fee for the reactivation of inactive

licenses.

Section 235. Subsection (1) of section 492.111, Florida Statutes, is amended to read:

492.111 Practice of professional geology by a firm, corporation, or partnership.—The practice of, or offer to practice, professional geology by individual professional geologists licensed under the provisions of this chapter through a firm, corporation, or partnership offering geological services to the public through individually licensed professional geologists as agents, employees, officers, or partners thereof is permitted subject to the provisions of this chapter, if:

(1) At all times that it offers geological services to the public, the firm, corporation, or partnership is qualified by one or more individuals who hold a current, active license as a professional geologist in the state and are serving as a geologist of record for the firm, corporation, or partnership. A geologist of record may be any principal officer or employee of such firm or corporation, or any partner or employee of such partnership, who holds a current, active license as a professional geologist in this state, or any other Florida-licensed professional geologist with whom the firm, corporation, or partnership has entered into a long-term, ongoing relationship, as defined by rule of the department board, to serve as one of its geologists of record. The geologist of record shall notify the department of any changes in the

relationship or identity of that geologist of record within 30 days after such change.

Section 236. Paragraph (k) of subsection (1) and subsections (2), (3), and (4) of section 492.113, Florida Statutes, are amended to read:

492.113 Disciplinary proceedings.—

(1) The following acts constitute grounds for which the disciplinary actions in subsection (3) may be taken:

(k) Violating a rule of the department ~~or board~~ or any order of the department ~~or board~~ previously entered in a disciplinary hearing.

(2) The department ~~board~~ shall specify, by rule, what acts or omissions constitute a violation of subsection (1).

(3) When the department ~~board~~ finds any person guilty of any of the grounds set forth in subsection (1), it may enter an order imposing one or more of the following penalties:

(a) Denial of an application for licensure.

(b) Revocation or suspension of a license.

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

(d) Issuance of a reprimand.

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

(f) Restriction of the authorized scope of practice by the

licensee.

(4) The department shall reissue the license of a disciplined professional geologist upon certification by the department ~~board~~ that the disciplined person has complied with the terms and conditions set forth in the final order.

Section 237. Subsections (10) through (13) of section 493.6101, Florida Statutes, are amended to read:

493.6101 Definitions.—

~~(10) "Branch office" means each additional location of an agency where business is actively conducted which advertises as performing or is engaged in the business authorized by the license.~~

~~(11) "Sponsor" means any Class "C," Class "MA," or Class "M" licensee who supervises and maintains under his or her direction and control a Class "CC" intern; or any Class "E" or Class "MR" licensee who supervises and maintains under his or her direction and control a Class "EE" intern.~~

~~(12) "Intern" means an individual who studies as a trainee or apprentice under the direction and control of a designated sponsoring licensee.~~

~~(13) "Manager" means any licensee who directs the activities of licensees at any agency or branch office. The manager shall be assigned to and shall primarily operate from the agency or branch office location for which he or she has been designated as manager. The manager of a private~~

7676 ~~investigative agency may, however, manage up to three offices~~
7677 ~~within a 150-mile radius of the location listed on the agency's~~
7678 ~~Class "A" license, provided that these three offices consist of~~
7679 ~~either:~~

7680 ~~(a) The location listed on the agency's Class "A" license~~
7681 ~~and up to two branch offices; or~~

7682 ~~(b) Up to three branch offices.~~

7683 **Section 238. Subsection (7) of section 493.6105, Florida**
7684 **Statutes, is amended to read:**

7685 493.6105 Initial application for license.—

7686 ~~(7) In addition to the application requirements for~~
7687 ~~individuals, partners, or officers outlined under subsection~~
7688 ~~(3), the application for an agency license must contain the~~
7689 ~~following information:~~

7690 ~~(a) The proposed name under which the agency intends to~~
7691 ~~operate.~~

7692 ~~(b) The street address, mailing address, and telephone~~
7693 ~~numbers of the principal location at which business is to be~~
7694 ~~conducted in this state.~~

7695 ~~(c) The street address, mailing address, and telephone~~
7696 ~~numbers of all branch offices within this state.~~

7697 ~~(d) The names and titles of all partners or, in the case~~
7698 ~~of a corporation, the names and titles of its principal~~
7699 ~~officers.~~

7700 **Section 239. Subsection (2) of section 493.6106, Florida**

7701 **Statutes, is amended to read:**

7702 493.6106 License requirements; posting.—

7703 (2) Each agency shall have a minimum of one physical
7704 location within this state from which the normal business of the
7705 agency is conducted, and this location shall be considered the
7706 primary office for that agency in this state.

7707 ~~(a)~~ If an agency or branch office desires to change the
7708 physical location of the business, as it appears on the license,
7709 the department must be notified within 10 days after the change,
7710 and, except upon renewal, the fee prescribed in s. 493.6107 must
7711 be submitted for each license requiring revision. Each license
7712 requiring revision must be returned with such notification.

7713 ~~(b) The Class "A," Class "B," or Class "R" license and any~~
7714 ~~branch office or school license shall at all times be posted in~~
7715 ~~a conspicuous place at the licensed physical location in this~~
7716 ~~state where the business is conducted.~~

7717 ~~(c) Each Class "A," Class "B," Class "R," branch office,~~
7718 ~~or school licensee shall display, in a place that is in clear~~
7719 ~~and unobstructed public view, a notice on a form prescribed by~~
7720 ~~the department stating that the business operating at this~~
7721 ~~location is licensed and regulated by the Department of~~
7722 ~~Agriculture and Consumer Services and that any questions or~~
7723 ~~complaints should be directed to the department.~~

7724 ~~(d) A minimum of one properly licensed manager shall be~~
7725 ~~designated for each agency and branch office location.~~

7726 **Section 240. Subsections (4), (5), and (6) of section**
7727 **493.6111, Florida Statutes, are renumbered as subsections (3),**
7728 **(6), and (7), respectively, and subsection (2) and present**
7729 **subsection (3) are amended, to read:**

7730 493.6111 License; contents; identification card.—

7731 (2) Licenses shall be valid for a period of 2 years,
7732 except for ~~Class "A," Class "B," Class "AB," Class "K," Class~~
7733 ~~"R," and branch agency licenses, which shall be valid for a~~
7734 ~~period of 3 years.~~

7735 ~~(3) The department shall, upon complete application and~~
7736 ~~payment of the appropriate fees, issue a separate license to~~
7737 ~~each branch office for which application is made.~~

7738 **Section 241. Subsection (1) of section 493.6113, Florida**
7739 **Statutes, is amended to read:**

7740 493.6113 Renewal application for licensure.—

7741 (1) A license granted under ~~the provisions of~~ this chapter
7742 shall be renewed biennially by the department, except for ~~Class~~
7743 ~~"A," Class "B," Class "AB," Class "K," Class "R," and branch~~
7744 ~~agency licenses, which shall be renewed every 3 years.~~

7745 **Section 242. Paragraphs (r) and (x) of subsection (1) of**
7746 **section 493.6118, Florida Statutes, are amended to read:**

7747 493.6118 Grounds for disciplinary action.—

7748 (1) The following constitute grounds for which
7749 disciplinary action specified in subsection (2) may be taken by
7750 the department against any licensee, agency, or applicant

regulated by this chapter, or any unlicensed person engaged in activities regulated under this chapter:

~~(r) Failure or refusal by a sponsor to certify a biannual written report on an intern or to certify completion or termination of an internship to the department within 15 working days.~~

(x) In addition to the grounds for disciplinary action prescribed in paragraphs (a)-(t) and, ~~Class "R" recovery agencies~~, Class "E" recovery agents, ~~and Class "EE" recovery agent interns~~ are prohibited from committing the following acts:

1. Recovering a motor vehicle, mobile home, motorboat, aircraft, personal watercraft, all-terrain vehicle, farm equipment, or industrial equipment that has been sold under a conditional sales agreement or under the terms of a chattel mortgage before authorization has been received from the legal owner or mortgagee.

2. Charging for expenses not actually incurred in connection with the recovery, transportation, storage, or disposal of repossessed property or personal property obtained in a repossession.

3. Using any repossessed property or personal property obtained in a repossession for the personal benefit of a licensee or an officer, director, partner, manager, or employee of a licensee.

4. Selling property recovered under ~~the provisions of this~~

chapter, except with written authorization from the legal owner or the mortgagee thereof.

5. Failing to notify the police or sheriff's department of the jurisdiction in which the repossessed property is recovered within 2 hours after recovery.

6. Failing to remit moneys collected in lieu of recovery of a motor vehicle, mobile home, motorboat, aircraft, personal watercraft, all-terrain vehicle, farm equipment, or industrial equipment to the client within 10 working days.

7. Failing to deliver to the client a negotiable instrument that is payable to the client, within 10 working days after receipt of such instrument.

8. Falsifying, altering, or failing to maintain any required inventory or records regarding disposal of personal property contained in or on repossessed property pursuant to s. 493.6404(1).

9. Carrying any weapon or firearm when he or she is on private property and performing duties under his or her license whether or not he or she is licensed pursuant to s. 790.06.

10. Soliciting from the legal owner the recovery of property subject to repossession after such property has been seen or located on public or private property if the amount charged or requested for such recovery is more than the amount normally charged for such a recovery.

11. Wearing, presenting, or displaying a badge in the

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7801 course of performing a repossession regulated by this chapter.

7802 **Section 243. Subsection (6) of section 493.6120, Florida**
7803 **Statutes, is amended to read:**

7804 493.6120 Violations; penalty.—

7805 ~~(6) A person who was an owner, officer, partner, or~~
7806 ~~manager of a licensed agency or a Class "DS" or "RS" school or~~
7807 ~~training facility at the time of any activity that is the basis~~
7808 ~~for revocation of the agency or branch office license or the~~
7809 ~~school or training facility license and who knew or should have~~
7810 ~~known of the activity shall have his or her personal licenses or~~
7811 ~~approval suspended for 3 years and may not have any financial~~
7812 ~~interest in or be employed in any capacity by a licensed agency~~
7813 ~~or a school or training facility during the period of~~
7814 ~~suspension.~~

7815 **Section 244. Subsection (2) of section 493.6123, Florida**
7816 **Statutes, is amended to read:**

7817 493.6123 Publication to industry.—

7818 (2) The department shall develop and make available to
7819 each Class "C," Class "D," and Class "E" licensee ~~and all~~
7820 ~~interns~~ a pamphlet detailing in plain language the legal
7821 authority, rights, and obligations of his or her class of
7822 licensure. Within the pamphlet, the department should endeavor
7823 to present situations that the licensee may be expected to
7824 commonly encounter in the course of doing business pursuant to
7825 his or her specific license, and provide to the licensee

information on his or her legal options, authority, limits to authority, and obligations. The department shall supplement this with citations to statutes and legal decisions, as well as a selected bibliography that would direct the licensee to materials the study of which would enhance his or her professionalism. The department shall provide a single copy of the appropriate pamphlet without charge to each individual to whom a license is issued, but may charge for additional copies to recover its publication costs. The pamphlet shall be updated every 2 years as necessary to reflect rule or statutory changes, or court decisions. Intervening changes to the regulatory situation shall be noticed in the industry newsletter issued pursuant to subsection (1).

Section 245. Section 493.6201, Florida Statutes, is amended to read:

493.6201 Classes of licenses.—

~~(1) Any person, firm, company, partnership, or corporation which engages in business as a private investigative agency shall have a Class "A" license. A Class "A" license is valid for only one location.~~

~~(2) Each branch office of a Class "A" agency shall have a Class "AA" license. Where a person, firm, company, partnership, or corporation holds both a Class "A" and Class "B" license, each additional or branch office shall have a Class "AB" license.~~

7851 ~~(3) Any individual who performs the services of a manager~~
7852 ~~for a:~~

7853 ~~(a) Class "A" private investigative agency or Class "AA"~~
7854 ~~branch office shall have a Class "MA" license. A Class "C" or~~
7855 ~~Class "M" licensee may be designated as the manager, in which~~
7856 ~~case the Class "MA" license is not required.~~

7857 ~~(b) Class "A" and "B" agency or a Class "AB" branch office~~
7858 ~~shall have a Class "M" license.~~

7859 ~~(4) Class "C" or Class "CC" licensees shall own or be an~~
7860 ~~employee of a Class "A" agency, a Class "A" and Class "B"~~
7861 ~~agency, or a branch office. This does not include those who are~~
7862 ~~exempt under s. 493.6102, but who possess a Class "C" license~~
7863 ~~solely for the purpose of holding a Class "G" license.~~

7864 (1)~~(5)~~ Any individual who performs the services of a
7865 private investigator shall have a Class "C" license.

7866 ~~(6) Any individual who performs private investigative work~~
7867 ~~as an intern under the direction and control of a designated,~~
7868 ~~sponsoring Class "C" licensee or a designated, sponsoring Class~~
7869 ~~"MA" or Class "M" licensee must have a Class "CC" license.~~

7870 (2)~~(7)~~ Only Class "M," Class "MA," Class "C," or Class
7871 "CC" licensees are permitted to bear a firearm, and any such
7872 licensee who bears a firearm shall also have a Class "G"
7873 license.

7874 (3)~~(8)~~ A Class "C" ~~or Class "CC"~~ licensee may perform
7875 bodyguard services without obtaining a Class "D" license.

7876 **Section 246. Section 493.6202, Florida Statutes, is**
7877 **amended to read:**

7878 493.6202 Fees.—

7879 (1) The department shall establish by rule examination and
7880 license fees for Class "C" license-private investigators, not to
7881 exceed \$75. ~~the following:~~

7882 ~~(a) Class "A" license-private investigative agency: \$450.~~

7883 ~~(b) Class "AA" or "AB" license-branch office: \$125.~~

7884 ~~(c) Class "MA" license-private investigative agency~~
7885 ~~manager: \$75.~~

7886 ~~(d) Class "C" license-private investigator: \$75.~~

7887 ~~(e) Class "CC" license-private investigator intern: \$60.~~

7888 (2) The department may establish by rule a fee for the
7889 replacement or revision of a license, which fee shall not exceed
7890 \$30.

7891 (3) The fees set forth in this section must be paid by
7892 check or money order or, at the discretion of the department, by
7893 electronic funds transfer at the time the application is
7894 approved, except that the applicant for a Class "G~~7~~" or Class
7895 "~~C~~7~~~~" ~~Class "CC," Class "M," or Class "MA"~~ license must pay the
7896 license fee at the time the application is made. If a license is
7897 revoked or denied or if the application is withdrawn, the
7898 license fee is nonrefundable.

7899 (4) The initial license fee for a veteran, as defined in
7900 s. 1.01, shall be waived if he or she applies for a Class "C~~7~~"

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Class "CC," or Class "MA" license within 24 months after being discharged from any branch of the United States Armed Forces. An eligible veteran must include a copy of his or her DD Form 214, as issued by the United States Department of Defense, or another acceptable form of identification as specified by the Department of Veterans' Affairs with his or her application in order to obtain a waiver.

Section 247.. Section 493.6203, Florida Statutes, is amended to read:

493.6203 License requirements.—In addition to the license requirements set forth elsewhere in this chapter, each individual or agency shall comply with the following additional requirements:

~~(1) Each agency or branch office shall designate a minimum of one appropriately licensed individual to act as manager, directing the activities of the Class "C" or Class "CC" employees.~~

~~(2) An applicant for a Class "MA" license must have 2 years of lawfully gained, verifiable, full-time experience, or training in:~~

~~(a) Private investigative work or related fields of work that provided equivalent experience or training;~~

~~(b) Work as a Class "CC" licensed intern;~~

~~(c) Any combination of paragraphs (a) and (b);~~

~~(d) Experience described in paragraph (a) for 1 year and~~

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~~experience described in paragraph (c) for 1 year;~~

~~(c) No more than 1 year using:~~

~~1. College coursework related to criminal justice,
criminology, or law enforcement administration; or~~

~~2. Successfully completed law enforcement-related training
received from any federal, state, county, or municipal agency;
or~~

~~(f) Experience described in paragraph (a) for 1 year and
work in a managerial or supervisory capacity for 1 year.~~

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

~~(3) An applicant for a Class "M" license shall qualify for
licensure as a Class "MA" manager as outlined under subsection
(2) and as a Class "MB" manager as outlined under s.
493.6303(2).~~

(1)~~(4)~~ An applicant for a Class "C" license shall have 2
years of lawfully gained, verifiable, full-time experience, or
training in one, or a combination of more than one, of the
following:

(a) Private investigative work or related fields of work
that provided equivalent experience or training.

(b) College coursework related to criminal justice,
criminology, or law enforcement administration, or successful
completion of any law enforcement-related training received from

any federal, state, county, or municipal agency, except that no more than 1 year may be used from this category.

~~(c) Work as a Class "CC" licensed intern.~~

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

(2)~~(5)~~ An applicant for a ~~Class "MA," Class "M," or Class "C"~~ license must pass an examination that covers the provisions of this chapter and is administered by the department or by a provider approved by the department. The applicant must pass the examination before applying for licensure and must submit proof with the license application on a form approved by rule of the department that he or she has passed the examination. The administrator of the examination shall verify the identity of each applicant taking the examination.

(a) The examination requirement in this subsection does not apply to an individual who holds a valid ~~Class "CC," Class "C," Class "MA," or Class "M"~~ license.

(b) Notwithstanding the exemption provided in paragraph (a), if the license of an applicant for relicensure has been invalid for more than 1 year, the applicant must take and pass the examination.

(c) The department shall establish by rule the content of the examination, the manner and procedure of its administration, and an examination fee that may not exceed \$100.

7976 ~~(6) (a) A Class "CC" licensee must serve an internship~~
7977 ~~under the direction and control of a designated sponsor, who is~~
7978 ~~a Class "C," Class "MA," or Class "M" licensee.~~

7979 ~~(b) Before submission of an application to the department,~~
7980 ~~the applicant for a Class "CC" license must have completed a~~
7981 ~~minimum of 40 hours of professional training pertaining to~~
7982 ~~general investigative techniques and this chapter, which course~~
7983 ~~is offered by a state university or by a school, community~~
7984 ~~college, college, or university under the purview of the~~
7985 ~~Department of Education, and the applicant must pass an~~
7986 ~~examination. The certificate evidencing satisfactory completion~~
7987 ~~of the 40 hours of professional training must be submitted with~~
7988 ~~the application for a Class "CC" license. The training specified~~
7989 ~~in this paragraph may be provided by face-to-face presentation,~~
7990 ~~online technology, or a home study course in accordance with~~
7991 ~~rules and procedures of the Department of Education. The~~
7992 ~~administrator of the examination must verify the identity of~~
7993 ~~each applicant taking the examination.~~

7994 ~~1. Upon an applicant's successful completion of each part~~
7995 ~~of the approved training and passage of any required~~
7996 ~~examination, the school, community college, college, or~~
7997 ~~university shall issue a certificate of completion to the~~
7998 ~~applicant. The certificates must be on a form established by~~
7999 ~~rule of the department.~~

8000 ~~2. The department shall establish by rule the general~~

8001 ~~content of the professional training and the examination~~
8002 ~~criteria.~~

8003 ~~3. If the license of an applicant for relicensure is~~
8004 ~~invalid for more than 1 year, the applicant must complete the~~
8005 ~~required training and pass any required examination.~~

8006 ~~(c) An individual licensed on or before August 31, 2008,~~
8007 ~~is not required to complete additional training hours in order~~
8008 ~~to renew an active license beyond the total required hours, and~~
8009 ~~the timeframe for completion in effect at the time he or she was~~
8010 ~~licensed applies.~~

8011 ~~(3)(7)~~ In addition to any other requirement, an applicant
8012 for a Class "G" license shall satisfy the firearms training set
8013 forth in s. 493.6115.

8014 **Section 248. Subsections (1) through (6) of section**
8015 **493.6301, Florida Statutes, are amended to read:**

8016 493.6301 Classes of licenses.—

8017 ~~(1) Any person, firm, company, partnership, or corporation~~
8018 ~~which engages in business as a security agency shall have a~~
8019 ~~Class "B" license. A Class "B" license is valid for only one~~
8020 ~~location.~~

8021 ~~(2) Each branch office of a Class "B" agency shall have a~~
8022 ~~Class "BB" license. Where a person, firm, company, partnership,~~
8023 ~~or corporation holds both a Class "A" and Class "B" license,~~
8024 ~~each branch office shall have a Class "AB" license.~~

8025 ~~(3) Any individual who performs the services of a manager~~

for a:

~~(a) Class "B" security agency or Class "BB" branch office shall have a Class "MB" license. A Class "M" licensee, or a Class "D" licensee who has been so licensed for a minimum of 2 years, may be designated as the manager, in which case the Class "MB" license is not required.~~

~~(b) Class "A" and Class "B" agency or a Class "AB" branch office shall have a Class "M" license.~~

~~(4) A Class "D" licensee shall own or be an employee of a Class "B" security agency or branch office. This does not include those individuals who are exempt under s. 493.6102(4) but who possess a Class "D" license solely for the purpose of holding a Class "G" license.~~

(1)~~(5)~~ Any individual who performs the services of a security officer shall have a Class "D" license. However, a Class "C" licensee ~~or a Class "CC" licensee~~ may perform bodyguard services without a Class "D" license.

(2)~~(6)~~ Only Class ~~"M," Class "MB," or~~ Class "D" licensees are permitted to bear a firearm, and any such licensee who bears a firearm shall also have a Class "G" license.

Section 249. Section 493.6302, Florida Statutes, is amended to read:

493.6302 Fees.—

(1) The department shall establish by rule license fees, not to exceed the following:

~~(a) Class "B" license security agency: \$450.~~

~~(b) Class "BB" or Class "AB" license branch office: \$125.~~

~~(c) Class "MB" license security agency manager: \$75.~~

(a)~~(d)~~ Class "D" license-security officer: \$45.

(b)~~(e)~~ Class "DS" license-security officer school or training facility: \$60.

(c)~~(f)~~ Class "DI" license-security officer school or training facility instructor: \$60.

(2) The department may establish by rule a fee for the replacement or revision of a license, which fee shall not exceed \$30.

(3) The fees set forth in this section must be paid by check or money order or, at the discretion of the department, by electronic funds transfer at the time the application is approved, except that the applicant for a Class "D~~T~~" or Class "G~~T~~" ~~Class "M," or Class "MB"~~ license must pay the license fee at the time the application is made. If a license is revoked or denied or if the application is withdrawn, the license fee is nonrefundable.

(4) The initial license fee for a veteran, as defined in s. 1.01, shall be waived if he or she applies for a Class "D~~T~~" or Class "DI~~T~~" ~~or Class "MB"~~ license within 24 months after being discharged from any branch of the United States Armed Forces. An eligible veteran must include a copy of his or her DD Form 214, as issued by the United States Department of Defense,

8076 or another acceptable form of identification as specified by the
8077 Department of Veterans' Affairs with his or her application in
8078 order to obtain a waiver.

8079 **Section 250. Subsections (1), (2), and (3) of section**
8080 **493.6303, Florida Statutes, are amended to read:**

8081 493.6303 License requirements.—In addition to the license
8082 requirements set forth elsewhere in this chapter, each
8083 individual or agency must comply with the following additional
8084 requirements:

8085 ~~(1) Each agency or branch office shall designate a minimum~~
8086 ~~of one appropriately licensed individual to act as manager,~~
8087 ~~directing the activities of the Class "D" employees.~~

8088 ~~(2) An applicant for a Class "MB" license shall have 2~~
8089 ~~years of lawfully gained, verifiable, full-time experience, or~~
8090 ~~training in:~~

8091 ~~(a) Security work or related fields of work that provided~~
8092 ~~equivalent experience or training;~~

8093 ~~(b) Experience described in paragraph (a) for 1 year and~~
8094 ~~experience described in paragraph (c) for 1 year;~~

8095 ~~(c) No more than 1 year using:~~

8096 ~~1. Either college coursework related to criminal justice,~~
8097 ~~criminology, or law enforcement administration; or~~

8098 ~~2. Successfully completed law enforcement-related training~~
8099 ~~received from any federal, state, county, or municipal agency;~~
8100 ~~or~~

~~(d) Experience described in paragraph (a) for 1 year and work in a managerial or supervisory capacity for 1 year.~~

~~(3) An applicant for a Class "M" license shall qualify for licensure as a Class "MA" manager as outlined under s. 493.6203(2) and as a Class "MB" manager as outlined under subsection (2).~~

Section 251. Subsection (1) of section 493.6304, Florida Statutes, is amended to read:

493.6304 Security officer school or training facility.—

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

Section 252. Subsection (2) of section 493.631, Florida Statutes, is amended to read:

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

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

license pursuant to s. 493.6115.

Section 253. Subsections (1), (2), (3), (5), and (6) of section 493.6401, Florida Statutes, are amended to read:

493.6401 Classes of licenses.—

~~(1) Any person, firm, company, partnership, or corporation which engages in business as a recovery agency shall have a Class "R" license. A Class "R" license is valid for only one location.~~

~~(2) Each branch office of a Class "R" agency shall have a Class "RR" license.~~

~~(3) Any individual who performs the services of a manager for a Class "R" recovery agency or a Class "RR" branch office must have a Class "MR" license. A Class "E" licensee may be designated as the manager, in which case the Class "MR" license is not required.~~

~~(5) Any individual who performs repossession as an intern under the direction and control of a designated, sponsoring Class "E" licensee or a designated, sponsoring Class "MR" licensee shall have a Class "EE" license.~~

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

Section 254. Section 493.6402, Florida Statutes, is amended to read:

493.6402 Fees.—

(1) The department shall establish by rule license fees

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not to exceed the following:

~~(a) Class "R" license-recovery agency: \$450.~~

~~(b) Class "RR" license-branch office: \$125.~~

~~(c) Class "MR" license-recovery agency manager: \$75.~~

(a)~~(d)~~ Class "E" license-recovery agent: \$75.

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

(b)~~(f)~~ Class "RS" license-recovery agent school or training facility: \$60.

(c)~~(g)~~ Class "RI" license-recovery agent school or training facility instructor: \$60.

(2) The department may establish by rule a fee for the replacement or revision of a license, which fee shall not exceed \$30.

(3) The fees set forth in this section must be paid by check or money order, or, at the discretion of the department, by electronic funds transfer at the time the application is approved, except that the applicant for a Class "E," ~~Class "EE,"~~ ~~or Class "MR"~~ license must pay the license fee at the time the application is made. If a license is revoked or denied, or if an application is withdrawn, the license fee is nonrefundable.

(4) The initial license fee for a veteran, as defined in s. 1.01, shall be waived if he or she applies for a Class "E," ~~Class "EE,"~~ ~~Class "MR,"~~ or Class "RI" license within 24 months after being discharged from any branch of the United States Armed Forces. An eligible veteran must include a copy of his or

her DD Form 214, as issued by the United States Department of Defense, or another acceptable form of identification as specified by the Department of Veterans' Affairs with his or her application in order to obtain a waiver.

Section 255. Section 493.6403, Florida Statutes, is amended to read:

493.6403 License requirements.—

(1) In addition to the license requirements set forth in this chapter, ~~each individual or agency shall comply with the following additional requirements:~~

~~(a) Each agency or branch office must designate a minimum of one appropriately licensed individual to act as manager, directing the activities of the Class "E" or Class "EE" employees. A Class "E" licensee may be designated to act as manager of a Class "R" agency or branch office in which case the Class "MR" license is not required.~~

~~(b) An applicant for Class "MR" license shall have at least 1 year of lawfully gained, verifiable, full-time experience as a Class "E" licensee performing repossessions of motor vehicles, mobile homes, motorboats, aircraft, personal watercraft, all-terrain vehicles, farm equipment, or industrial equipment.~~

~~(c) an applicant for a Class "E" license shall have at least 1 year of lawfully gained, verifiable, full-time experience in one, or a combination of more than one, of the~~

8201 ~~following:~~

8202 ~~1.~~ repossession of motor vehicles as defined in s.
8203 320.01(1), mobile homes as defined in s. 320.01(2), motorboats
8204 as defined in s. 327.02, aircraft as defined in s. 330.27(1),
8205 personal watercraft as defined in s. 327.02, all-terrain
8206 vehicles as defined in s. 316.2074, farm equipment as defined
8207 under s. 686.402, or industrial equipment as defined in s.
8208 493.6101(19) ~~s. 493.6101(22)~~.

8209 ~~2. Work as a Class "EE" licensed intern.~~

8210 (2) An applicant for a Class "E" ~~or a Class "EE"~~ license
8211 must submit proof of successful completion of 40 hours of
8212 professional training at a school or training facility licensed
8213 by the department. The department shall by rule establish the
8214 general content for the training.

8215 **Section 256. Subsection (1) of section 493.6406, Florida**
8216 **Statutes, is amended to read:**

8217 493.6406 Recovery agent school or training facility.—

8218 (1) Any school, training facility, or instructor who
8219 offers the training outlined in s. 493.6403(2) for Class "E" ~~or~~
8220 ~~Class "EE"~~ applicants shall, before licensure of such school,
8221 training facility, or instructor, file with the department an
8222 application accompanied by an application fee in an amount to be
8223 determined by rule, not to exceed \$60. The fee shall not be
8224 refundable. This training may be offered as face-to-face
8225 training, Internet-based training, or correspondence training.

8226 **Section 257. Subsection (3) of section 514.0315, Florida**
8227 **Statutes, is amended to read:**

8228 514.0315 Required safety features for public swimming
8229 pools and spas.—

8230 (3) The determination and selection of a feature under
8231 subsection (2) for a public swimming pool or spa constructed
8232 before January 1, 1993, is at the sole discretion of the owner
8233 or operator of the public swimming pool or spa. A licensed
8234 contractor described in s. 489.105(2)(j), (k), or (l) ~~s.~~
8235 ~~489.105(3)(j), (k), or (l)~~ must install the feature.

8236 **Section 258. Section 514.075, Florida Statutes, is amended**
8237 **to read:**

8238 514.075 Public pool service technician; certification.—The
8239 department may require that a public pool, as defined in s.
8240 514.011, be serviced by a person certified as a pool service
8241 technician. To be certified, an individual must demonstrate
8242 knowledge of public pools which includes, but is not limited to:
8243 pool cleaning; general pool maintenance; source of the water
8244 supply; bacteriological, chemical, and physical quality of
8245 water; and water purification, testing, treatment, and
8246 disinfection procedures. The department may, by rule, establish
8247 the requirement for the certification course and course
8248 approval. The department shall deem certified any individual who
8249 is certified by a course of national recognition or any person
8250 licensed under s. 489.105(2)(j), (k), or (l) ~~s. 489.105(3)(j),~~

8251 ~~(k), or (l)~~. This requirement does not apply to a person, or the
8252 direct employee of a person, permitted as a public pool operator
8253 under s. 514.031.

8254 **Section 259. Paragraph (d) of subsection (1) of section**
8255 **553.791, Florida Statutes, is amended to read:**

8256 553.791 Alternative plans review and inspection.—

8257 (1) As used in this section, the term:

8258 (d) "Building code inspection services" means those
8259 services described in s. 468.603(4) and (7) ~~s. 468.603(5) and~~
8260 ~~(8)~~ involving the review of building plans as well as those
8261 services involving the review of site plans and site work
8262 engineering plans or their functional equivalent, to determine
8263 compliance with applicable codes and those inspections required
8264 by law, conducted either in person or virtually, of each phase
8265 of construction for which permitting by a local enforcement
8266 agency is required to determine compliance with applicable
8267 codes.

8268 **Section 260. Section 553.998, Florida Statutes, is amended**
8269 **to read:**

8270 553.998 Compliance.—All ratings must be determined using
8271 tools and procedures developed by the systems recognized under
8272 this part and must be certified by the rater as accurate and
8273 correct and in compliance with procedures of the system under
8274 which the rater is certified. The local enforcement agency shall
8275 accept duct and air infiltration tests conducted in accordance

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with the Florida Building Code, 5th Edition (2014) Energy Conservation, by individuals as defined in s. 553.993(5) or (7) or individuals licensed as set forth in s. 489.105(2)(f), (g), or (i) ~~s. 489.105(3)(f), (g), or (i)~~. The local enforcement agency may accept inspections in whole or in part by individuals as defined in s. 553.993(5) or (7).

Section 261. Subsection (2) of section 569.34, Florida Statutes, is amended to read:

569.34 Operating without a retail nicotine products dealer permit; penalty.—

(2) A retail tobacco products dealer, as defined in s. 569.002 ~~s. 569.002(4)~~, is not required to have a separate or additional retail nicotine products dealer permit to deal, at retail, in nicotine products within this ~~the~~ state, or allow a nicotine products vending machine to be located on its premises in this ~~the~~ state. Any retail tobacco products dealer that deals, at retail, in nicotine products or allows a nicotine products vending machine to be located on its premises in this ~~the~~ state, is subject to, and must be in compliance with, this part.

Section 262. Paragraph (a) of subsection (2) of section 627.192, Florida Statutes, is amended to read:

627.192 Workers' compensation insurance; employee leasing arrangements.—

(2) For purposes of the Florida Insurance Code:

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

Section 263. Subsection (6) of section 633.216, Florida Statutes, is amended to read:

633.216 Inspection of buildings and equipment; orders; firesafety inspection training requirements; certification; disciplinary action.—The State Fire Marshal and her or his agents or persons authorized to enforce laws and rules of the State Fire Marshal shall, at any reasonable hour, when the State Fire Marshal has reasonable cause to believe that a violation of this chapter or s. 509.215, or a rule adopted thereunder, or a minimum firesafety code adopted by the State Fire Marshal or a local authority, may exist, inspect any and all buildings and structures which are subject to the requirements of this chapter or s. 509.215 and rules adopted thereunder. The authority to inspect shall extend to all equipment, vehicles, and chemicals which are located on or within the premises of any such building or structure.

~~(6) The division and the Florida Building Code Administrators and Inspectors Board, established pursuant to s. 468.605, shall enter into a reciprocity agreement to facilitate joint recognition of continuing education recertification hours for certificateholders licensed under s. 468.609 and firesafety inspectors certified under subsection (2).~~

Section 264. Subsection (8) of section 713.01, Florida

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Statutes, is amended to read:

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

(8) "Contractor" means a person other than a materialman or laborer who enters into a contract with the owner of real property for improving it or who takes over from a contractor as so defined the entire remaining work under such contract. The term "contractor" includes an architect, landscape architect, or engineer who improves real property pursuant to a design-build contract authorized by s. 489.103(16). The term also includes a licensed general contractor or building contractor, as those terms are defined in s. 489.105(2)(a) and) (b) ~~s. 489.105(3)(a) and (b)~~, respectively, who provides construction management services, which include scheduling and coordinating preconstruction and construction phases for the construction project, or who provides program management services, which include schedule control, cost control, and coordinating the provision or procurement of planning, design, and construction for the construction project.

Section 265. Subsection (4) of section 1006.12, Florida Statutes, is amended to read:

1006.12 Safe-school officers at each public school.—For the protection and safety of school personnel, property, students, and visitors, each district school board and school district superintendent shall partner with law enforcement agencies or security agencies to establish or assign one or more

safe-school officers at each school facility within the district, including charter schools. A district school board must collaborate with charter school governing boards to facilitate charter school access to all safe-school officer options available under this section. The school district may implement any combination of the options in subsections (1)-(4) to best meet the needs of the school district and charter schools.

(4) SCHOOL SECURITY GUARD.—A school district or charter school governing board may contract with a security agency as defined in s. 493.6101(15) ~~s. 493.6101(18)~~ to employ as a school security guard an individual who holds a Class "D" and Class "G" license pursuant to chapter 493, provided the following training and contractual conditions are met:

(a) An individual who serves as a school security guard, for purposes of satisfying the requirements of this section, must:

1. Demonstrate completion of 144 hours of required training pursuant to s. 30.15(1)(k)2.

2. Pass a psychological evaluation administered by a psychologist licensed under chapter 490 and designated by the Department of Law Enforcement and submit the results of the evaluation to the sheriff's office, school district, or charter school governing board, as applicable. The Department of Law Enforcement is authorized to provide the sheriff's office,

8376 school district, or charter school governing board with mental
8377 health and substance abuse data for compliance with this
8378 paragraph.

8379 3. Submit to and pass an initial drug test and subsequent
8380 random drug tests in accordance with the requirements of s.
8381 112.0455 and the sheriff's office, school district, or charter
8382 school governing board, as applicable.

8383 4. Successfully complete ongoing training, weapon
8384 inspection, and firearm qualification on at least an annual
8385 basis and provide documentation to the sheriff's office, school
8386 district, or charter school governing board, as applicable.

8387 (b) The contract between a security agency and a school
8388 district or a charter school governing board regarding
8389 requirements applicable to school security guards serving in the
8390 capacity of a safe-school officer for purposes of satisfying the
8391 requirements of this section shall define the entity or entities
8392 responsible for training and the responsibilities for
8393 maintaining records relating to training, inspection, and
8394 firearm qualification.

8395 (c) School security guards serving in the capacity of a
8396 safe-school officer pursuant to this subsection are in support
8397 of school-sanctioned activities for purposes of s. 790.115, and
8398 must aid in the prevention or abatement of active assailant
8399 incidents on school premises.

8400

If a district school board, through its adopted policies, procedures, or actions, denies a charter school access to any safe-school officer options pursuant to this section, the school district must assign a school resource officer or school safety officer to the charter school. Under such circumstances, the charter school's share of the costs of the school resource officer or school safety officer may not exceed the safe school allocation funds provided to the charter school pursuant to s. 1011.62(12) and shall be retained by the school district.

Section 266. Subsections (5) and (6) of section 259.1053, Florida Statutes, are renumbered as subsections (4) and (5), respectively, and subsection (4) of that section is amended, to read:

259.1053 Babcock Ranch Preserve; Babcock Ranch Advisory Group.—

~~(4) BABCOCK RANCH ADVISORY GROUP.—~~

~~(a) The purpose of the Babcock Ranch Advisory Group is to assist the department by providing guidance and advice concerning the management and stewardship of the Babcock Ranch Preserve.~~

~~(b) The Babcock Ranch Advisory Group shall be comprised of nine members appointed to 5-year terms. Based on recommendations from the Governor and Cabinet, the commission, and the governing boards of Charlotte County and Lee County, the commissioner shall appoint members as follows:~~

8426 ~~1. One member with experience in sustainable management of~~
8427 ~~forest lands for commodity purposes.~~

8428 ~~2. One member with experience in financial management,~~
8429 ~~budget and program analysis, and small business operations.~~

8430 ~~3. One member with experience in management of game and~~
8431 ~~nongame wildlife and fish populations, including hunting,~~
8432 ~~fishing, and other recreational activities.~~

8433 ~~4. One member with experience in domesticated livestock~~
8434 ~~management, production, and marketing, including range~~
8435 ~~management and livestock business management.~~

8436 ~~5. One member with experience in agriculture operations or~~
8437 ~~forestry management.~~

8438 ~~6. One member with experience in hunting, fishing, nongame~~
8439 ~~species management, or wildlife habitat management, restoration,~~
8440 ~~and conservation.~~

8441 ~~7. One member with experience in public outreach and~~
8442 ~~education.~~

8443 ~~8. One member who is a resident of Lee County, to be~~
8444 ~~designated by the Board of County Commissioners of Lee County.~~

8445 ~~9. One member who is a resident of Charlotte County, to be~~
8446 ~~designated by the Board of County Commissioners of Charlotte~~
8447 ~~County.~~

8448
8449 ~~Vacancies will be filled in the same manner in which the~~
8450 ~~original appointment was made. A member appointed to fill a~~

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~~vacancy shall serve for the remainder of that term.~~

~~(c) Members of the Babcock Ranch Advisory Group shall:~~

~~1. Elect a chair and vice chair from among the group members.~~

~~2. Meet regularly as determined by the chair.~~

~~3. Serve without compensation but shall receive reimbursement for travel and per diem expenses as provided in s. 112.061.~~

Section 267. Subsection (2) of section 399.035, Florida Statutes, is amended to read:

399.035 Elevator accessibility requirements for the physically handicapped.—

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

Section 268. Subsection (1) of section 373.219, Florida Statutes, is amended to read:

373.219 Permits required.—

(1) The ~~governing board or~~ the department may require such

permits for consumptive use of water and may impose such reasonable conditions as are necessary to assure that such use is consistent with the overall objectives of the district or department and is not harmful to the water resources of the area. However, a ~~no~~ permit is not ~~shall be~~ required for:

(a) Domestic consumption of water by individual users.

(b) Landscape irrigation water use by a property owner of a residential single-family home.

Section 269. Paragraph (a) of subsection (3) of section 455.02, Florida Statutes, is amended, and subsections (1) and (2) of that section are republished, to read:

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

(1) Any member of the United States Armed Forces now or hereafter on active duty who, at the time of becoming such a member, was in good standing with any of the ~~boards or~~ programs listed in s. 20.165 and was entitled to practice or engage in his or her profession or occupation in the state shall be kept in good standing by the applicable ~~board or~~ program, without registering, paying dues or fees, or performing any other act on his or her part to be performed, as long as he or she is a member of the United States Armed Forces on active duty and for a period of 2 years after discharge from active duty. A member, during active duty and for a period of 2 years after discharge

8501 from active duty, engaged in his or her licensed profession or
8502 occupation in the private sector for profit in this state must
8503 complete all license renewal provisions except remitting the
8504 license renewal fee, which shall be waived by the department.

8505 (2) A spouse of a member of the United States Armed Forces
8506 who is married to a member during a period of active duty, or a
8507 surviving spouse of a member who at the time of death was
8508 serving on active duty, who is in good standing with any of the
8509 ~~boards or~~ programs listed in s. 20.165 shall be kept in good
8510 standing by the applicable ~~board or~~ program as described in
8511 subsection (1) and shall be exempt from licensure renewal
8512 provisions, but only in cases of his or her absence from the
8513 state because of his or her spouse's duties with the United
8514 States Armed Forces. The department or the appropriate ~~board or~~
8515 program shall waive any license renewal fee for such spouse when
8516 he or she is present in this state because of such member's
8517 active duty and for a surviving spouse of a member who at the
8518 time of death was serving on active duty and died within the 2
8519 years preceding the date of renewal.

8520 (3)(a) The department shall issue a professional license
8521 to an applicant who is or was an active duty member of the Armed
8522 Forces of the United States, or who is a spouse or surviving
8523 spouse of such member, upon application to the department in a
8524 format prescribed by the department. An application must include
8525 proof that:

8526 1. The applicant is or was an active duty member of the
8527 Armed Forces of the United States or is married to a member of
8528 the Armed Forces of the United States and was married to the
8529 member during any period of active duty or was married to such a
8530 member who at the time of the member's death was serving on
8531 active duty. An applicant who was an active duty member of the
8532 Armed Forces of the United States must have received an
8533 honorable discharge upon separation or discharge from the Armed
8534 Forces of the United States.

8535 2. The applicant holds a valid license for the profession
8536 issued by another state, the District of Columbia, any
8537 possession or territory of the United States, or any foreign
8538 jurisdiction.

8539 3. The applicant, where required by the specific practice
8540 act, has complied with insurance or bonding requirements.

8541 4.a. A complete set of the applicant's fingerprints is
8542 submitted to the Department of Law Enforcement for a statewide
8543 criminal history check for those professions that require
8544 fingerprints for initial licensure.

8545 b. The Department of Law Enforcement shall forward the
8546 fingerprints submitted pursuant to sub-subparagraph a. to the
8547 Federal Bureau of Investigation for a national criminal history
8548 check. The department shall, ~~and the board may,~~ review the
8549 results of the criminal history checks according to the level 2
8550 screening standards in s. 435.04 and determine whether the

applicant meets the licensure requirements. The costs of fingerprint processing shall be borne by the applicant. If the applicant's fingerprints are submitted through an authorized agency or vendor, the agency or vendor must ~~shall~~ collect the required processing fees and remit the fees to the Department of Law Enforcement.

Section 270. Paragraph (a) of subsection (3) of section 455.213, Florida Statutes, is amended to read:

455.213 General licensing provisions.—

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

1. A barber under chapter 476;

~~2. A cosmetologist or cosmetology specialist under chapter 477;~~

~~2.3-~~ Any of the following construction professions under chapter 489:

- a. Air-conditioning contractor;
- b. Electrical contractor;
- c. Mechanical contractor;
- d. Plumbing contractor;
- e. Pollutant storage systems contractor;
- f. Roofing contractor;
- g. Sheet metal contractor;

- h. Solar contractor;
- i. Swimming pool and spa contractor;
- j. Underground utility and excavation contractor; or
- k. Other specialty contractors; or

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

Section 271. Subsection (1) of section 468.386, Florida Statutes, is amended to read:

468.386 Fees; local licensing requirements.—

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

(b) Effective July 1, 2026, all fees established by the department in administering this act shall be reduced by 50 percent.

Section 272. Subsection (1), paragraph (c) of subsection (2), subsections (4) and (5), paragraphs (b) and (e) of subsection (6), paragraphs (a) and (c) of subsection (7), and subsections (8) and (10) of section 468.609, Florida Statutes, are amended to read:

468.609 Administration of this part; standards for certification; additional categories of certification.—

(1) Except as provided in this part, any person who desires to be certified shall apply to the department board, in writing upon forms approved and furnished by the department board, to take the certification examination.

(2) A person may take the examination for certification as a building code inspector or plans examiner pursuant to this part if the person:

(c) Meets eligibility requirements according to one of the following criteria:

1. Demonstrates 4 years' combined experience in the field of construction or a related field, building code inspection, or plans review corresponding to the certification category sought;

2. Demonstrates a combination of postsecondary education in the field of construction or a related field and experience which totals 3 years, with at least 1 year of such total being experience in construction, building code inspection, or plans review;

3. Demonstrates a combination of technical education in the field of construction or a related field and experience which totals 3 years, with at least 1 year of such total being experience in construction, building code inspection, or plans review;

4. Currently holds a standard certificate issued by the department board or a firesafety inspector license issued under chapter 633, with a minimum of 3 years' verifiable full-time

8626 experience in firesafety inspection or firesafety plan review,
8627 and has satisfactorily completed a building code inspector or
8628 plans examiner training program that provides at least 100 hours
8629 but not more than 200 hours of cross-training in the
8630 certification category sought. The department ~~board~~ shall
8631 establish by rule criteria for the development and
8632 implementation of the training programs. The department ~~board~~
8633 must accept all classroom training offered by an approved
8634 provider if the content substantially meets the intent of the
8635 classroom component of the training program;

8636 5. Demonstrates a combination of the completion of an
8637 approved training program in the field of building code
8638 inspection or plan review and a minimum of 2 years' experience
8639 in the field of building code inspection, plan review, fire code
8640 inspections and fire plans review of new buildings as a
8641 firesafety inspector certified under s. 633.216, or
8642 construction. The approved training portion of this requirement
8643 must include proof of satisfactory completion of a training
8644 program that provides at least 200 hours but not more than 300
8645 hours of cross-training that is approved by the department ~~board~~
8646 in the chosen category of building code inspection or plan
8647 review in the certification category sought with at least 20
8648 hours but not more than 30 hours of instruction in state laws,
8649 rules, and ethics relating to professional standards of
8650 practice, duties, and responsibilities of a certificateholder.

8651 The department ~~board~~ shall coordinate with the Building
8652 Officials Association of Florida, Inc., to establish by rule the
8653 development and implementation of the training program. However,
8654 the department ~~board~~ must accept all classroom training offered
8655 by an approved provider if the content substantially meets the
8656 intent of the classroom component of the training program;

8657 6. Currently holds a standard certificate issued by the
8658 department ~~board~~ or a firesafety inspector license issued under
8659 chapter 633 and:

8660 a. Has at least 4 years' verifiable full-time experience
8661 as an inspector or plans examiner in a standard certification
8662 category currently held or has a minimum of 4 years' verifiable
8663 full-time experience as a firesafety inspector licensed under
8664 chapter 633.

8665 b. Has satisfactorily completed a building code inspector
8666 or plans examiner classroom training course or program that
8667 provides at least 200 but not more than 300 hours in the
8668 certification category sought, except for residential training
8669 programs, which must provide at least 500 but not more than 800
8670 hours of training as prescribed by the department ~~board~~. The
8671 department ~~board~~ shall establish by rule criteria for the
8672 development and implementation of classroom training courses and
8673 programs in each certification category; or

8674 7.a. Has completed a 4-year internship certification
8675 program as a building code inspector or plans examiner,

including an internship program for residential inspectors, while also employed full time by a municipality, county, or other governmental jurisdiction, under the direct supervision of a certified building official. A person may also complete the internship certification program, including an internship program for residential inspectors, while employed full time by a private provider or a private provider's firm that performs the services of a building code inspector or plans examiner, while under the direct supervision of a certified building official. Proof of graduation with a related vocational degree or college degree ~~or of verifiable work experience~~ may be exchanged for the internship experience requirement year-for-year, but may reduce the requirement to no less than 1 year. Proof of verifiable work experience as an inspector or plans examiner of any other type may be exchanged for the internship experience requirement year-for-year, but may reduce the requirement to no less than 1 year.

b. Has passed an examination administered by the International Code Council in the certification category sought. Such examination must be passed before beginning the internship certification program.

c. Has passed the principles and practice examination before completing the internship certification program.

d. Has passed a department-approved ~~board-approved~~ 40-hour code training course in the certification category sought before

8701 completing the internship certification program.

8702 e. Has obtained a favorable recommendation from the
8703 supervising building official after completion of the internship
8704 certification program.

8705 (4) No person may engage in the duties of a building code
8706 administrator, plans examiner, or building code inspector
8707 pursuant to this part after October 1, 1993, unless such person
8708 possesses one of the following types of certificates, currently
8709 valid, issued by the department board ~~board~~ attesting to the person's
8710 qualifications to hold such position:

8711 (a) A standard certificate.

8712 (b) A limited certificate.

8713 (c) A provisional certificate.

8714 (5)(a) To obtain a standard certificate, an individual
8715 must pass an examination approved by the department board ~~board~~ which
8716 demonstrates that the applicant has fundamental knowledge of the
8717 state laws and codes relating to the construction of buildings
8718 for which the applicant has building code administration, plans
8719 examination, or building code inspection responsibilities. It is
8720 the intent of the Legislature that the examination approved for
8721 certification pursuant to this part be substantially equivalent
8722 to the examinations administered by the International Code
8723 Council.

8724 (b) A standard certificate shall be issued to each
8725 applicant who successfully completes the examination, which

8726 certificate authorizes the individual named thereon to practice
8727 throughout the state as a building code administrator, plans
8728 examiner, or building code inspector within such class and level
8729 as is specified by the department ~~board~~.

8730 (c) The department ~~board~~ may accept proof that the
8731 applicant has passed an examination which is substantially
8732 equivalent to the department-approved ~~board-approved~~ examination
8733 set forth in this section.

8734 (6)

8735 (b) By October 1, 1993, individuals who were employed on
8736 July 1, 1993, as building code administrators, plans examiners,
8737 or building code inspectors, who are not eligible for a standard
8738 certificate, but who wish to continue in such employment, shall
8739 submit to the department ~~board~~ the appropriate application and
8740 certification fees and shall receive a limited certificate
8741 qualifying them to engage in building code administration, plans
8742 examination, or building code inspection in the class, at the
8743 performance level, and within the governmental jurisdiction in
8744 which such person is employed.

8745 (e) By March 1, 2003, or 1 year after the Florida Building
8746 Code is implemented, whichever is later, individuals who were
8747 employed by an educational board, the Department of Education,
8748 or the State University System as building code administrators,
8749 plans examiners, or inspectors, who do not wish to apply for a
8750 standard certificate but who wish to continue in such

8751 employment, shall submit to the department ~~board~~ the appropriate
8752 application and certification fees and shall receive a limited
8753 certificate qualifying such individuals to engage in building
8754 code administration, plans examination, or inspection in the
8755 class, at the performance level, and within the governmental
8756 jurisdiction in which such person is employed.

8757 (7) (a) The department ~~board~~ shall provide for the issuance
8758 of provisional certificates valid for 2 years, as specified by
8759 department ~~board~~ rule, to any building code inspector or plans
8760 examiner who meets the eligibility requirements described in
8761 subsection (2) and any newly employed or promoted building code
8762 administrator who meets the eligibility requirements described
8763 in subsection (3). The provisional license may be renewed by the
8764 department ~~board~~ for just cause; however, a provisional license
8765 is not valid for longer than 3 years.

8766 (c) The department ~~board~~ shall provide for appropriate
8767 levels of provisional certificates and may issue these
8768 certificates with such special conditions or requirements as the
8769 department ~~board~~ deems necessary to protect the public safety
8770 and health. The department ~~board~~ may not place a special
8771 condition or requirement on a provisional certificate with
8772 respect to the requirement of employment by a municipality,
8773 county, or other local governmental agency.

8774 (8) Any individual applying to the department ~~board~~ may be
8775 issued a certificate valid for multiple building code inspection

8776 classes, as deemed appropriate by the department ~~board~~.

8777 (10) (a) The department ~~board~~ may by rule create categories
8778 of certification in addition to those defined in s. 468.603(4)
8779 and (7) ~~s. 468.603(5) and (8)~~. Such certification categories may
8780 ~~shall~~ not be mandatory and may ~~shall~~ not act to diminish the
8781 scope of any certificate created by statute.

8782 (b) The department ~~board~~ shall by rule establish:

8783 1. Reciprocity of certification with any other state that
8784 requires an examination administered by the International Code
8785 Council.

8786 2. That an applicant for certification as a building code
8787 inspector or plans examiner may apply for a provisional
8788 certificate valid for the duration of the internship period.

8789 3. That partial completion of an internship program is
8790 transferable among jurisdictions, private providers, and firms
8791 of private providers on a form prescribed by the department
8792 ~~board~~.

8793 4. That an applicant may apply for a standard certificate
8794 on a form prescribed by the department ~~board~~ upon successful
8795 completion of an internship certification program.

8796 5. That an applicant may apply for a standard certificate
8797 at least 30 days but no more than 60 days before completing the
8798 internship certification program.

8799 6. That a building code inspector or plans examiner who
8800 has standard certification may seek an additional certification

in another category by completing an additional nonconcurrent 1-year internship program in the certification category sought and passing an examination administered by the International Code Council and a department-approved ~~board-approved~~ 40-hour code training course.

Section 273. Section 471.015, Florida Statutes, is amended to read:

471.015 Licensure.—

(1) The department ~~management corporation~~ shall issue a license to any applicant who the department ~~board~~ certifies is qualified to practice engineering and who has passed the fundamentals examination and the principles and practice examination.

(2)(a) The department ~~board~~ shall certify for licensure any applicant who has submitted proof satisfactory to the department ~~board~~ that he or she is at least 18 years of age and who:

1. Satisfies the requirements of s. 471.013(1)(a)1. and has a record of at least 4 years of active engineering experience of a character indicating competence to be in responsible charge of engineering; or

2. Satisfies the requirements of s. 471.013(1)(a)2. and has a record of at least 6 years of active engineering experience of a character indicating competence to be in responsible charge of engineering.

8826 (b) The department ~~board~~ may refuse to certify any
8827 applicant who has violated s. 471.031.

8828 (3) The department ~~board~~ shall certify as qualified for a
8829 license by endorsement an applicant who:

8830 (a) Qualifies to take the fundamentals examination and the
8831 principles and practice examination as set forth in s. 471.013,
8832 has passed a United States national, regional, state, or
8833 territorial licensing examination that is substantially
8834 equivalent to the fundamentals examination and principles and
8835 practice examination required by s. 471.013, and has satisfied
8836 the experience requirements set forth in paragraph (2)(a) and s.
8837 471.013; ~~or~~

8838 (b) Holds a valid license to practice engineering issued
8839 by another state or territory of the United States, or a foreign
8840 jurisdiction if the criteria for issuance of the license were
8841 substantially the same as the licensure criteria that existed in
8842 this state at the time the license was issued; or

8843 (c) Holds a valid license to practice engineering issued
8844 by a foreign jurisdiction approved by the board and holds an
8845 active Council Record with the National Council of Examiners for
8846 Engineering and Surveying.

8847 (4) The department may ~~management corporation shall~~ not
8848 issue a license by endorsement to any applicant who is under
8849 investigation in another state for any act that would constitute
8850 a violation of this chapter or of chapter 455 until such time as

the investigation is complete and disciplinary proceedings have been terminated.

(5)(a) The department ~~board~~ shall deem that an applicant who seeks licensure by endorsement has passed an examination substantially equivalent to the fundamentals examination when such applicant has held a valid professional engineer's license in another state for 10 years.

(b) The department ~~board~~ shall deem that an applicant who seeks licensure by endorsement has passed an examination substantially equivalent to the fundamentals examination and the principles and practices examination when such applicant has held a valid professional engineer's license in another state for 15 years.

(6) The department ~~board~~ may require a personal appearance by any applicant for licensure under this chapter. Any applicant of whom a personal appearance is required must be given adequate notice of the time and place of the appearance and provided with a statement of the purpose of and reasons requiring the appearance. If an applicant is required to appear, the time period within which a licensure application must be granted or denied is tolled until such time as the applicant appears. However, if the applicant fails to appear before the department ~~board~~ at either of the next two regularly scheduled department ~~board~~ meetings, the application for licensure may be denied.

(7) The department ~~board~~ shall, by rule, establish

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8876 qualifications for certification of licensees as special
8877 inspectors of threshold buildings, as defined in ss. 553.71 and
8878 553.79, and shall compile a list of persons who are certified. A
8879 special inspector is not required to meet standards for
8880 certification other than those established by the department
8881 ~~board~~, and the fee owner of a threshold building may not be
8882 prohibited from selecting any person certified by the department
8883 ~~board~~ to be a special inspector. The department ~~board~~ shall
8884 develop minimum qualifications for the qualified representative
8885 of the special inspector who is authorized to perform
8886 inspections of threshold buildings on behalf of the special
8887 inspector under s. 553.79.

8888 **Section 274. Effective January 1, 2026, section 473.308,**
8889 **Florida Statutes, is amended to read:**

8890 473.308 Licensure.—

8891 (1) A person desiring to be licensed as a Florida
8892 certified public accountant in this state shall apply to the
8893 department for licensure, and the department shall license any
8894 applicant who the department ~~board~~ certifies is qualified to
8895 practice public accounting.

8896 (2) The department ~~board~~ shall certify for licensure any
8897 applicant who successfully passes the licensure examination and
8898 satisfies the requirements of subsections (4), (5), and (6), and
8899 shall certify for licensure any firm that satisfies the
8900 requirements of ss. 473.309 and 473.3101. The department ~~board~~

may refuse to certify any applicant or firm that has violated any of the provisions of s. 473.322.

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

(4)(a) An applicant for licensure must:

1. Complete ~~have~~ at least 150 semester hours of college education, including a baccalaureate or higher degree conferred by an accredited college or university, with a concentration in accounting and business as prescribed by the department; ~~in the total educational program to the extent specified by the board.~~

2. Hold a master's degree in accounting or finance conferred by an accredited college or university with a concentration in accounting and business as prescribed by the department;

3. Hold a baccalaureate degree in accounting or finance conferred by an accredited college or university with a

concentration in accounting and business as prescribed by the department; or

4. Hold a baccalaureate degree in any major course of study conferred by an accredited college or university and have completed coursework required for a concentration in accounting and business as prescribed by the department.

(b) The department shall prescribe the coursework required for a concentration in accounting and business. The department may deem that an applicant has satisfied requirements for such coursework if the applicant receives a baccalaureate or higher degree in accounting or finance conferred by an accredited college or university in a state or territory of the United States. An applicant receiving a baccalaureate or higher degree with a major course of study other than accounting or finance must complete the coursework required for a concentration in accounting and business as prescribed by the department.

(5) (a) An applicant for licensure who completes the education requirements under subparagraph (4) (a)1. or subparagraph (4) (a)2. after December 31, 2008, must show that he or she has had 1 year of work experience. An applicant who completes the education requirements under subparagraph (4) (a)3. or subparagraph (4) (a)4. must show 2 years of work experience.

(b) The work experience under paragraph (a) ~~This experience~~ shall include providing any type of service or advice involving the use of accounting, attest, compilation, management

8951 advisory, financial advisory, tax, or consulting skills, all of
8952 which must be verified by a certified public accountant who is
8953 licensed by a state or territory of the United States. This
8954 experience is acceptable if it was gained through employment in
8955 government, industry, academia, or public practice; constituted
8956 a substantial part of the applicant's duties; and was verified
8957 by a certified public accountant licensed by a state or
8958 territory of the United States.

8959 (c) The department board shall adopt rules specifying
8960 standards and providing for the review and approval of the work
8961 experience required by this subsection ~~section~~.

8962 (b) However, an applicant who completed the requirements
8963 of subsection (4) on or before December 31, 2008, and who passes
8964 the licensure examination on or before June 30, 2010, is exempt
8965 from the requirements of this subsection.

8966 (6)(a) An applicant for licensure must ~~shall~~ show that she
8967 or he ~~the applicant~~ has good moral character. For purposes of
8968 this paragraph, the term

8969 ~~(7)(a)~~ "good moral character" means a personal history of
8970 honesty, fairness, and respect for the rights of others and for
8971 the laws of this state and nation.

8972 (b) The department board may refuse to certify an
8973 applicant for failure to satisfy this requirement if:

8974 1. The department board finds a reasonable relationship
8975 between the lack of good moral character of the applicant and

the professional responsibilities of a certified public accountant; and

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

(c) When an applicant is found to be unqualified for a license because of a lack of good moral character, the department ~~board~~ shall furnish to the applicant a statement containing the findings of the department ~~board~~, a complete record of the evidence upon which the determination was based, and a notice of the rights of the applicant to a rehearing and appeal.

~~(7)-(8)~~ The department ~~board~~ shall certify as qualified for a license by endorsement an applicant who:

(a) Is not licensed and has not been licensed in any state or territory and who has met the requirements of this section for education, work experience, and good moral character and has passed a national, regional, state, or territorial licensing examination that is substantially equivalent to the examination required by s. 473.306; or

~~(b)1.~~ holds an active ~~a valid~~ license as a certified public accountant ~~to practice public accounting~~ issued by another state or a territory of the United States, if the applicant has maintained good moral character and, at the time of licensure by such other state or territory, the applicant was required to show evidence of having obtained at least a

9001 baccalaureate degree from an accredited college or university
9002 and having passed the Uniform CPA Examination ~~criteria for~~
9003 ~~issuance of such license were substantially equivalent to the~~
9004 ~~licensure criteria that existed in this state at the time the~~
9005 ~~license was issued;~~

9006 ~~2. Holds a valid license to practice public accounting~~
9007 ~~issued by another state or territory of the United States but~~
9008 ~~the criteria for issuance of such license did not meet the~~
9009 ~~requirements of subparagraph 1.; has met the requirements of~~
9010 ~~this section for education, work experience, and good moral~~
9011 ~~character; and has passed a national, regional, state, or~~
9012 ~~territorial licensing examination that is substantially~~
9013 ~~equivalent to the examination required by s. 473.306; or~~

9014 ~~3. Holds a valid license to practice public accounting~~
9015 ~~issued by another state or territory of the United States for at~~
9016 ~~least 10 years before the date of application; has passed a~~
9017 ~~national, regional, state, or territorial licensing examination~~
9018 ~~that is substantially equivalent to the examination required by~~
9019 ~~s. 473.306; and has met the requirements of this section for~~
9020 ~~good moral character.~~

9021 ~~(9) If the applicant has at least 5 years of experience in~~
9022 ~~the practice of public accountancy in the United States or in~~
9023 ~~the practice of public accountancy or its equivalent in a~~
9024 ~~foreign country that the International Qualifications Appraisal~~
9025 ~~Board of the National Association of State Boards of Accountancy~~

9026 ~~has determined has licensure standards that are substantially~~
9027 ~~equivalent to those in the United States, or has at least 5~~
9028 ~~years of work experience that meets the requirements of~~
9029 ~~subsection (5), the board must waive the requirements of~~
9030 ~~subsection (4) which are in excess of a baccalaureate degree.~~
9031 ~~All experience that is used as a basis for waiving the~~
9032 ~~requirements of subsection (4) must be while licensed as a~~
9033 ~~certified public accountant by another state or territory of the~~
9034 ~~United States or while licensed in the practice of public~~
9035 ~~accountancy or its equivalent in a foreign country that the~~
9036 ~~International Qualifications Appraisal Board of the National~~
9037 ~~Association of State Boards of Accountancy has determined has~~
9038 ~~licensure standards that are substantially equivalent to those~~
9039 ~~in the United States. The board shall have the authority to~~
9040 ~~establish the standards for experience that meet this~~
9041 ~~requirement.~~

9042 ~~(8)(10)~~ The department board may refuse to certify for
9043 licensure any applicant who is under investigation in another
9044 state for any act that would constitute a violation of this act
9045 or chapter 455, until such time as the investigation is complete
9046 and disciplinary proceedings are ~~have been~~ terminated.

9047 **Section 275. Section 473.3085, Florida Statutes, is**
9048 **created to read:**

9049 473.3085 Licensure of international applicants.—

9050 (1) An international applicant who seeks licensure as a

certified public accountant in this state must meet the requirements for education, work experience, and good moral character under s. 473.308.

(2) An applicant must apply to the department for licensure.

(3) An international applicant must create and maintain an online account with the department and provide an e-mail address to function as the primary means of contact for all communication from the department. An applicant must submit any change in e-mail address within 30 days after the change. All changes must be submitted through the department's online system.

(4) The department shall certify for licensure any applicant who satisfies the requirements of subsections (1) and (2), except the department may refuse to certify an applicant who has violated s. 473.322.

(5) The department shall adopt rules to implement this section.

Section 276. Effective January 1, 2026, subsections (1), (3), and (4) of section 473.3141, Florida Statutes, are amended to read:

473.3141 Certified public accountants licensed in other states.—

(1) ~~Except as otherwise provided in this chapter,~~ An individual who holds an active license in good standing as a

9076 certified public accountant in another state or a territory of
9077 the United States and who does not have an office in this state
9078 has the privileges of Florida certified public accountants and
9079 may provide public accounting services in this state without
9080 obtaining a license under this chapter or notifying or
9081 registering with the department ~~board~~ or paying a fee if, at the
9082 time of licensure by such other state or territory, the
9083 individual was required to show evidence of having obtained at
9084 least a baccalaureate degree and having passed the Uniform CPA
9085 Examination÷

9086 ~~(a) Holds a valid license as a certified public accountant~~
9087 ~~from a state that the board or its designee has determined by~~
9088 ~~rule to have adopted standards that are substantially equivalent~~
9089 ~~to the certificate requirements in s. 5 of the Uniform~~
9090 ~~Accountancy Act in the issuance of licenses; or~~

9091 ~~(b) Holds a valid license as a certified public accountant~~
9092 ~~from a state that has not been approved by the board as having~~
9093 ~~adopted standards in substantial equivalence with s. 5 of the~~
9094 ~~Uniform Accountancy Act, but obtains verification from the~~
9095 ~~board, or its designee, as determined by rule, that the~~
9096 ~~individual's certified public accountant qualifications are~~
9097 ~~substantially equivalent to the certificate requirements in s. 5~~
9098 ~~of the Uniform Accountancy Act.~~

9099
9100 The department ~~board~~ shall define by rule what constitutes an

9101 office.

9102 (3) An individual certified public accountant from another
9103 state or a territory of the United States who practices pursuant
9104 to this section, and the firm that employs that individual,
9105 shall both consent, as a condition of the privilege of
9106 practicing in this state:

9107 (a) To the ~~personal and subject matter~~ jurisdiction and
9108 disciplinary authority of the department ~~board~~;

9109 (b) To comply with this chapter and the applicable
9110 department ~~board~~ rules;

9111 (c) That if the individual's license as a certified public
9112 accountant from another ~~the~~ state or a territory of the United
9113 States becomes invalid ~~of the individual's principal place of~~
9114 ~~business is no longer valid~~, the individual must ~~will~~ cease
9115 offering or rendering public accounting services in this state,
9116 individually and on behalf of a firm; and

9117 (d) To the appointment of the department ~~state board~~ that
9118 issued the individual's license as the agent upon whom process
9119 may be served in any action or proceeding by the ~~board or~~
9120 department against the individual or firm.

9121 (4) An individual who qualifies to practice under this
9122 section may perform the services identified in s. 473.302(7)(a)
9123 ~~s. 473.302(8)(a)~~ only through a firm that has obtained a license
9124 issued under s. 473.3101 or is authorized by s. 473.3101 to
9125 provide such services.

9126 **Section 277. Subsections (2), (8), and (9) of section**
9127 **476.184, Florida Statutes, are amended, and subsection (11) is**
9128 **added to that section, to read:**

9129 476.184 Barbershop licensure; requirements; fee;
9130 inspection; license display.—

9131 (2) The department ~~board~~ shall adopt rules governing the
9132 licensure and operation of a barbershop and its facilities,
9133 personnel, safety and sanitary requirements, and the license
9134 application and granting process.

9135 (8) Renewal of license registration for barbershops shall
9136 be accomplished pursuant to rules adopted by the department
9137 ~~board~~. The department ~~board~~ is further authorized to adopt rules
9138 governing delinquent renewal of licenses and may impose penalty
9139 fees for delinquent renewal.

9140 (9) The department ~~board~~ is authorized to adopt rules
9141 governing the operation and periodic inspection of barbershops
9142 licensed under this chapter.

9143 (11) (a) The department shall adopt rules governing the
9144 licensure, operation, and inspection of mobile barbershops,
9145 including their facilities, personnel, and safety and sanitary
9146 requirements.

9147 (b) Each mobile barbershop must comply with all licensure
9148 and operating requirements specified in this chapter, chapter
9149 455, or rules of the department that apply to barbershops at
9150 fixed locations, except to the extent that such requirements

9151 conflict with this subsection or rules adopted pursuant to this
9152 subsection.

9153 (c) A mobile barbershop must maintain a permanent business
9154 address, located in the inspection area of the local department
9155 office, at which records of appointments, itineraries, license
9156 numbers of employees, and vehicle identification numbers of the
9157 licenseholder's mobile barbershop shall be kept and made
9158 available for verification purposes by department personnel, and
9159 at which correspondence from the department can be received.

9160 (d) To facilitate periodic inspections of a mobile
9161 barbershop, before the beginning of each month each mobile
9162 barbershop licenseholder must file with the department a written
9163 monthly itinerary listing the locations where and the dates and
9164 hours when the mobile barbershop will be operating.

9165 (e) The licenseholder must comply with all local laws and
9166 ordinances regulating business establishments, with all
9167 applicable requirements of the Americans with Disabilities Act
9168 relating to accommodations for persons with disabilities, and
9169 with all applicable requirements of the Occupational Safety and
9170 Health Administration.

9171 **Section 278. Section 476.188, Florida Statutes, is amended**
9172 **to read:**

9173 476.188 Barber services to be performed in a licensed
9174 ~~registered~~ barbershop; exception.—

9175 (1) Barber services shall be performed only by licensed

9176 barbers in licensed ~~registered~~ barbershops, except as otherwise
9177 provided in this section.

9178 (2) Pursuant to rules established by the department ~~board~~,
9179 barber services may be performed by a licensed barber in a
9180 location other than a licensed ~~registered~~ barbershop, including,
9181 but not limited to, a nursing home, hospital, or residence, when
9182 a client for reasons of ill health is unable to go to a licensed
9183 ~~registered~~ barbershop. Arrangements for the performance of
9184 barber services in a location other than a licensed ~~registered~~
9185 barbershop may ~~shall~~ be made only through a licensed ~~registered~~
9186 barbershop. However, a barber may shampoo, cut, or arrange hair
9187 in a location other than a licensed ~~registered~~ barbershop
9188 without such arrangements.

9189 (3) Any person who holds a valid barber's license in any
9190 state or who is authorized to practice barbering in any country,
9191 territory, or jurisdiction of the United States may perform
9192 barber services in a location other than a licensed ~~registered~~
9193 barbershop when such services are performed in connection with
9194 the motion picture, fashion photography, theatrical, or
9195 television industry; a manufacturer trade show demonstration; or
9196 an educational seminar.

9197 (4) Pursuant to rules adopted by the department, the
9198 practice of barbering may be performed in a location other than
9199 a licensed barbershop when performed in connection with a
9200 special event and by a person who holds the proper license.

9201 **Section 279. Subsections (1) through (7) of section**
9202 **481.213, Florida Statutes, is amended to read:**

9203 481.213 Licensure and registration.—

9204 (1) The department shall license or register any applicant
9205 who ~~the board certifies~~ is certified and qualified for licensure
9206 or registration and who has paid the initial licensure or
9207 registration fee. Licensure as an architect under this section
9208 shall be deemed to include all the rights and privileges of
9209 registration as an interior designer under this section.

9210 (2) The department ~~board~~ shall certify for licensure ~~or~~
9211 ~~registration~~ by examination any applicant who passes the
9212 prescribed licensure or registration examination and satisfies
9213 the requirements of ss. 481.209 and 481.211, for architects, or
9214 the requirements of s. 481.209, for interior designers.

9215 (3) The department ~~board~~ shall certify as qualified for a
9216 license by endorsement as an architect or registration as a
9217 registered interior designer an applicant who:

9218 (a) Qualifies to take the prescribed licensure or
9219 registration examination, and has passed the prescribed
9220 licensure or registration examination or a substantially
9221 equivalent examination in another jurisdiction, as set forth in
9222 s. 481.209 for architects or registered interior designers, as
9223 applicable, and has satisfied the internship requirements set
9224 forth in s. 481.211 for architects;

9225 (b) Holds a valid license to practice architecture or a

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

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

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

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

(5) The department ~~board~~ may refuse to certify any applicant who is under investigation in any jurisdiction for any act which would constitute a violation of this part or of

chapter 455 until such time as the investigation is complete and disciplinary proceedings have been terminated.

(6) The department ~~board~~ shall adopt rules to implement the provisions of this part relating to the examination, internship, and licensure of applicants.

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

Section 280. Paragraph (c) of subsection (2) and subsection (3) of section 489.111, Florida Statutes, are amended to read:

489.111 Licensure by examination.—

(2) A person shall be eligible for licensure by examination if the person:

9276 (c) Meets eligibility requirements according to one of the
9277 following criteria:

9278 1. Has received a baccalaureate degree from an accredited
9279 4-year college in the appropriate field of engineering,
9280 architecture, or building construction and has 1 year of proven
9281 experience in the category in which the person seeks to qualify.
9282 For the purpose of this part, a minimum of 2,000 person-hours
9283 shall be used in determining full-time equivalency. An applicant
9284 who is exempt from passing an examination under s. 489.113(1) is
9285 eligible for a license under this section.

9286 2. Has a total of at least 4 years of active experience as
9287 a worker who has learned the trade by serving an apprenticeship
9288 as a skilled worker who is able to command the rate of a
9289 mechanic in the particular trade or as a foreman who is in
9290 charge of a group of workers and usually is responsible to a
9291 superintendent or a contractor or his or her equivalent;
9292 provided, however, that at least 1 year of active experience
9293 shall be as a foreman.

9294 3. Has a combination of not less than 1 year of experience
9295 as a foreman and not less than 3 years of credits for any
9296 accredited college-level courses; has a combination of not less
9297 than 1 year of experience as a skilled worker, 1 year of
9298 experience as a foreman, and not less than 2 years of credits
9299 for any accredited college-level courses; or has a combination
9300 of not less than 2 years of experience as a skilled worker, 1

9301 year of experience as a foreman, and not less than 1 year of
9302 credits for any accredited college-level courses. All junior
9303 college or community college-level courses shall be considered
9304 accredited college-level courses.

9305 4.a. An active certified residential contractor is
9306 eligible to receive a certified building contractor license
9307 after passing or having previously passed the building
9308 contractors' examination if he or she possesses a minimum of 3
9309 years of proven experience in the classification in which he or
9310 she is certified.

9311 b. An active certified residential contractor is eligible
9312 to receive a certified general contractor license after passing
9313 or having previously passed the general contractors' examination
9314 if he or she possesses a minimum of 4 years of proven experience
9315 in the classification in which he or she is certified.

9316 c. An active certified building contractor is eligible to
9317 receive a certified general contractor license after passing or
9318 having previously passed the general contractors' examination if
9319 he or she possesses a minimum of 4 years of proven experience in
9320 the classification in which he or she is certified.

9321 5.a. An active certified air-conditioning Class C
9322 contractor is eligible to receive a certified air-conditioning
9323 Class B contractor license after passing or having previously
9324 passed the air-conditioning Class B contractors' examination if
9325 he or she possesses a minimum of 3 years of proven experience in

the classification in which he or she is certified.

b. An active certified air-conditioning Class C contractor is eligible to receive a certified air-conditioning Class A contractor license after passing or having previously passed the air-conditioning Class A contractors' examination if he or she possesses a minimum of 4 years of proven experience in the classification in which he or she is certified.

c. An active certified air-conditioning Class B contractor is eligible to receive a certified air-conditioning Class A contractor license after passing or having previously passed the air-conditioning Class A contractors' examination if he or she possesses a minimum of 1 year of proven experience in the classification in which he or she is certified.

6.a. An active certified swimming pool servicing contractor is eligible to receive a certified residential swimming pool contractor license after passing or having previously passed the residential swimming pool contractors' examination if he or she possesses a minimum of 3 years of proven experience in the classification in which he or she is certified.

b. An active certified swimming pool servicing contractor is eligible to receive a certified commercial swimming pool contractor license after passing or having previously passed the swimming pool commercial contractors' examination if he or she possesses a minimum of 4 years of proven experience in the

9351 classification in which he or she is certified.

9352 c. An active certified residential swimming pool
9353 contractor is eligible to receive a certified commercial
9354 swimming pool contractor license after passing or having
9355 previously passed the commercial swimming pool contractors'
9356 examination if he or she possesses a minimum of 1 year of proven
9357 experience in the classification in which he or she is
9358 certified.

9359 d. An applicant is eligible to receive a certified
9360 swimming pool/spa servicing contractor license after passing or
9361 having previously passed the swimming pool/spa servicing
9362 contractors' examination if he or she has satisfactorily
9363 completed 60 hours of instruction in courses related to the
9364 scope of work covered by that license and approved by the
9365 department ~~Construction Industry Licensing Board~~ by rule and has
9366 at least 1 year of proven experience related to the scope of
9367 work of such a contractor.

9368 (3)(a) The department ~~board~~ may refuse to certify an
9369 applicant for failure to satisfy the requirement of good moral
9370 character only if:

9371 1. There is a substantial connection between the lack of
9372 good moral character of the applicant and the professional
9373 responsibilities of a certified contractor; and

9374 2. The finding by the department ~~board~~ of lack of good
9375 moral character is supported by clear and convincing evidence.

9376 (b) When an applicant is found to be unqualified for a
9377 certificate because of a lack of good moral character, the
9378 department board shall furnish the applicant a statement
9379 containing the findings of the department board, a complete
9380 record of the evidence upon which the determination was based,
9381 and a notice of the rights of the applicant to a rehearing and
9382 appeal.

9383 **Section 281. Paragraph (b) of subsection (6), paragraph**
9384 **(1) of subsection (8), paragraphs (a) and (d) of subsection (9),**
9385 **and subsection (15) of section 499.012, Florida Statutes, are**
9386 **amended, to read:**

9387 499.012 Permit application requirements.—

9388 (6) A permit issued by the department is nontransferable.
9389 Each permit is valid only for the person or governmental unit to
9390 which it is issued and is not subject to sale, assignment, or
9391 other transfer, voluntarily or involuntarily; nor is a permit
9392 valid for any establishment other than the establishment for
9393 which it was originally issued.

9394 (b)1. An application for a new permit is required when a
9395 majority of the ownership or controlling interest of a permitted
9396 establishment is transferred or assigned or when a lessee agrees
9397 to undertake or provide services to the extent that legal
9398 liability for operation of the establishment will rest with the
9399 lessee. The application for the new permit must be made within

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9400 30 days after ~~before~~ the date of the sale, transfer, assignment,
9401 or lease.

9402 2. A permittee that is authorized to distribute
9403 prescription drugs may transfer such drugs to the new owner or
9404 lessee under subparagraph 1. only after the new owner or lessee
9405 has been approved for a permit to distribute prescription drugs.

9406
9407 The department may revoke the permit of any person that fails to
9408 comply with the requirements of this subsection.

9409 (8) An application for a permit or to renew a permit for a
9410 prescription drug wholesale distributor or an out-of-state
9411 prescription drug wholesale distributor submitted to the
9412 department must include:

9413 (1) ~~The name of each of the applicant's designated~~
9414 ~~representatives as required by subsection (15), together with~~
9415 The personal information statement and fingerprints required
9416 pursuant to subsection (9) for each such person.

9417 (9) (a) Each person required by subsection (8) ~~or~~
9418 ~~subsection (15)~~ to provide a personal information statement and
9419 fingerprints shall provide the following information to the
9420 department on forms prescribed by the department:

- 9421 1. The person's places of residence for the past 7 years.
9422 2. The person's date and place of birth.
9423 3. The person's occupations, positions of employment, and
9424 offices held during the past 7 years.

9425 4. The principal business and address of any business,
9426 corporation, or other organization in which each such office of
9427 the person was held or in which each such occupation or position
9428 of employment was carried on.

9429 5. Whether the person has been, during the past 7 years,
9430 the subject of any proceeding for the revocation of any license
9431 and, if so, the nature of the proceeding and the disposition of
9432 the proceeding.

9433 6. Whether, during the past 7 years, the person has been
9434 enjoined, temporarily or permanently, by a court of competent
9435 jurisdiction from violating any federal or state law regulating
9436 the possession, control, or distribution of prescription drugs,
9437 together with details concerning any such event.

9438 7. A description of any involvement by the person with any
9439 business, including any investments, other than the ownership of
9440 stock in a publicly traded company or mutual fund, during the
9441 past 4 years, which manufactured, administered, prescribed,
9442 distributed, or stored pharmaceutical products and any lawsuits
9443 in which such businesses were named as a party.

9444 8. A description of any felony criminal offense of which
9445 the person, as an adult, was found guilty, regardless of whether
9446 adjudication of guilt was withheld or whether the person pled
9447 guilty or nolo contendere. A criminal offense committed in
9448 another jurisdiction which would have been a felony in this
9449 state must be reported. If the person indicates that a criminal

conviction is under appeal and submits a copy of the notice of appeal of that criminal offense, the applicant must, within 15 days after the disposition of the appeal, submit to the department a copy of the final written order of disposition.

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

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

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

12. Any other relevant information that the department requires.

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

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

2. A copy of the personal information statement form most

recently submitted to the department and a certification under oath, on a form specified by the department, that the individual has reviewed the previously submitted personal information statement form and that the information contained therein remains unchanged.

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

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

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

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

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

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

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

9500 ~~e. Managerial experience with the United States Armed~~
9501 ~~Forces, where the person's responsibilities included, but were~~
9502 ~~not limited to, recordkeeping, warehousing, distributing, or~~
9503 ~~other logistics services pertaining to prescription drugs;~~

9504 ~~d. Managerial experience with a state or federal~~
9505 ~~organization responsible for regulating or permitting~~
9506 ~~establishments involved in the distribution of prescription~~
9507 ~~drugs, whether in an administrative or a sworn law enforcement~~
9508 ~~capacity; or~~

9509 ~~e. Work experience as a drug inspector or investigator~~
9510 ~~with a state or federal organization, whether in an~~
9511 ~~administrative or a sworn law enforcement capacity, where the~~
9512 ~~person's responsibilities related primarily to compliance with~~
9513 ~~state or federal requirements pertaining to the distribution of~~
9514 ~~prescription drugs.~~

9515 ~~4. Receive a passing score of at least 75 percent on an~~
9516 ~~examination given by the department regarding federal laws~~
9517 ~~governing distribution of prescription drugs and this part and~~
9518 ~~the rules adopted by the department governing the wholesale~~
9519 ~~distribution of prescription drugs. This requirement shall be~~
9520 ~~effective 1 year after the results of the initial examination~~
9521 ~~are mailed to the persons that took the examination. The~~
9522 ~~department shall offer such examinations at least four times~~
9523 ~~each calendar year.~~

9524 ~~5. Provide the department with a personal information~~

9525 ~~statement and fingerprints pursuant to subsection (9).~~

9526 ~~(c) The department may deny an application for~~
9527 ~~certification as a designated representative or may suspend or~~
9528 ~~revoke a certification of a designated representative pursuant~~
9529 ~~to s. 499.067.~~

9530 ~~(d) A designated representative:~~

9531 ~~1. Must be actively involved in and aware of the actual~~
9532 ~~daily operation of the wholesale distributor.~~

9533 ~~2. Must be employed full time in a managerial position by~~
9534 ~~the wholesale distributor.~~

9535 ~~3. Must be physically present at the establishment during~~
9536 ~~normal business hours, except for time periods when absent due~~
9537 ~~to illness, family illness or death, scheduled vacation, or~~
9538 ~~other authorized absence.~~

9539 ~~4. May serve as a designated representative for only one~~
9540 ~~wholesale distributor at any one time.~~

9541 ~~(e) A wholesale distributor must notify the department~~
9542 ~~when a designated representative leaves the employ of the~~
9543 ~~wholesale distributor. Such notice must be provided to the~~
9544 ~~department within 10 business days after the last day of~~
9545 ~~designated representative's employment with the wholesale~~
9546 ~~distributor.~~

9547 ~~(f) A wholesale distributor may not operate under a~~
9548 ~~prescription drug wholesale distributor permit or an out-of-~~
9549 ~~state prescription drug wholesale distributor permit for more~~

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9550 ~~than 10 business days after the designated representative leaves~~
9551 ~~the employ of the wholesale distributor, unless the wholesale~~
9552 ~~distributor employs another designated representative and~~
9553 ~~notifies the department within 10 business days of the identity~~
9554 ~~of the new designated representative.~~

9555 **Section 282. Subsection (9) of section 499.0121, Florida**
9556 **Statutes, is amended to read:**

9557 499.0121 Storage and handling of prescription drugs;
9558 recordkeeping.—The department shall adopt rules to implement
9559 this section as necessary to protect the public health, safety,
9560 and welfare. Such rules shall include, but not be limited to,
9561 requirements for the storage and handling of prescription drugs
9562 and for the establishment and maintenance of prescription drug
9563 distribution records.

9564 (9) RESPONSIBLE PERSONS.—Wholesale distributors must
9565 establish and maintain lists of officers, directors, managers,
9566 ~~designated representatives~~, and other persons in charge of
9567 wholesale drug distribution, storage, and handling, including a
9568 description of their duties and a summary of their
9569 qualifications.

9570 **Section 283. Subsection (9) of section 499.041, Florida**
9571 **Statutes, is amended to read:**

9572 499.041 Schedule of fees for drug, device, and cosmetic
9573 applications and permits, product registrations, and free-sale
9574 certificates.—

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

Section 284. Subsection (1) of section 509.261, Florida Statutes, is amended to read:

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

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

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

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

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

Section 285. Subsection (10) of section 553.79, Florida Statutes, is amended, and subsections (26), (27), and (28) are added to that section, to read:

553.79 Permits; applications; issuance; inspections.—

(10) No enforcing agency may issue a building permit for construction of any threshold building except to a licensed general contractor, as defined in s. 489.105(2)(a) ~~s. 489.105(3)(a)~~, or to a licensed building contractor, as defined in s. 489.105(2)(b) ~~s. 489.105(3)(b)~~, within the scope of her or his license. The named contractor to whom the building permit is issued shall have the responsibility for supervision, direction, management, and control of the construction activities on the project for which the building permit was issued.

(26) A local enforcement agency may not deny the issuance of a certificate of occupancy to an owner of residential or commercial property based on noncompliance with a Florida-friendly landscaping ordinance if the owner was issued a permit for such property within 1 year of the declaration of a state of emergency for the county in which the property is located.

(27) A local enforcement agency may not deny the issuance of a building permit for the alteration, modification, or repair of a single-family residential structure if such alteration, modification, or repair:

(a) Is completed within 1 year after the declaration of a state of emergency for the county in which the property is located.

(b) Does not affect more than 50 percent of the structure.

(c) Does not alter the footprint of the structure.

9625 (28) A local enforcement agency may not require a building
9626 permit for the construction of playground equipment, a fence, or
9627 a landscape irrigation system on single-family residential
9628 property.

9629 **Section 286. Section 569.002, Florida Statutes, is**
9630 **reordered, to read:**

9631 569.002 Definitions.—As used in this part, the term:

9632 (1) "Any person under the age of 21" does not include any
9633 person under the age of 21 who:

9634 (a) Is in the military reserve or on active duty in the
9635 Armed Forces of the United States; or

9636 (b) Is acting in his or her scope of lawful employment
9637 with an entity licensed under chapter 210 or this part.

9638 (2)~~(1)~~ "Dealer" is synonymous with the term "retail
9639 tobacco products dealer."

9640 (3)~~(2)~~ "Division" means the Division of Alcoholic
9641 Beverages and Tobacco of the Department of Business and
9642 Professional Regulation.

9643 ~~(3) "Nicotine product" has the same meaning as in s.~~
9644 ~~569.31.~~

9645 (4) "Nicotine dispensing device" has the same meaning as
9646 in s. 569.31.

9647 (5) "Nicotine product" has the same meaning as in s.
9648 569.31.

9649 (6)~~(5)~~ "Permit" is synonymous with the term "retail

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tobacco products dealer permit."

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

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

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

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

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

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

Section 287. Section 569.006, Florida Statutes, is amended to read:

569.006 Retail tobacco products dealers; administrative penalties.—The division may suspend or revoke the permit of the dealer upon sufficient cause appearing of the violation of ~~any~~ of the provisions of this chapter, or any violation of the laws of this state or any state or territory of the United States including part II of this chapter if the dealer deals, at retail, in nicotine products within this ~~the~~ state or allows a

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9675 nicotine products vending machine to be located on its premises
9676 within this ~~the~~ state, by a dealer or by a dealer's agent or
9677 employee. The division may also assess and accept administrative
9678 fines of up to \$1,000 against a dealer for each violation. The
9679 division shall deposit all fines collected into the General
9680 Revenue Fund as collected. An order imposing an administrative
9681 fine becomes effective 15 days after the date of the order. The
9682 division may suspend the imposition of a penalty against a
9683 dealer, conditioned upon the dealer's compliance with terms the
9684 division considers appropriate.

9685 **Section 288. Section 569.35, Florida Statutes, is amended**
9686 **to read:**

9687 569.35 Retail nicotine product dealers; administrative
9688 penalties.—The division may suspend or revoke the permit of a
9689 dealer, including the retail tobacco products dealer permit of a
9690 retail tobacco products dealer as defined in s. 569.002 ~~s.~~
9691 ~~569.002(4)~~, upon sufficient cause appearing of the violation of
9692 ~~any of the provisions of this part or any violation of the laws~~
9693 of this state or any state or territory of the United States, by
9694 a dealer, or by a dealer's agent or employee. The division may
9695 also assess and accept an administrative fine of up to \$1,000
9696 against a dealer for each violation. The division shall deposit
9697 all fines collected into the General Revenue Fund as collected.
9698 An order imposing an administrative fine becomes effective 15
9699 days after the date of the order. The division may suspend the

imposition of a penalty against a dealer, conditioned upon the dealer's compliance with terms the division considers appropriate.

Section 289. Paragraphs (e), (f), and (g) of subsection (3) of section 581.217, Florida Statutes, are redesignated as paragraphs (f), (g), and (h), respectively, a new paragraph (e) is added to that subsection, and paragraphs (e) and (f) are added to subsection (11) of that section, to read:

581.217 State hemp program.—

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

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

(11) ENFORCEMENT.—

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

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

Section 290. Except as otherwise expressly provided in this act, this act shall take effect July 1, 2025.