

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 prohibiting extension or renewal of certain leases;
9 requiring the department to provide to the Division of
10 Professions a summary of changes to statutory law
11 within a specified time period after adjournment of
12 session; repealing ss. 310.011, 310.032, 310.042,
13 455.2124, 455.2228, 468.384, 468.399, 468.4315,
14 468.4337, 468.4338, 468.521, 468.522, 468.523,
15 468.605, 468.8316, 468.8416, 471.0195, 472.007,
16 472.008, 472.009, 472.017, 472.018, 472.019, 473.303,
17 474.204, 474.205, 474.206, 475.02, 475.03, 475.04,
18 475.045, 475.05, 475.10, 476.054, 476.064, 477.015,
19 481.205, 481.2055, 481.305, 482.243, 489.107, 489.507,
20 492.103, 499.01211, 559.9221, and 570.81, F.S.,
21 relating to the Board of Pilot Commissioners; oath of
22 members of the Board of Pilot Commissioners;
23 organization and meetings of the board; proration of
24 continuing education; barbers and cosmetologists and
25 instruction on HIV and AIDS; the Florida Board of

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

Construction Industry Licensing Board; the Electrical Contractors' Licensing Board; the Board of Professional Geologists; the Drug Wholesale Distributor Advisory Council; the Motor Vehicle Repair Advisory Council; and the Agricultural Economic Development Project Review Committee, respectively; amending ss. 120.54, 212.08, 215.5586, 215.55871, 309.01, 310.0015, 310.002, 310.051, 310.061, 310.071, 310.073, 310.075, 310.081, 310.101, 310.102, 310.111, 310.121, 310.131, 310.142, 310.151, 310.183, 310.185, 326.002, 326.006, 376.303, 381.0065, 403.868, 403.9329, 440.02, 448.26, 455.203, 455.271, 468.382, 468.385, 468.3851, 468.3852, 468.3855, 468.386, 468.387, 468.388, 468.389, 468.392, 468.393, 468.395, 468.396, 468.397, 468.398, 468.404, 468.407, 468.431, 468.433, 468.4336, 468.435, 468.436, 468.520, 468.522, 468.524, 468.5245, 468.525, 468.526, 468.527, 468.5275, 468.529, 468.530, 468.531, 468.532, 468.603, 468.606, 468.607, 468.613, 468.619, 468.621, 468.627, 468.629, 468.631, 468.8312, 468.8315, 468.8412, 468.8415, 468.8417, 468.8419, 469.004, 469.012, 469.013, 471.011, 471.017, 471.019, 471.045, 472.003, 472.005, 472.006, 472.011, 472.0202, 472.0203, 473.302, 473.3035, 473.304, 473.305, 473.306, 473.309, 473.3101, 473.311, 473.3125, 473.313, 473.314,

76 473.315, 473.316, 473.319, 473.3205, 473.321, 473.322,
77 473.323, 474.202, 474.2065, 474.207, 474.211,
78 474.2125, 474.213, 474.214, 474.215, 474.216,
79 474.2165, 474.217, 474.221, 475.451, 476.034, 476.074,
80 476.114, 476.134, 476.144, 476.154, 476.155, 476.192,
81 476.204, 476.214, 476.234, 477.013, 477.0135, 477.016,
82 477.018, 477.019, 477.0201, 477.0212, 477.022,
83 477.025, 477.026, 477.0263, 477.028, 477.029, 481.203,
84 481.207, 481.209, 481.211, 481.215, 481.217, 481.219,
85 481.221, 481.222, 481.223, 481.225, 481.2251, 481.303,
86 481.306, 481.307, 481.309, 481.310, 481.311, 481.313,
87 481.315, 481.317, 481.323, 481.325, 489.103, 489.105,
88 489.108, 489.109, 489.111, 489.113, 489.1131,
89 489.1136, 489.114, 489.115, 489.116, 489.117, 489.118,
90 489.119, 489.1195, 489.121, 489.126, 489.127, 489.129,
91 489.131, 489.132, 489.133, 489.1401, 489.1402,
92 489.141, 489.142, 489.1425, 489.143, 489.1455,
93 489.146, 489.505, 489.509, 489.510, 489.511, 489.513,
94 489.514, 489.515, 489.516, 489.5161, 489.517, 489.518,
95 489.5185, 489.519, 489.520, 489.521, 489.522, 489.523,
96 489.525, 489.533, 489.5335, 489.537, 489.552, 492.102,
97 492.104, 492.105, 492.1051, 492.106, 492.107, 492.108,
98 492.109, 492.1101, 492.111, 492.113, 493.6101,
99 493.6105, 493.6106, 493.6111, 493.6113, 493.6116,
100 493.6118, 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,
499.067, 501.015, 501.609, 507.03, 514.0315, 514.075,
527.03, 539.001, 553.79, 553.791, 553.998, 559.904,
559.928, 627.192, 633.216, and 713.01, F.S.; providing
licensing authority to the department rather than
licensing boards; removing continuing education
requirements; revising licensure renewal periods;
conforming provisions to changes made by the act;
amending s. 259.1053, F.S.; removing the Babcock Ranch
Advisory Group; amending s. 339.035, F.S.; revising
the requirements for accessibility of elevators for
the physically handicapped; amending s. 455.02, F.S.;
specifying that certain license application
requirements apply only to certain professions;
amending s. 468.609, F.S.; revising the standards for
certification as a building code inspector or plans
examiner; amending s. 471.007, F.S.; providing for
abolishment of the Board of Professional Engineers;
amending s. 471.015, F.S.; revising who the department
must certify as qualified for a license by endorsement
for the practice of engineering; amending s. 473.308,
F.S.; revising the education and work experience
requirements for a certified public accountant
license; directing the department to prescribe

126 specified coursework for licensure; revising
127 requirements for licensure by endorsement; removing
128 provisions relating to licensure of applicants with
129 work experience in foreign countries; providing
130 applicability; creating s. 473.3085, F.S.; requiring
131 an international applicant who seeks licensure as a
132 certified public accountant in this state to meet
133 specified criteria prescribed by the department;
134 requiring such applicants to apply to the department;
135 requiring such applicants to create and maintain an
136 online account with the department; providing that the
137 applicant's e-mail address serves as the primary means
138 of communication from the department; requiring an
139 applicant to submit any change in certain information
140 within a specified timeframe through the department's
141 online system; requiring the department to certify an
142 applicant who meets certain requirements; requiring
143 the department to adopt rules; amending s. 473.3141,
144 F.S.; revising requirements for certified public
145 accountants licensed in another state or a territory
146 of the United States to practice in this state without
147 obtaining a license; amending s. 474.2021, F.S.;
148 revising requirements relating to prescriptions by
149 veterinarians practicing telehealth; providing
150 licensing authority to the department rather than

licensing boards; amending s. 475.17, F.S.; removing postlicensure education requirements for brokers, broker associates, and sales associates; amending ss. 475.175 and 475.180, F.S.; conforming provisions to changes made by the act; amending s. 475.182, F.S.; removing continuing education requirements for licensure renewal as a broker, a broker associate, and a sales associate; amending s. 475.183, F.S.; removing continuing education requirements for licensure renewal due to inactive status; amending ss. 475.25, 475.611, 475.612, 475.614, 475.6145, 475.6147, 475.615, 475.617, 475.6171, 475.618, 475.619, 475.621, 475.6222, 475.6235, 475.624, 475.6245, 475.625, 475.626, 475.627, 475.628, 475.629, 475.630, 475.631, F.S.; revising provisions pertaining to the board to transfer powers, duties, and responsibilities of the board to the Department of Business and Professional Regulation; amending s. 475.613, F.S.; granting certain authority to the department, rather than the Florida Real Estate Appraisal Board; amending s. 476.184, F.S.; requiring the department to adopt rules; requiring a mobile barbershop to comply with all licensure and operating requirements that apply to a barbershop at a fixed location; providing an exception; requiring a mobile barbershop to have a

176 permanent business address in a specified location;
177 requiring that certain records be kept at the
178 permanent business address; requiring a mobile
179 barbershop licenseholder to file with the department a
180 written monthly itinerary that provides certain
181 information; requiring that a licenseholder comply
182 with certain laws and ordinances; amending s. 476.188,
183 F.S.; providing that a barbershop must be licensed
184 with the department, rather than registered;
185 authorizing the practice of barbering to be performed
186 in a location other than a licensed barbershop under
187 certain circumstances; amending s. 481.213, F.S.;
188 revising who the department shall certify as qualified
189 for a license by endorsement in the practice of
190 architecture; amending s. 481.321, F.S.; revising
191 provisions relating to seals and display of
192 certificate number of registered landscape architects;
193 amending s. 499.012, F.S.; revising permit application
194 requirements for sale, transfer, assignment, or lease;
195 removing permit application requirements for a
196 prescription drug wholesale distributor to include a
197 designated representative; amending s. 499.0121, F.S.;
198 removing a designated representative as a responsible
199 person who must be listed by a wholesale distributor;
200 exempting specified establishments that store,

warehouse, or hold prescription drugs not listed as a controlled substance from certain requirements; requiring such establishments to maintain certain records; requiring that such records be made readily available or available within a specified time period for inspection in certain circumstances; requiring such records to be maintained for a specified time period; amending s. 499.041, F.S.; removing a requirement that the department assess each person applying for certification as a designated representative a fee, plus the cost of processing a criminal history record check; creating s. 624.341, F.S.; providing legislative findings; requiring the Department of Law Enforcement to accept and process certain fingerprints; specifying procedures for submitting and processing fingerprints; providing fees for fingerprinting; authorizing the department to exchange certain records with the Office of Insurance Regulation for certain purposes; specifying that fingerprints must be submitted in accordance with certain rules; authorizing fingerprints to be submitted through a third-party vendor authorized by the department; requiring the department to conduct certain background checks; requiring certain background checks to be conducted through the Federal

Bureau of Investigation; requiring that fingerprints be submitted and entered into a specified system; specifying who bears the costs of fingerprint processing; requiring the office to review certain background checks results and to make certain determinations; requiring that certain criminal history records be used by the office for certain purposes; amending s. 468.609, F.S.; revising the standards for certification as a building code inspector or plans examiner; amending s. 471.007, F.S.; providing for abolishment of the Board of Professional Engineers; amending s. 471.015, F.S.; revising who the department must certify as qualified for a license by endorsement for the practice of engineering; amending s. 473.308, F.S.; revising the education and work experience requirements for a certified public accountant license; directing the department to prescribe specified coursework for licensure; revising requirements for licensure by endorsement; removing provisions relating to licensure of applicants with work experience in foreign countries; providing applicability; creating s. 473.3085, F.S.; requiring an international applicant who seeks licensure as a certified public accountant in this state to meet specified criteria prescribed by

the department; requiring such applicants to apply to the department; requiring such applicants to create and maintain an online account with the department; providing that the applicant's e-mail address serves as the primary means of communication from the department; requiring an applicant to submit any change in certain information within a specified timeframe through the department's online system; requiring the department to certify an applicant who meets certain requirements; requiring the department to adopt rules; amending s. 473.312, F.S.; conforming provisions to changes made by the act; amending s. 473.3141, F.S.; revising requirements for certified public accountants licensed in another state or a territory of the United States to practice in this state without obtaining a license; amending s. 474.2021, F.S.; revising requirements relating to prescriptions by veterinarians practicing telehealth; providing licensing authority to the department rather than licensing boards; amending s. 475.17, F.S.; removing postlicensure education requirements for brokers, broker associates, and sales associates; amending ss. 475.175 and 475.180, F.S.; conforming provisions to changes made by the act; amending s. 475.182, F.S.; removing continuing education

requirements for licensure renewal as a broker, a broker associate, and a sales associate; amending s. 475.183, F.S.; removing continuing education requirements for licensure renewal due to inactive status; amending ss. 475.25, 475.611, 475.612, 475.614, 475.6145, 475.6147, 475.615, 475.617, 475.6171, 475.618, 475.619, 475.621, 475.6222, 475.6235, 475.624, 475.6245, 475.625, 475.626, 475.627, 475.628, 475.629, 475.630, and 475.631, F.S.; revising provisions pertaining to the board to transfer powers, duties, and responsibilities of the board to the department; amending s. 475.613, F.S.; granting certain authority to the department, rather than the Florida Real Estate Appraisal Board; amending s. 476.184, F.S.; requiring the department to adopt rules; requiring a mobile barbershop to comply with all licensure and operating requirements that apply to a barbershop at a fixed location; providing an exception; requiring a mobile barbershop to have a permanent business address in a specified location; requiring that certain records be kept at the permanent business address; requiring a mobile barbershop licenseholder to file with the department a written monthly itinerary that provides certain information; requiring that a licenseholder comply

301 with certain laws and ordinances; amending s. 476.188,
302 F.S.; providing that a barbershop must be licensed
303 with the department, rather than registered;
304 authorizing the practice of barbering to be performed
305 in a location other than a licensed barbershop under
306 certain circumstances; amending s. 481.213, F.S.;
307 revising who the department shall certify as qualified
308 for a license by endorsement in the practice of
309 architecture; amending s. 481.321, F.S.; revising
310 provisions relating to seals and display of
311 certificate number of registered landscape architects;
312 amending s. 499.012, F.S.; revising permit application
313 requirements for sale, transfer, assignment, or lease;
314 removing permit application requirements for a
315 prescription drug wholesale distributor to include a
316 designated representative; amending s. 499.0121, F.S.;
317 removing a designated representative as a responsible
318 person who must be listed by a wholesale distributor;
319 amending s. 499.041, F.S.; removing a requirement that
320 the department assess each person applying for
321 certification as a designated representative a fee,
322 plus the cost of processing a criminal history record
323 check; creating s. 624.341, F.S.; providing
324 legislative findings; requiring the Department of Law
325 Enforcement to accept and process certain

fingerprints; specifying procedures for submitting and processing fingerprints; providing fees for fingerprinting; authorizing the department to exchange certain records with the Office of Insurance Regulation for certain purposes; specifying that fingerprints must be submitted in accordance with certain rules; authorizing fingerprints to be submitted through a third-party vendor authorized by the department; requiring the department to conduct certain background checks; requiring certain background checks to be conducted through the Federal Bureau of Investigation; requiring that fingerprints be submitted and entered into a specified system; specifying who bears the costs of fingerprint processing; requiring the office to review certain background check results and to make certain determinations; requiring that certain criminal history records be used by the office for certain purposes; 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

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

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

358 (2) The following divisions of the Department of Business
359 and Professional Regulation are established:

360 (a) Division of Administration.

361 (b) Division of Alcoholic Beverages and Tobacco.

362 (c) Division of Certified Public Accounting.

363 1. The director of the division shall be appointed by the
364 secretary of the department, ~~subject to approval by a majority~~
365 ~~of the Board of Accountancy.~~

366 2. Effective at the termination of any lease in effect on
367 December 31, 2025, the offices of the division shall be located
368 in Tallahassee Gainesville. Such a lease may not be extended or
369 renewed.

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

371 (e) Division of Florida Condominiums, Timeshares, and
372 Mobile Homes.

373 (f) Division of Hotels and Restaurants.

374 (g) Division of Professions.

375 (h) Division of Real Estate.

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

379 2. Effective at the termination of any lease in effect on
380 December 31, 2025, the offices of the division shall be located
381 in Tallahassee ~~Orlando~~. Such a lease may not be extended or
382 renewed.

383 (i) Division of Regulation.

384 (j) Division of Technology.

385 (k) Division of Service Operations.

386 (3) The secretary shall appoint a director for each
387 division established within this section. Each division director
388 shall directly administer the division and shall be responsible
389 to the secretary. The secretary may appoint deputy and assistant
390 secretaries as necessary to aid the secretary in fulfilling the
391 secretary's statutory obligations.

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

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

396 (b) 2. Florida Board of Auctioneers licensing program,
397 created under part VI of chapter 468.

398 (c) 3. Barbers' licensing program Board, created under
399 chapter 476.

400 (d) 4. Florida Building Code Administrators and Inspectors

401 licensing program ~~Board~~, created under part XII of chapter 468.

402 (e)5. ~~Construction Industry licensing program Board~~,
403 created under part I of chapter 489.

404 (f)6. ~~Board of Cosmetology licensing program~~, created
405 under chapter 477.

406 (g)7. Electrical Contractors' licensing program ~~Board~~,
407 created under part II of chapter 489.

408 (h)8. ~~Board of Employee Leasing Companies licensing~~
409 program, created under part XI of chapter 468.

410 (i)9. ~~Board of Landscape Architecture licensing program~~,
411 created under part II of chapter 481.

412 (j)10. ~~Board of Pilot Commissioners licensing program~~,
413 created under chapter 310.

414 (k)11. Board of Professional Engineers, created under
415 chapter 471.

416 (l)12. ~~Board of Professional Geologists licensing program~~,
417 created under chapter 492.

418 (m)13. ~~Board of Veterinary Medicine licensing program~~,
419 created under chapter 474.

420 (n)14. Home inspection services licensing program, created
421 under part XV of chapter 468.

422 (o)15. Mold-related services licensing program, created
423 under part XVI of chapter 468.

424 (p) Talent agency licensing program, created under part
425 VII of chapter 468.

426 (g) The Florida Building Commission, created under chapter
427 553.

428 (r) The Community Association Managers licensing program,
429 created under part VIII of chapter 468.

430 (s) Yacht and ship brokers licensing program, created
431 under chapter 326.

432 ~~(b) The following board and commission are established~~
433 ~~within the Division of Real Estate:~~

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

436 ~~2. Florida Real Estate Commission, created under part I of~~
437 ~~chapter 475.~~

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

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

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

450 ~~(b) No more than 3 members' terms expire during the same~~

451 ~~calendar year for boards consisting of 9 to 12 members.~~

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

454
455 ~~A member whose term has expired shall continue to serve on the~~
456 ~~board until such time as a replacement is appointed. A vacancy~~
457 ~~on the board shall be filled for the unexpired portion of the~~
458 ~~term in the same manner as the original appointment. No member~~
459 ~~may serve for more than the remaining portion of a previous~~
460 ~~member's unexpired term, plus two consecutive 4-year terms of~~
461 ~~the member's own appointment thereafter.~~

462 ~~(6) Each board with five or more members shall have at~~
463 ~~least two consumer members who are not, and have never been,~~
464 ~~members or practitioners of the profession regulated by such~~
465 ~~board or of any closely related profession. Each board with~~
466 ~~fewer than five members shall have at least one consumer member~~
467 ~~who is not, and has never been, a member or practitioner of the~~
468 ~~profession regulated by such board or of any closely related~~
469 ~~profession.~~

470 ~~(7) No board, with the exception of joint~~
471 ~~coordinatorships, shall be transferred from its present location~~
472 ~~unless authorized by the Legislature in the General~~
473 ~~Appropriations Act.~~

474 ~~(5)-(8)~~ Notwithstanding any other provision of law, the
475 department shall ~~is authorized to~~ establish uniform application

476 forms and certificates of licensure for use by the divisions
477 within the department. However, ~~Nothing in~~ this subsection does
478 not authorize ~~authorizes~~ the department to vary any substantive
479 requirements, duties, or eligibilities for licensure or
480 certification as provided by law.

481 (6) ~~(9)~~ (a) All employees authorized by the Division of
482 Alcoholic Beverages and Tobacco shall have access to, and shall
483 have the right to inspect, premises licensed by the division, to
484 collect taxes and remit them to the officers entitled to them,
485 and to examine the books and records of all licensees. The
486 authorized employees shall require of each licensee strict
487 compliance with the laws of this state relating to the
488 transaction of such business.

489 (b) Each employee serving as a law enforcement officer for
490 the division must meet the qualifications for employment or
491 appointment as a law enforcement officer set forth under s.
492 943.13 and must be certified as a law enforcement officer by the
493 Department of Law Enforcement under chapter 943. Upon
494 certification, each law enforcement officer is subject to and
495 has the same authority as provided for law enforcement officers
496 generally in chapter 901 and has statewide jurisdiction. Each
497 officer also has arrest authority as provided for state law
498 enforcement officers in s. 901.15. Each officer possesses the
499 full law enforcement powers granted to other peace officers of
500 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, part VII of chapter 559, and chapters 561-569, and the rules adopted thereunder, as well as other state laws that the division, all state law enforcement officers, or beverage enforcement agents are specifically authorized to enforce.

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

(7) The Department of Business and Professional Regulation shall provide, via e-mail, to each person licensed by the department, as promptly as possible after the adjournment sine die of the regular session of the Legislature, a summary of changes to existing law relating to each business and profession and the effective date of each change.

Section 2. Sections 310.011, 310.032, 310.042, 455.2124, 455.2228, 468.384, 468.399, 468.4315, 468.4337, 468.4338, 468.521, 468.522, 468.523, 468.605, 468.8316, 468.8416, 471.0195, 472.007, 472.008, 472.009, 472.017, 472.018, 472.019, 473.303, 474.204, 474.205, 474.206, 475.02, 475.03, 475.04, 475.045, 475.05, 475.10, 476.054, 476.064, 477.015, 481.205, 481.2055, 481.305, 482.243, 489.107, 489.507, 492.103, 499.01211, 559.9221, and 570.81, Florida Statutes, are repealed.

Section 3. Paragraph (c) of subsection (3) of section 120.54, Florida Statutes, is amended to read:

120.54 Rulemaking.—

(3) ADOPTION PROCEDURES.—

(c) Hearings.—

1. If the intended action concerns any rule other than one relating exclusively to procedure or practice, the agency shall, on the request of any affected person received within 21 days after the date of publication of the notice of intended agency action, give affected persons an opportunity to present evidence and argument on all issues under consideration. The agency may schedule a public hearing on the rule and, if requested by any affected person, shall schedule a public hearing on the rule. When a public hearing is held, the agency must ensure that staff are available to explain the agency's proposal and to respond to questions or comments regarding the rule. If the agency head is a board, licensing program, or commission ~~or other collegial~~

body created under s. 20.165(4) or s. 20.43(3)(g), and one or more requested public hearings is scheduled, the board, licensing program, or commission ~~or other collegial body~~ shall conduct at least one of the public hearings itself and may not delegate this responsibility without the consent of those persons requesting the public hearing. Any material pertinent to the issues under consideration submitted to the agency within 21 days after the date of publication of the notice or submitted to the agency between the date of publication of the notice and the end of the final public hearing shall be considered by the agency and made a part of the record of the rulemaking proceeding.

2. Rulemaking proceedings shall be governed solely by the provisions of this section unless a person timely asserts that the person's substantial interests will be affected in the proceeding and affirmatively demonstrates to the agency that the proceeding does not provide adequate opportunity to protect those interests. If the agency determines that the rulemaking proceeding is not adequate to protect the person's interests, it shall suspend the rulemaking proceeding and convene a separate proceeding under the provisions of ss. 120.569 and 120.57. Similarly situated persons may be requested to join and participate in the separate proceeding. Upon conclusion of the separate proceeding, the rulemaking proceeding shall be resumed.

Section 4. Paragraph (ttt) of subsection (7) of section

576 **212.08, Florida Statutes, is amended to read:**

577 212.08 Sales, rental, use, consumption, distribution, and
578 storage tax; specified exemptions.—The sale at retail, the
579 rental, the use, the consumption, the distribution, and the
580 storage to be used or consumed in this state of the following
581 are hereby specifically exempt from the tax imposed by this
582 chapter.

583 (7) MISCELLANEOUS EXEMPTIONS.—Exemptions provided to any
584 entity by this chapter do not inure to any transaction that is
585 otherwise taxable under this chapter when payment is made by a
586 representative or employee of the entity by any means,
587 including, but not limited to, cash, check, or credit card, even
588 when that representative or employee is subsequently reimbursed
589 by the entity. In addition, exemptions provided to any entity by
590 this subsection do not inure to any transaction that is
591 otherwise taxable under this chapter unless the entity has
592 obtained a sales tax exemption certificate from the department
593 or the entity obtains or provides other documentation as
594 required by the department. Eligible purchases or leases made
595 with such a certificate must be in strict compliance with this
596 subsection and departmental rules, and any person who makes an
597 exempt purchase with a certificate that is not in strict
598 compliance with this subsection and the rules is liable for and
599 shall pay the tax. The department may adopt rules to administer
600 this subsection.

(ttt) *Small private investigative agencies.*—

1. As used in this paragraph, the term:

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

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

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

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

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

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

(b) The department shall contract with wind certification
entities to provide hurricane mitigation inspections. To qualify
for selection by the department as a wind certification entity

701 to provide hurricane mitigation inspections, the entity must, at
702 a minimum, meet all of the following requirements:

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

705 a. A building inspector under s. 468.607;

706 b. A general, building, or residential contractor under s.
707 489.111;

708 c. A professional engineer under s. 471.015;

709 d. A professional architect under s. 481.213; or

710 e. A home inspector under s. 468.8314 who has completed at
711 least 3 hours of hurricane mitigation training approved by the
712 department ~~Construction Industry Licensing Board~~, which must
713 include hurricane mitigation techniques, compliance with the
714 uniform mitigation verification form, and completion of a
715 proficiency exam.

716 2. Use hurricane mitigation inspectors who have undergone
717 drug testing and a background screening. The department may
718 conduct criminal record checks of inspectors used by wind
719 certification entities. Inspectors must submit a full set of
720 fingerprints to the department or to a vendor, an entity, or an
721 agency authorized under s. 943.053(13). The department, vendor,
722 entity, or agency shall forward the fingerprints to the
723 Department of Law Enforcement for state processing, and the
724 Department of Law Enforcement shall forward the fingerprints to
725 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

751 to prevent any sand, mud, gravel, or other material that may be
752 discharged or deposited in them from drifting or escaping
753 through such enclosures, any kind of ballast may be discharged
754 or deposited within the enclosures. The enclosures may be
755 constructed of wood, stone, and rock combined, the stone and
756 rocks to be placed on the outside of the wood to a height not
757 less at any point than 2 1/2 feet above high watermark. Second,
758 a bulkhead may be built by a permanent wharf consisting of
759 thoroughly creosoted piles not less than 12 inches in diameter
760 at the butt end, to be driven close together and to be capped
761 with timber not less than 10 or 14 inches drift, bolted to each
762 pile, and one or more longitudinal stringers to be placed on the
763 outside of the bulkhead and securely anchored by means of iron
764 rods to piles driven within the bulkheads, clear rock to be on
765 the inside of the bulkhead, to a height of not less than 2 1/2
766 feet above high water; and after this is done, ballast or other
767 material may be deposited within the permanent enclosure so
768 constructed. Third, a bulkhead may be constructed to consist of
769 creosoted piles, as described herein, driven not exceeding 4
770 feet apart from center to center, inside of which two or more
771 longitudinal stringers may be placed and securely bolted to the
772 piles. Inside of these longitudinal pieces, two thicknesses of
773 creosoted sheet piling are to be driven, each course of the
774 sheet piling to make a joint with the other so as to form an
775 impenetrable wharf; and within this permanent bulkhead so

constructed, any ballast or other material may be deposited. ~~No~~
Such an enclosure, pier, quay, or jetty may not begin ~~shall be~~
~~begun~~ until the point at which ~~whereat~~ it is to be built shall
have been connected by a substantial wharf with a shore or with
a permanent wharf; except that the owners of wharves may at any
time, with the consent of ~~the Board of Pilot Commissioners of~~
~~the Division of Professions of~~ the Department of Business and
Professional Regulation, build wharves of clear stone or rock,
or creosoted walls as hereinafter provided, on each side of
their wharves from the shore to a point at which the water is
not more than 15 feet deep, and when such walls have attained a
height of 2 1/2 feet above high watermark and have been securely
closed at the deepwater end by stone or creosoted walls of the
same height, any kind of ballast may be deposited in them.
Nothing contained in this section shall interfere with any
rights or privileges now enjoyed by riparian owners. While this
section empowers those who desire to construct the several
characters of wharves, piers, quays, jetties, and bulkheads
provided for and described herein, nothing in this section shall
be so construed as to require any person not desiring to
construct a permanent wharf by filling up with ballast, stone,
or other material to construct under the specifications
contained herein; and nothing in this chapter shall be so
construed as to prevent any person from constructing any wharf
or placing any pilings, logs, or lumber in any waters where the

801 person would have heretofore had the right so to do.

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

804 310.0015 Piloting regulation; general provisions.—

805 (3) The rate-setting process, the issuance of licenses
806 only in numbers deemed necessary or prudent by the department
807 ~~board~~, and other aspects of the economic regulation of piloting
808 established in this chapter are intended to protect the public
809 from the adverse effects of unrestricted competition which would
810 result from an unlimited number of licensed pilots being allowed
811 to market their services on the basis of lower prices rather
812 than safety concerns. This system of regulation benefits and
813 protects the public interest by maximizing safety, avoiding
814 uneconomic duplication of capital expenses and facilities, and
815 enhancing state regulatory oversight. The system seeks to
816 provide pilots with reasonable revenues, taking into
817 consideration the normal uncertainties of vessel traffic and
818 port usage, sufficient to maintain reliable, stable piloting
819 operations. Pilots have certain restrictions and obligations
820 under this system, including, but not limited to, the following:

821 (a) Pilots may not refuse to provide piloting services to
822 any person or entity that may lawfully request such services,
823 except for justifiable concerns relating to safety, or, in the
824 case of a vessel planning a departure, for nonpayment of
825 pilotage.

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

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

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

841 (e) In any instance of a payment or transfer of funds, a
842 request for the payment or transfer of funds, or a contractual
843 obligation assumed in respect to the payment or transfer of
844 funds from a licensee payor to a pilot or group of pilots, or to
845 any legal entity or fund administered or controlled by or under
846 common control with such pilot or group of pilots, the pilot or
847 group of pilots shall provide to the licensee payor, at the time
848 the payment or transfer or request for the payment or transfer
849 is made or the obligation is assumed in respect to the payment
850 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 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 and work as may be assigned by the department. Except as otherwise provided in this chapter, the department shall provide all legal services necessary in carrying out the provisions of

876 | this chapter.

877 | (2) The department shall hire a person knowledgeable and
878 | experienced in matters related to piloting. Such person shall
879 | act for the department on matters of examination and
880 | investigation and, when he or she deems it necessary, in the
881 | selection of legal counsel qualified in admiralty law. ~~On an~~
882 | ~~annual basis, the board shall recommend to the department a~~
883 | ~~person knowledgeable and experienced in matters related to~~
884 | ~~piloting to fill this post, and the department may accept or~~
885 | ~~reject the recommendation. If the department rejects the board's~~
886 | ~~recommendation, the board shall continue to submit~~
887 | ~~recommendations until one is accepted by the department. Unless~~
888 | ~~there is affirmative action by both the board and the~~
889 | ~~department, at the end of each year, the position shall be~~
890 | ~~declared vacant and the board shall submit a new recommendation~~
891 | ~~for a person to fill such position.~~

892 | **Section 11. Section 310.061, Florida Statutes, is amended**
893 | **to read:**

894 | 310.061 State pilots; number; cross licensing.—The
895 | department ~~board~~ shall determine the number of pilots based on
896 | the supply and demand for piloting services and the public
897 | interest in maintaining efficient and safe piloting services.
898 | Based on the economic conditions of the port, the department
899 | ~~board~~ may adopt rules authorizing cross licensing between ports,
900 | if this will best serve the public interest.

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

310.071 Deputy pilot certification.—

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

(b) 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.

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

926 pilot, each certificated deputy pilot must annually provide
927 documentary proof of having satisfactorily passed a complete
928 physical examination administered by a licensed physician. The
929 physician must know the minimum standards and certify that the
930 certificateholder satisfactorily meets the standards. The
931 standards for certificateholders shall include a drug test.

932 (d) Have had maritime experience satisfactory to the
933 department before ~~board prior to~~ taking the examination required
934 under s. 310.081(2), as evidenced by documentation of the
935 following service while holding a United States Coast Guard
936 license:

937 1. At least 2 years of service at sea during the 5-year
938 period immediately preceding the examination, 1 year of which
939 must have been in at least the capacity of an unlimited second
940 mate;

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

948 3. At least 2 years of service during the 5-year period
949 immediately preceding the examination as an active first-class
950 unlimited pilot serving on a Great Lakes unlimited master's

951 license;

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

958 5. At least 3 years of experience as a deck watch officer
959 during the 10-year period immediately preceding the examination,
960 1 year of which in the 5-year period immediately preceding the
961 exam must have been as the commanding officer, executive
962 officer, or operations officer of a United States Navy vessel or
963 a United States Coast Guard vessel of at least 1,600 gross tons,
964 and must currently hold a United States Coast Guard license of
965 at least an unlimited second mate.

966 (2) The department ~~board~~ may adopt rules authorizing
967 equivalent combinations of service from two or more of the areas
968 specified in subparagraphs (1)(d)1., 2., 3., 4., and 5. However,
969 the department ~~board~~ may waive the maritime experience
970 requirements prescribed in paragraph (1)(d) when necessary to
971 fill an opening, provided an applicant meeting such requirements
972 has not applied for the opening and the opening has been
973 advertised more than once.

974 (3) The initial certificate issued to a deputy pilot shall
975 be valid for a period of 12 months, and at the end of this

976 period, the certificate shall automatically expire and may ~~shall~~
977 not be renewed. During this period, the department ~~board~~ shall
978 thoroughly evaluate the deputy pilot's performance for
979 suitability to continue training and ~~shall make appropriate~~
980 ~~recommendations to the department.~~ Upon the finding ~~receipt~~ of a
981 favorable evaluation ~~recommendation by the board~~, the department
982 shall issue a certificate to the deputy pilot, which shall be
983 valid for a period of 2 years. The certificate may be renewed
984 only two times, except in the case of a fully licensed pilot who
985 is cross-licensed as a deputy pilot in another port, and
986 provided the deputy pilot meets the requirements specified for
987 pilots in paragraph (1)(c).

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

990 310.073 State pilot licensing.—In addition to meeting
991 other requirements specified in this chapter, each applicant for
992 license as a state pilot must:

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

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

999 (3) Be in good physical and mental health, as evidenced by
1000 documentary proof of having satisfactorily passed a complete

1001 physical examination administered by a licensed physician within
1002 the preceding 6 months. The department ~~board~~ shall adopt rules
1003 to establish requirements for passing the physical examination,
1004 which rules shall establish minimum standards for the physical
1005 or mental capabilities necessary to carry out the professional
1006 duties of a licensed state pilot. Such standards shall include
1007 zero tolerance for any controlled substance regulated under
1008 chapter 893 unless that individual is under the care of a
1009 physician, an advanced practice registered nurse, or a physician
1010 assistant and that controlled substance was prescribed by that
1011 physician, advanced practice registered nurse, or physician
1012 assistant. To maintain eligibility as a licensed state pilot,
1013 each licensed state pilot must annually provide documentary
1014 proof of having satisfactorily passed a complete physical
1015 examination administered by a licensed physician. The physician
1016 must know the minimum standards and certify that the licensee
1017 satisfactorily meets the standards. The standards for licensees
1018 shall include a drug test.

1019 (4) Have had at least 2 years of service as a deputy pilot
1020 in the port in which license as a licensed state pilot is
1021 desired, which service must have been attained during the period
1022 immediately preceding the examination required under s.
1023 310.081(1). Further, at the time of application, each applicant
1024 must have a valid United States Coast Guard first-class
1025 unlimited pilot's license covering all of the waters of the port

1026 in which license as a state pilot is desired and must have
1027 successfully completed the department-approved ~~board-approved~~
1028 deputy pilot training program in the port in which license as a
1029 state pilot is desired.

1030 **Section 14. Section 310.075, Florida Statutes, is amended**
1031 **to read:**

1032 310.075 Deputy pilot training program.—The licensed state
1033 pilots in each port shall submit to the department ~~board~~ for its
1034 approval a deputy pilot training program of not less than 2
1035 years' duration, applicable to all deputy pilots appointed to
1036 serve at such port. The following requirements constitute the
1037 parameters within which deputy pilot training programs are to be
1038 established and carried out by the licensed state pilots at all
1039 ports in this state:

1040 (1) Upon receiving his or her appointment, a deputy pilot
1041 must report to the licensed state pilots at the port he or she
1042 is appointed to serve and must serve a period of not less than
1043 90 days as an observer trainee. During such period:

1044 (a) The observer trainee must accompany licensed state
1045 pilots, becoming thoroughly familiar with all of the waters, the
1046 channels, the harbor, and the port under varied conditions.

1047 (b) The observer trainee must obtain a valid United States
1048 Coast Guard first-class unlimited pilot's license covering all
1049 of the waters of the port before the department ~~board~~ may
1050 authorize him or her to pilot vessels within the limits and

specifications established by the licensed state pilots of the port.

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

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

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

(c) The weather and sea conditions encountered;

(d) The time of day;

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

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

(3) Each request to increase the limits and specifications under which a deputy pilot is authorized to pilot must be submitted to the department ~~board~~ and must be accompanied by a deputy pilot vessel handling form as provided in subsection (2) 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 ports of the state. However, the number of pilots appointed and licensed by the department may ~~shall~~ not exceed the number

provided for in s. 310.061.

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

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

(a) Possess the qualifications set out in this chapter.

(b) Are in good physical and mental health as evidenced by documentary proof of having satisfactorily passed a physical examination administered by a licensed physician or physician assistant within each calendar year. The department ~~board~~ shall adopt rules to establish requirements for passing the physical

examination, which rules shall establish minimum standards for the physical or mental capabilities necessary to carry out the professional duties of a licensed state pilot or a certificated deputy pilot. Such standards shall include zero tolerance for any controlled substance regulated under chapter 893 unless that individual is under the care of a physician, an advanced practice registered nurse, or a physician assistant and that controlled substance was prescribed by that physician, advanced practice registered nurse, or physician assistant. To maintain eligibility as a certificated deputy pilot or licensed state pilot, each certificated deputy pilot or licensed state pilot must annually provide documentary proof of having satisfactorily passed a complete physical examination administered by a licensed physician. The physician must know the minimum standards and certify that the certificateholder or licensee satisfactorily meets the standards. The standards for certificateholders and for licensees shall include a drug test.

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

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

(d) ~~(e)~~ Remain in active service in the ports for which they are appointed.

1151 Upon resignation or in the case of disability permanently
1152 affecting a pilot's ability to serve, the state license or
1153 certificate issued under this chapter shall be revoked by the
1154 department.

1155 **Section 16. Paragraphs (d), (g), and (h) of subsection (1)**
1156 **and subsections (2), (3), and (4) of section 310.101, Florida**
1157 **Statutes, are amended to read:**

1158 310.101 Grounds for disciplinary action by the department
1159 ~~board~~.—

1160 (1) Any act of misconduct, inattention to duty,
1161 negligence, or incompetence; any willful violation of any law or
1162 rule, including the rules of the road, applicable to a licensed
1163 state pilot or certificated deputy pilot; or any failure to
1164 exercise that care which a reasonable and prudent licensed state
1165 pilot or certificated deputy pilot would exercise under the same
1166 or similar circumstances may result in disciplinary action.
1167 Examples of acts by a licensed state pilot or certificated
1168 deputy pilot which constitute grounds for disciplinary action
1169 include, but are not limited to:

1170 (d) Navigating in channels where the depth of water under
1171 the keel is less than the prescribed bottom clearance as
1172 recommended by the licensed state pilots of that port and
1173 approved by the department ~~board~~.

1174 (g) Making or filing, or inducing another person to make
1175 or file, a report which the pilot knows to be false or

1176 intentionally or negligently failing to file, or willfully
1177 impeding or obstructing the filing of, a report or record
1178 required by state law or by rule of the ~~board or the~~ department.
1179 Such reports or records include only those which are signed by
1180 the pilot in his or her capacity as a licensed state pilot or
1181 certificated deputy pilot.

1182 (h) Being unable to perform the duties of a pilot with
1183 reasonable skill and safety by reason of illness or use of
1184 alcohol, drugs, narcotics, chemicals, or any other type of
1185 material or as a result of any mental or physical condition such
1186 as, but not limited to, poor eyesight or hearing, heart disease,
1187 or diabetes. In enforcing this paragraph, the department shall
1188 have authority, upon recommendation of the probable cause panel
1189 of the department ~~board~~, to compel a licensed state pilot or
1190 certificated deputy pilot to submit to a mental or physical
1191 examination by physicians designated by the department. The
1192 failure of a pilot to submit to such an examination when so
1193 directed constitutes an admission of the allegations against the
1194 pilot, unless the failure is due to circumstances beyond his or
1195 her control, consequent upon which an emergency suspension order
1196 may be entered by the department suspending the pilot's license
1197 until he or she complies with the order for a compulsory mental
1198 or physical examination. A licensed state pilot or certificated
1199 deputy pilot affected under this paragraph must be afforded, at
1200 reasonable intervals, an opportunity to demonstrate that he or

1201 she can resume the competent practice of piloting with
1202 reasonable skill and safety.

1203 (2) When the department ~~board~~ finds any person has
1204 committed any act set forth in subsection (1), it may enter an
1205 order imposing one or more of the following penalties:

1206 (a) Refusing to certify to the department an application
1207 for license or certification.

1208 (b) Revoking or suspending the license or certificate.

1209 (c) Restricting the practice of the violator.

1210 (d) Imposing an administrative fine not to exceed \$5,000
1211 for each count or separate offense.

1212 (e) Issuing a reprimand.

1213 (f) Placing the licensed state pilot or certificated
1214 deputy pilot on probation for such period of time and subject to
1215 such conditions as the department ~~board~~ may specify, including,
1216 but not limited to, requiring the pilot to submit to treatment,
1217 submit to additional or remedial training, submit to
1218 reexamination, or undergo a complete physical examination.

1219 (3) The department ~~board~~ shall not reinstate the license
1220 or certificate of a state pilot or deputy pilot or cause a
1221 license or certificate to be issued to a person whom it has
1222 determined to be unqualified until the department ~~board~~ is
1223 satisfied that such person has complied with all the terms and
1224 conditions set forth in the final order and that such person is
1225 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.

(6) A consultant, licensee, or approved treatment provider who makes a disclosure pursuant to this section is not subject

1251 to civil liability for such disclosure or its consequences. The
1252 provisions of s. 766.101 apply to any officer, employee, or
1253 agent of the department ~~or the board~~ and to any officer,
1254 employee, or agent of any entity with which the department has
1255 contracted pursuant to this section.

1256 **Section 18. Section 310.111, Florida Statutes, is amended**
1257 **to read:**

1258 310.111 Marine incident reports.—Each collision,
1259 grounding, stranding, or other marine peril sustained or caused
1260 by a vessel on which there was employed a licensed state pilot
1261 or certificated deputy pilot shall be reported to the department
1262 ~~office of the board~~ or the piloting consultant within 48 hours
1263 after ~~of~~ the occurrence. In addition, a written report shall be
1264 submitted to the department on forms and in the manner
1265 prescribed by the department within 7 days after ~~of~~ the
1266 occurrence. However, any marine incident involving oil spillage,
1267 pollution, physical injury, or death shall be reported to the
1268 department ~~board~~ or the piloting consultant by telephone or
1269 telegram within 24 hours after ~~of~~ the occurrence in addition to
1270 submission of the required written report.

1271 **Section 19. Section 310.121, Florida Statutes, is amended**
1272 **to read:**

1273 310.121 Application, examination, and biennial fees.—
1274 (1) The department shall, in accordance with rules set by
1275 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 pilot a fee, not to exceed \$200 in the case of a licensed state pilot or \$100 in the case of a certificated deputy pilot, such fees to be set by the department ~~board~~.

Section 20. Section 310.131, Florida Statutes, is amended to read:

310.131 Assessment of percentage of gross pilotage.—The department shall assess the licensed state pilots in the respective ports of the state a percentage of the gross amount of pilotage earned by such pilots during each year, which percentage will be established by the department ~~board~~ not to exceed 2 percent, to be paid into the Professional Regulation Trust Fund by such pilots at such time and in such manner as the department ~~board~~ prescribes or as is set forth in the General Appropriations Act. The financial records of all pilots and deputy pilots relating to pilotage are subject to audit by the department and the Auditor General. The department shall by rule set a procedure for verifying the amount of pilotage at each

port and may charge costs to the appropriate port if the port does not comply with such procedure.

Section 21. Section 310.142, Florida Statutes, is amended to read:

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

Section 22. 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. "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~~

1326 ~~serving on the board~~; two ~~board~~ members who are actively
1327 involved in a professional or business capacity in the maritime
1328 industry, marine shipping industry, or commercial passenger
1329 cruise industry; one ~~board~~ member who is a certified public
1330 accountant with at least 5 years of experience in financial
1331 management; and two ~~board~~ members who are citizens of the state.

1332 (c) Committee members shall comply with the disclosure
1333 requirements of s. 112.3143(4) if participating in any matter
1334 that would result in special private gain or loss as described
1335 in that subsection.

1336 (d) The committee may ~~has authority to~~ adopt rules
1337 ~~pursuant to ss. 120.536(1) and 120.54~~ to implement provisions of
1338 this section conferring duties upon it. The department shall
1339 provide the staff required by the committee to carry out its
1340 duties under this section.

1341 (e) All funds received pursuant to this section shall be
1342 placed in the account of the department ~~Board of Pilot~~
1343 ~~Commissioners~~, and the department ~~Board of Pilot Commissioners~~
1344 shall pay for all expenses incurred pursuant to this section.

1345 (7) The decisions of the committee regarding rates are not
1346 appealable to the department ~~board~~.

1347 **Section 23. Section 310.183, Florida Statutes, is amended**
1348 **to read:**

1349 310.183 Immediate inactivation of license or certificate
1350 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 24. Subsection (1) of section 310.185, Florida Statutes, is amended to read:

310.185 Rulemaking.—

(1) 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.

Section 25. Subsection (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.

Section 26. Subsection (3) of section 326.006, Florida Statutes, is amended to read:

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

(3) All fees must be deposited in the Professional

~~Regulation Division of Florida Condominiums, Timeshares, and Mobile Homes~~ Trust Fund as provided by law.

Section 27. Paragraph (a) of subsection (3) of section 376.303, Florida Statutes, is amended to read:

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

(3) INSPECTION OF POLLUTANT STORAGE TANKS.—

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

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

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

Section 28. Paragraph (n) of subsection (3) of section 381.0065, Florida Statutes, is amended to read:

381.0065 Onsite sewage treatment and disposal systems;

regulation.—

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

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

Section 29. Section 403.868, Florida Statutes, is amended to read:

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

1426 systems.

1427 **Section 30. Paragraph (e) of subsection (1) of section**
1428 **403.9329, Florida Statutes, is amended to read:**

1429 403.9329 Professional mangrove trimmers.—

1430 (1) For purposes of ss. 403.9321-403.9333, the following
1431 persons are considered professional mangrove trimmers:

1432 (e) Persons licensed under part II of chapter 481. The
1433 Department of Business and Professional Regulation ~~Board of~~
1434 ~~Landscape Architecture~~ shall establish appropriate standards and
1435 ~~continuing legal education requirements~~ to assure the competence
1436 of licensees to conduct the activities authorized under ss.
1437 403.9321-403.9333. Trimming by landscape architects as
1438 professional mangrove trimmers is not allowed until the
1439 establishment of standards by the department ~~board~~. The
1440 department ~~board~~ shall also establish penalties for violating
1441 ss. 403.9321-403.9333. Only those landscape architects who are
1442 certified in the state may qualify as professional mangrove
1443 trimmers under ss. 403.9321-403.9333, notwithstanding any
1444 reciprocity agreements that may exist between this state and
1445 other states;

1446 **Section 31. Paragraph (a) of subsection (19) of section**
1447 **440.02, Florida Statutes, is amended to read:**

1448 440.02 Definitions.—When used in this chapter, unless the
1449 context clearly requires otherwise, the following terms shall
1450 have the following meanings:

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

Section 32. Section 448.26, Florida Statutes, is amended to read:

448.26 Application.—Nothing in this part shall exempt any client of any labor pool or temporary help arrangement entity as defined in s. 468.520(3)(a) ~~s. 468.520(4)(a)~~ or any assigned employee from any other license requirements of state, local, or federal law. Any employee assigned to a client who is licensed, registered, or certified pursuant to law shall be deemed an employee of the client for such licensure purposes but shall remain an employee of the labor pool or temporary help arrangement entity for purposes of chapters 440 and 443.

Section 33. Section 455.203, Florida Statutes, is amended

1476 **to read:**

1477 455.203 Department; powers and duties.—Notwithstanding any
1478 other law, for each profession under the jurisdiction of the
1479 department, and for the boards under its jurisdiction, the
1480 department shall:

1481 (1) Adopt rules establishing a procedure for the ~~biennial~~
1482 renewal of licenses every 4 years; ~~however, the department may~~
1483 ~~issue up to a 4-year license to selected licensees~~
1484 ~~notwithstanding any other provisions of law to the contrary.~~

1485 Fees for such renewal shall not exceed the fee caps for
1486 individual professions on an annualized basis as authorized by
1487 law.

1488 (2) Appoint the executive director of each board, subject
1489 to the approval of the board.

1490 (3) Submit an annual budget to the Legislature at a time
1491 and in the manner provided by law.

1492 (4) Develop a training program for persons newly appointed
1493 to membership on any board. The program shall familiarize such
1494 persons with the substantive and procedural laws and rules and
1495 fiscal information relating to the regulation of the appropriate
1496 profession and with the structure of the department.

1497 (5) Adopt rules ~~pursuant to ss. 120.536(1) and 120.54 to~~
1498 ~~implement the provisions of this chapter.~~

1499 (6) Establish by rule procedures by which the department
1500 shall use the expert or technical advice of the appropriate

1501 board for the purposes of investigation, inspection, evaluation
1502 of applications, other duties of the department, or any other
1503 areas the department may deem appropriate.

1504 (7) Require all proceedings of any board or panel thereof
1505 and all formal or informal proceedings conducted by the
1506 department, an administrative law judge, or a hearing officer
1507 with respect to licensing or discipline to be electronically
1508 recorded in a manner sufficient to assure the accurate
1509 transcription of all matters so recorded.

1510 (8) Select only those investigators, or consultants who
1511 undertake investigations, who meet criteria established with the
1512 advice of the respective boards.

1513 (9) Work cooperatively with the Department of Revenue to
1514 implement an automated method for periodically disclosing
1515 information relating to current licensees to the Department of
1516 Revenue. The purpose of this subsection is to promote the public
1517 policy of this state as established in s. 409.2551. The
1518 department shall, when directed by the court or the Department
1519 of Revenue pursuant to s. 409.2598, suspend or deny the license
1520 of any licensee found not to be in compliance with a support
1521 order, subpoena, order to show cause, or written agreement
1522 entered into by the licensee with the Department of Revenue. The
1523 department shall issue or reinstate the license without
1524 additional charge to the licensee when notified by the court or
1525 the Department of Revenue that the licensee has complied with

the terms of the support order. The department shall not be held liable for any license denial or suspension resulting from the discharge of its duties under this subsection.

(10) Have authority to:

(a) Close and terminate deficient license application files 2 years after the board or the department notifies the applicant of the deficiency; and

(b) Approve applications for professional licenses that meet all statutory and rule requirements for licensure.

Section 34. Subsections (8) and (9) of section 455.271, Florida Statutes, are amended to read:

455.271 Inactive and delinquent status.—

(8) Each board, or the department when there is no board, shall, by rule, impose an additional fee, not to exceed the ~~biennial~~ renewal fee for an active status license, for processing a licensee's request to change licensure status at any time other than at the beginning of a licensure cycle.

(9) Each board, or the department when there is no board, may, by rule, impose reasonable conditions, excluding full reexamination but including part of a national examination or a special purpose examination to assess current competency, necessary to ensure that a licensee who has been on inactive status for more than one ~~two consecutive biennial~~ licensure ~~cycle~~ cycles and who applies for active status can practice with the care and skill sufficient to protect the health, safety, and

welfare of the public. Reactivation requirements may differ depending on the length of time licensees are inactive. The costs to meet reactivation requirements shall be borne by licensees requesting reactivation.

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

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

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

Section 36. Subsections (1) and (3) through (7) of section 468.385, Florida Statutes, are amended to read:

468.385 Licenses required; qualifications; examination.—

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

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

(a) Is under 18 years of age; or

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

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

1576 (5) Each apprentice application and license shall name a
1577 licensed auctioneer who has agreed to serve as the supervisor of
1578 the apprentice. An ~~No~~ apprentice may not conduct, or contract to
1579 conduct, an auction without the express approval of his or her
1580 supervisor. The supervisor shall regularly review the
1581 apprentice's records, which are required by the department ~~board~~
1582 to be maintained, to determine whether ~~if~~ such records are
1583 accurate and current.

1584 (6) A ~~No~~ person may not ~~shall~~ be licensed as an auctioneer
1585 unless he or she:

1586 (a) Has held an apprentice license and has served as an
1587 apprentice for 1 year or more, or has completed a course of
1588 study, consisting of not less than 80 classroom hours of
1589 instruction, that meets standards adopted by the department
1590 ~~board~~;

1591 (b) Has passed the required examination; and

1592 (c) Is approved by the department ~~board~~.

1593 (7)(a) Any auction that is subject to ~~the provisions of~~
1594 this part must be conducted by an auctioneer who has an active
1595 license or an apprentice who has an active apprentice auctioneer
1596 license and who has received prior written sponsor consent.

1597 (b) A ~~No~~ business may not ~~shall~~ auction or offer to
1598 auction any property in this state unless it is licensed as an
1599 auction business by the department ~~board~~ or is exempt from
1600 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. Subsection (2) of section 468.3851, Florida Statutes, is amended to read:

468.3851 Renewal of license.—

(2) The department shall adopt a procedure for the ~~biennial~~ renewal of licenses every 4 years.

Section 38. 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 39. Subsections (2) through (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 40. Subsection (1) of section 468.386, Florida Statutes, is amended to read:

468.386 Fees; local licensing requirements.—

(1) 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.

Section 41. Section 468.387, Florida Statutes, is amended

1651 **to read:**

1652 468.387 Licensing of nonresidents; endorsement;
1653 reciprocity.—The department shall issue a license by endorsement
1654 to practice auctioneering to an applicant who, upon applying to
1655 the department and remitting the required fee, set by the
1656 department board, demonstrates to the department board that he
1657 or she satisfies the requirements of s. 468.385(3) and holds a
1658 valid license to practice auctioneering in another state,
1659 provided that the requirements for licensure in that state are
1660 substantially equivalent to or more stringent than those
1661 existing in this state. The endorsement and reciprocity
1662 provisions of this section shall apply to auctioneers only and
1663 not to professions or occupations regulated by other statutes.

1664 **Section 42. Subsections (3) and (9) and paragraph (b) of**
1665 **subsection (10) of section 468.388, Florida Statutes, are**
1666 **amended to read:**

1667 468.388 Conduct of an auction.—

1668 (3) Each auctioneer or auction business shall maintain a
1669 record book of all sales. The record book shall be open to
1670 inspection by the department board at reasonable times.

1671 (9) The auction business under which the auction is
1672 conducted is responsible for all other aspects of the auction as
1673 required by department board rule. The auction business may
1674 delegate in whole, or in part, different aspects of the auction
1675 only to the extent that such delegation is permitted by law and

1676 that such delegation will not impede the principal auctioneer's
1677 ability to ensure the proper conduct of his or her independent
1678 responsibility for the auction. The auction business under whose
1679 auspices the auction is conducted is responsible for ensuring
1680 compliance as required by department ~~board~~ rule.

1681 (10)

1682 (b) Each auction business shall maintain, for not less
1683 than 2 years, a separate ledger showing the funds held for
1684 another person deposited and disbursed by the auction business
1685 for each auction. The escrow or trust account must be reconciled
1686 monthly with the bank statement. A signed and dated record shall
1687 be maintained for a 2-year period and be available for
1688 inspection by the department ~~or at the request of the board~~.

1689 **Section 43. Paragraph (j) of subsection (1), subsection**
1690 **(2), and paragraph (a) of subsection (3) of section 468.389,**
1691 **Florida Statutes, are amended to read:**

1692 468.389 Prohibited acts; penalties.—

1693 (1) The following acts shall be grounds for the
1694 disciplinary activities provided in subsections (2) and (3):

1695 (j) Violating a statute or administrative rule regulating
1696 practice under this part or a lawful disciplinary order of the
1697 ~~board or the~~ department.

1698 (2) When the department ~~board~~ finds any person guilty of
1699 any of the prohibited acts set forth in subsection (1), it may
1700 enter an order imposing one or more of the following penalties:

(a) Refusal to certify to the department 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 auctioneer on probation for a period of time and subject to conditions as the department ~~board~~ may specify, including requiring the auctioneer to successfully complete the licensure examination.

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

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

Section 44. Section 468.392, Florida Statutes, is amended to read:

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

(1) The Chief Financial Officer shall invest the money not currently needed to meet the obligations of the fund in the same

1726 manner as other public funds may be invested. Interest that
1727 accrues from these investments shall be deposited to the credit
1728 of the Auctioneer Recovery Fund and shall be available for the
1729 same purposes as other moneys deposited in the Auctioneer
1730 Recovery Fund.

1731 (2) All payments and disbursements from the Auctioneer
1732 Recovery Fund shall be made by the Chief Financial Officer upon
1733 a voucher signed by the Secretary of Business and Professional
1734 Regulation or the secretary's designee.

1735 (3) If at any time the moneys in the Auctioneer Recovery
1736 Fund are insufficient to satisfy any valid claim or portion
1737 thereof, the department board shall satisfy such unpaid claim or
1738 portion thereof as soon as a sufficient amount has been
1739 deposited in or transferred to the fund. When there is more than
1740 one unsatisfied claim outstanding, such claims shall be paid in
1741 the order in which the claims were made.

1742 (4) Upon the payment of any amount from the Auctioneer
1743 Recovery Fund in settlement of a claim in satisfaction of a
1744 judgment against an auctioneer or auction business as described
1745 in s. 468.395, the license of such auctioneer or auction
1746 business shall be automatically suspended until the licensee has
1747 complied with s. 468.398. A discharge of bankruptcy does ~~shall~~
1748 not relieve a person from the penalties and disabilities
1749 provided in this section.

1750 (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 45. 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 be determined by the department ~~board~~, not to exceed \$300, which shall be deposited in the Auctioneer Recovery Fund.

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

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

(b) Subtract the amount determined under paragraph (a)

1776 from \$500,000.

1777 (c) Determine the number of initial licenses and license
1778 renewals in the fiscal year that precedes the current fiscal
1779 year.

1780 (d) Divide the amount determined under paragraph (b) by
1781 the number determined under paragraph (c).

1782 (4) The department ~~board~~ shall assess the surcharge
1783 described in subsection (3) against each licensee who receives
1784 an initial license or receives a renewal license during the
1785 fiscal year that follows the year in which the amount remaining
1786 in the fund was less than \$200,000.

1787 **Section 46. Subsections (1) and (4) of section 468.395,**
1788 **Florida Statutes, are amended to read:**

1789 468.395 Conditions of recovery; eligibility.—

1790 (1) Recovery from the Auctioneer Recovery Fund may be
1791 obtained as follows:

1792 (a) Any aggrieved person is eligible to receive recovery
1793 from the Auctioneer Recovery Fund if the department ~~Florida~~
1794 ~~Board of Auctioneers~~ has issued a final order directing an
1795 offending licensee to pay restitution to the claimant as the
1796 result of the licensee violating, within this state, any
1797 provision of s. 468.389 or any rule adopted by the department
1798 ~~board~~ and if the department ~~board~~ determined that the order of
1799 restitution cannot be enforced; or

1800 (b) Any aggrieved person who obtains a final judgment in

any court against any licensee to recover damages for any actual loss that results from the violation, within this state, by a licensee of any provision of s. 468.389 or any rule adopted by the department ~~board~~ may, upon termination of all proceedings, including appeals and proceedings supplemental to judgment for collection purposes, file a verified application to the department ~~board~~ for an order directing payment out of the Auctioneer Recovery Fund of the amount of actual loss in the transaction that remains unpaid upon the judgment. The amount of actual loss may include court costs, but may ~~shall~~ not include attorney ~~attorney's~~ fees or punitive damages awarded.

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

Section 47. Subsections (2) and (3) of section 468.396, Florida Statutes, are amended to read:

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

(2) Upon petition of the department ~~board~~, the court may require all claimants and prospective claimants against one

licensee to be joined in one action, to the end that the respective rights of all the claimants to the department ~~board~~ may be equitably adjudicated and settled.

(3) On June 30 and December 31 of each year, the department ~~board~~ shall identify each claim that the court orders to be paid during the 6-month period that ended on that day. The department ~~board~~ shall pay the part of each claim that is so identified within 15 days after the end of the 6-month period in which the claim is ordered paid. However, if the balance in the fund is insufficient to pay the full payable amount of each 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 48. 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 49. Section 468.398, Florida Statutes, is amended

1851 **to read:**

1852 468.398 Suspension of judgment debtor's license; repayment
1853 by licensee; interest.—If the department ~~board~~ is required to
1854 make any payment from the Auctioneer Recovery Fund in settlement
1855 of a claim or toward the satisfaction of a judgment under this
1856 part, the department ~~board~~ shall suspend the judgment debtor's
1857 license. The licensee is not eligible to be licensed again as
1858 either an auctioneer or auction business until the licensee has
1859 repaid in full the amount paid from the Auctioneer Recovery
1860 Fund, with interest at the current applicable rate.

1861 **Section 50. Subsection (1) of section 468.404, Florida**
1862 **Statutes, is amended to read:**

1863 468.404 License; fees; renewals.—

1864 (1) The department shall establish ~~biennial~~ fees for
1865 initial licensing, renewal of license every 4 years, and
1866 reinstatement of license, none of which fees shall exceed \$400.
1867 The department may establish a delinquency fee of no more than
1868 \$50. The fees shall be adequate to proportionately fund the
1869 expenses of the department which are allocated to the regulation
1870 of talent agencies and shall be based on the department's
1871 estimate of the revenue required to administer this part.

1872 **Section 51. Subsection (1) of section 468.407, Florida**
1873 **Statutes, is amended to read:**

1874 468.407 License; content; posting.—

1875 (1) The talent agency license shall be valid for the

1876 ~~biennial~~ period in which issued and shall be in such form as may
1877 be determined by the department, but shall at least specify the
1878 name under which the applicant is to operate, the address of the
1879 place of business, the expiration date of the license, the full
1880 names and titles of the owner and the operator, and the number
1881 of the license.

1882 **Section 52. Subsection (5) of section 468.431, Florida**
1883 **Statutes, is amended to read:**

1884 468.431 Definitions.—As used in this part:

1885 ~~(5) "Council" means the Regulatory Council of Community~~
1886 ~~Association Managers.~~

1887 **Section 53. Paragraph (d) of subsection (2) and subsection**
1888 **(3) of section 468.433, Florida Statutes, are amended to read:**

1889 468.433 Licensure by examination.—

1890 (2) The department shall examine each applicant who is at
1891 least 18 years of age, who has successfully completed all
1892 prelicensure education requirements, and who the department
1893 certifies is of good moral character.

1894 (d) The department ~~council~~ shall establish by rule the
1895 required amount of prelicensure education, which shall consist
1896 of not more than 24 hours of in-person instruction by a
1897 department-approved provider and which shall cover all areas of
1898 the examination specified in subsection (3). Such instruction
1899 shall be completed within 12 months before ~~prior to~~ the date of
1900 the examination. ~~Prelicensure education providers shall be~~

~~considered continuing education providers for purposes of establishing provider approval fees. A licensee shall not be required to comply with the continuing education requirements of s. 468.4337 prior to the first license renewal.~~ The department shall, by rule, set standards for exceptions to the requirement of in-person instruction in cases of hardship or disability.

(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 54. 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 55. 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 than \$100.

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

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

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

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

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

Section 56. Paragraph (b) of subsection (2) and subsection (3) of section 468.436, Florida Statutes, are amended to read:

468.436 Disciplinary proceedings.—

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

(b)1. Violation of this part.

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

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

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

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

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

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

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

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

Section 57. Subsection (2) of section 468.520, Florida Statutes, is amended to read:

468.520 Definitions.—As used in this part:

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

Section 58. Section 468.522, Florida Statutes, is amended to read:

468.522 Rules of the department board.—The department may ~~board has authority to~~ adopt rules pursuant to ~~ss. 120.536(1) 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 59. 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 ~~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 ~~board~~ was insufficient at the time of the previous application;

Section 60. 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 registered under this part must first apply to the department board for a certificate of approval for the proposed change of ownership. However, prior approval is not required if, at the time the purchase or acquisition occurs, a controlling person of the employee leasing company or group maintains a controlling person license under this part. Notification must be provided to the department board within 30 days after the purchase or acquisition of such company in the manner prescribed by the department board.

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

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

468.524(1) .

2026 **Section 61. Subsection (2) and paragraphs (c) through (f)**
2027 **of subsection (3) of section 468.525, Florida Statutes, are**
2028 **amended to read:**

2029 468.525 License requirements.—

2030 (2)(a) As used in this part, "good moral character" means
2031 a personal history of honesty, trustworthiness, fairness, a good
2032 reputation for fair dealings, and respect for the rights of
2033 others and for the laws of this state and nation. A thorough
2034 background investigation of the individual's good moral
2035 character shall be instituted by the department. Such
2036 investigation shall require:

2037 1. The submission of fingerprints, for processing through
2038 appropriate law enforcement agencies, by the applicant and the
2039 examination of police records by the department ~~board~~.

2040 2. Such other investigation of the individual as the
2041 department ~~board~~ may deem necessary.

2042 (b) The department ~~board~~ may deny an application for
2043 licensure or renewal citing lack of good moral character.
2044 Conviction of a crime within the last 7 years may ~~shall~~ not
2045 automatically bar any applicant or licensee from obtaining a
2046 license or continuing as a licensee. The department ~~board~~ shall
2047 consider the type of crime committed, the crime's relevancy to
2048 the employee leasing industry, the length of time since the
2049 conviction, and any other factors deemed relevant by the
2050 department ~~board~~.

2051 (3) Each employee leasing company licensed by the
2052 department shall have a registered agent for service of process
2053 in this state and at least one licensed controlling person. In
2054 addition, each licensed employee leasing company shall comply
2055 with the following requirements:

2056 (c) An applicant for initial or renewal license of an
2057 employee leasing company license or employee leasing company
2058 group shall have an accounting net worth or shall have
2059 guaranties, letters of credit, or other security acceptable to
2060 the department ~~board~~ in sufficient amounts to offset any
2061 deficiency. A guaranty will not be acceptable to satisfy this
2062 requirement unless the applicant submits sufficient evidence to
2063 satisfy the department ~~board~~ that the guarantor has adequate
2064 resources to satisfy the obligation of the guaranty.

2065 (d) Each employee leasing company shall maintain an
2066 accounting net worth and positive working capital, as determined
2067 in accordance with generally accepted accounting principles, or
2068 shall have guaranties, letters of credit, or other security
2069 acceptable to the department ~~board~~ in sufficient amounts to
2070 offset any deficiency. A guaranty will not be acceptable to
2071 satisfy this requirement unless the licensee submits sufficient
2072 evidence, as defined by rule, that the guarantor has adequate
2073 resources to satisfy the obligation of the guaranty. In
2074 determining the amount of working capital, a licensee shall
2075 include adequate reserves for all taxes and insurance, including

plans of self-insurance or partial self-insurance for claims incurred but not paid and for claims incurred but not reported. Compliance with ~~the requirements of~~ this paragraph is subject to verification by department ~~or board~~ audit.

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

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

Section 62. Subsections (3) and (5) of section 468.526, Florida Statutes, are amended to read:

468.526 License required; fees.—

(3) Each employee leasing company and employee leasing company group licensee shall pay to the department upon the initial issuance of a license and upon each renewal thereafter a license fee not to exceed \$2,500 to be established by the department ~~board~~. In addition to the license fee, the department

2101 ~~board~~ shall establish an annual assessment for each employee
2102 leasing company and each employee leasing company group
2103 sufficient to cover all costs for regulation of the profession
2104 pursuant to this chapter, chapter 455, and any other applicable
2105 provisions of law. The annual assessment shall:

2106 (a) Be due and payable upon initial licensure and
2107 subsequent renewals thereof and 1 year before the expiration of
2108 any licensure period; and

2109 (b) Be based on a fixed percentage, variable classes, or a
2110 combination of both, as determined by the department ~~board~~, of
2111 gross Florida payroll for employees leased to clients by the
2112 applicant or licensee during the period beginning five quarters
2113 before and ending one quarter before each assessment. It is the
2114 intent of the Legislature that the greater weight of total fees
2115 for licensure and assessments should be on larger companies and
2116 groups.

2117 (5) Each controlling person licensee shall pay to the
2118 department upon the initial issuance of a license and upon each
2119 renewal thereafter a license fee to be established by the
2120 department ~~board~~ in an amount not to exceed \$2,000.

2121 **Section 63. Subsection (1) of section 468.527, Florida**
2122 **Statutes, is amended to read:**

2123 468.527 Licensure and license renewal.—

2124 (1) The department shall license any applicant who the
2125 department ~~board~~ certifies is qualified to practice employee

2126 leasing as an employee leasing company, employee leasing company
2127 group, or controlling person.

2128 **Section 64. Subsection (2) of section 468.5275, Florida**
2129 **Statutes, is amended to read:**

2130 468.5275 Registration and exemption of de minimis
2131 operations.—

2132 (2) A registration is valid for 1 year. Each registrant
2133 shall pay to the department upon initial registration, and upon
2134 each renewal thereafter, a registration fee to be established by
2135 the department ~~board~~ in an amount not to exceed:

2136 (a) Two hundred and fifty dollars for an employee leasing
2137 company.

2138 (b) Five hundred dollars for an employee leasing company
2139 group.

2140 **Section 65. Subsections (2), (4), and (5) of section**
2141 **468.529, Florida Statutes, are amended to read:**

2142 468.529 Licensee's insurance; employment tax; benefit
2143 plans.—

2144 (2) An initial or renewal license may not be issued to any
2145 employee leasing company unless the employee leasing company
2146 first files with the department ~~board~~ evidence of workers'
2147 compensation coverage for all leased employees in this state.
2148 Each employee leasing company shall maintain and make available
2149 to its workers' compensation carrier the following information:

2150 (a) The correct name and federal identification number of

each client company.

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

(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 66. 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 may not ~~shall~~ be permitted to conduct business under more than one name unless it has obtained a separate license. A licensee desiring to change its licensed name at any time except upon license renewal shall notify the department ~~board~~ and pay a fee not to exceed \$50 for each authorized change of name.

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

Section 67. Paragraph (e) of subsection (1) of section 468.531, Florida Statutes, is amended to read:

468.531 Prohibitions; penalties.—

(1) No person or entity shall:

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

Section 68. Section 468.532, Florida Statutes, is amended to read:

468.532 Discipline.—

(1) The following constitute grounds for which disciplinary action against a licensee may be taken by the

2201 department board:

2202 (a) Being convicted or found guilty of, or entering a plea
2203 of nolo contendere to, regardless of adjudication, bribery,
2204 fraud, or willful misrepresentation in obtaining, attempting to
2205 obtain, or renewing a license.

2206 (b) Being convicted or found guilty of, or entering a plea
2207 of nolo contendere to, regardless of adjudication, a crime in
2208 any jurisdiction which relates to the operation of an employee
2209 leasing business or the ability to engage in business as an
2210 employee leasing company.

2211 (c) Being convicted or found guilty of, or entering a plea
2212 of nolo contendere to, regardless of adjudication, fraud,
2213 deceit, or misconduct in the classification of employees
2214 pursuant to chapter 440.

2215 (d) Being convicted or found guilty of, or entering a plea
2216 of nolo contendere to, regardless of adjudication, fraud,
2217 deceit, or misconduct in the establishment or maintenance of
2218 self-insurance, be it health insurance or workers' compensation
2219 insurance.

2220 (e) Being convicted or found guilty of, or entering a plea
2221 of nolo contendere to, regardless of adjudication, fraud,
2222 deceit, or misconduct in the operation of an employee leasing
2223 company.

2224 (f) Conducting business without an active license.

2225 (g) Failing to maintain workers' compensation insurance as

required in s. 468.529.

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

(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.

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(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 69. 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 70. 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 71. Section 468.607, Florida Statutes, is amended

2301 **to read:**

2302 468.607 Certification of building code administration and
2303 inspection personnel.—The department ~~board~~ shall issue a
2304 certificate to any individual whom the department ~~board~~
2305 determines to be qualified, within such class and level as
2306 provided in this part and with such limitations as the
2307 department ~~board~~ may place upon it. A ~~No~~ person may not be
2308 employed by a state agency or local governmental authority to
2309 perform the duties of a building code administrator, plans
2310 examiner, or building code inspector after October 1, 1993,
2311 without possessing the proper valid certificate issued in
2312 accordance with ~~the provisions of~~ this part. A ~~Any~~ person who
2313 acts as an inspector and plans examiner under s. 1013.37 while
2314 conducting activities authorized by certification under that
2315 section is certified to continue to conduct inspections for a
2316 local enforcement agency until the person's UBCI certification
2317 expires, after which time such person must possess the proper
2318 valid certificate issued in accordance with this part.

2319 **Section 72. Section 468.613, Florida Statutes, is amended**
2320 **to read:**

2321 468.613 Certification by endorsement.—The department ~~board~~
2322 shall examine other certification or training programs, as
2323 applicable, upon submission to the department ~~board~~ for its
2324 consideration of an application for certification by
2325 endorsement. The department ~~board~~ shall waive its examination,

2326 qualification, education, or training requirements, to the
2327 extent that such examination, qualification, education, or
2328 training requirements of the applicant are determined by the
2329 department ~~board~~ to be comparable with those established by the
2330 department ~~board~~. The department ~~board~~ shall waive its
2331 examination, qualification, education, or training requirements
2332 if an applicant for certification by endorsement is at least 18
2333 years of age; is of good moral character; has held a valid
2334 building administrator, inspector, plans examiner, or the
2335 equivalent, certification issued by another state or territory
2336 of the United States for at least 10 years before the date of
2337 application; and has successfully passed an applicable
2338 examination administered by the International Code Council. Such
2339 application must be made either when the license in another
2340 state or territory is active or within 2 years after such
2341 license was last active.

2342 **Section 73. Subsections (5) and (7) of section 468.619,**
2343 **Florida Statutes, are amended to read:**

2344 468.619 Building code enforcement officials' bill of
2345 rights.—

2346 (5) The enforcement official shall be considered an agent
2347 of the governmental entity employing him or her and as such
2348 shall be defended by that entity in any action brought by the
2349 department ~~or the board~~, provided the enforcement official is
2350 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 the board~~, or the assignee of the department ~~or board~~, shall reimburse the enforcement official or his or her employer, as appropriate, for reasonable legal costs and reasonable attorney ~~attorney's~~ fees incurred. The amount awarded may ~~shall~~ not exceed the limit provided in s. 120.595.

Section 74. Paragraph (a) of subsection (1) and subsections (2), (3), and (4) of section 468.621, Florida Statutes, are amended to read:

468.621 Disciplinary proceedings.—

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

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

(2) 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 certification.

(b) Permanent revocation.

(c) Suspension of a certificate.

(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 75. 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

2401 application, and reactivation of inactive certificates. The
2402 department ~~board~~ may establish by rule a late renewal penalty.
2403 The department ~~board~~ shall establish fees which are adequate,
2404 when combined with revenue generated by the provisions of s.
2405 468.631, to ensure the continued operation of this part. Fees
2406 shall be based on department estimates of the revenue required
2407 to implement this part.

2408 ~~(5) The certificateholder shall provide proof, in a form~~
2409 ~~established by board rule, that the certificateholder has~~
2410 ~~completed at least 14 classroom hours of at least 50 minutes~~
2411 ~~each of continuing education courses during each biennium since~~
2412 ~~the issuance or renewal of the certificate, including the~~
2413 ~~specialized or advanced coursework approved by the Florida~~
2414 ~~Building Commission, as part of the building code training~~
2415 ~~program established pursuant to s. 553.841, appropriate to the~~
2416 ~~licensing category sought. A minimum of 3 of the required 14~~
2417 ~~classroom hours must be on state law, rules, and ethics relating~~
2418 ~~to professional standards of practice, duties, and~~
2419 ~~responsibilities of the certificateholder. The board shall by~~
2420 ~~rule establish criteria for approval of continuing education~~
2421 ~~courses and providers, and may by rule establish criteria for~~
2422 ~~accepting alternative nonclassroom continuing education on an~~
2423 ~~hour-for-hour basis.~~

2424 **Section 76. Paragraph (d) of subsection (1) of section**
2425 **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 77. 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.

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

Section 78. Subsections (4) and (7) of section 468.8312, Florida Statutes, are amended to read:

468.8312 Fees.—

(4) The ~~biennial~~ renewal fee shall not exceed \$200.

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

Section 79. Section 468.8315, Florida Statutes, is amended to read:

2476 468.8315 Renewal of license.—

2477 (1) The department shall renew a license upon receipt of
2478 the renewal application ~~and upon certification by the department~~
2479 ~~that the licensee has satisfactorily completed the continuing~~
2480 ~~education requirements of s. 468.8316.~~

2481 (2) The department shall adopt rules establishing a
2482 procedure for the ~~biennial~~ renewal of licenses every 4 years.

2483 **Section 80. Subsection (5) of section 468.8412, Florida**
2484 **Statutes, is amended to read:**

2485 468.8412 Fees.—

2486 (5) The fee for a ~~biennial~~ license renewal shall not
2487 exceed \$400.

2488 **Section 81. Section 468.8415, Florida Statutes, is amended**
2489 **to read:**

2490 468.8415 Renewal of license.—

2491 (1) The department shall renew a license upon receipt of
2492 the renewal application ~~and fee and upon certification by the~~
2493 ~~department that the licensee has satisfactorily completed the~~
2494 ~~continuing education requirements of s. 468.8416.~~

2495 (2) The department shall adopt rules establishing a
2496 procedure for the ~~biennial~~ renewal of licenses every 4 years.

2497 **Section 82. Subsection (2) of section 468.8417, Florida**
2498 **Statutes, is amended to read:**

2499 468.8417 Inactive license.—

2500 (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 83. 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 84. Subsection (4) of section 469.004, Florida Statutes, is amended to read:

469.004 License; asbestos consultant; asbestos contractor.—

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

Section 85. Subsection (5) of section 469.012, Florida Statutes, is renumbered as subsection (4), and subsection (1) and present subsection (4) of that section are amended to read:

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

(1) Each asbestos contractor's onsite supervisor must

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

~~(4) All asbestos abatement workers, including onsite supervisors, must complete, as a condition of renewal of accreditation, such courses of continuing education each year as are approved and required by the department.~~

Section 86. 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 87. Subsection (5) of section 471.011, Florida Statutes, is amended to read:

471.011 Fees.—

(5) The ~~biennial~~ renewal fee shall not exceed \$125.

Section 88. Subsections (2) and (3) of section 471.017, Florida Statutes, are amended to read:

471.017 Renewal of license.—

(2) The board shall adopt rules establishing a procedure for the ~~biennial~~ renewal of licenses every 4 years.

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

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

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

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

2601 ~~4. The remaining hours may relate to any topic pertinent~~
2602 ~~to the practice of engineering.~~

2603
2604 ~~Continuing education hours may be earned by presenting or~~
2605 ~~attending seminars, in-house or nonclassroom courses, workshops,~~
2606 ~~or professional or technical presentations made at meetings,~~
2607 ~~webinars, conventions, or conferences, including those presented~~
2608 ~~by vendors with specific knowledge related to the licensee's~~
2609 ~~area of practice. Up to 4 hours may be earned by serving as an~~
2610 ~~officer or actively participating on a committee of a board-~~
2611 ~~recognized professional or technical engineering society. The 2~~
2612 ~~required continuing education hours relating to this chapter,~~
2613 ~~the rules adopted pursuant to this chapter, and ethics may be~~
2614 ~~earned by serving as a member of the Legislature or as an~~
2615 ~~elected state or local official. The hours required pursuant to~~
2616 ~~s. 471.0195 may apply to any requirements of this section except~~
2617 ~~for those required under subparagraph 1.~~

2618 ~~(b) The board shall adopt rules that are substantially~~
2619 ~~consistent with the most recent published version of the~~
2620 ~~Continuing Professional Competency Guidelines of the National~~
2621 ~~Council of Examiners for Engineering and Surveying, and shall~~
2622 ~~allow nonclassroom hours to be credited. The board may, by rule,~~
2623 ~~exempt from continuing professional competency requirements~~
2624 ~~retired professional engineers who no longer sign and seal~~
2625 ~~engineering documents and licensees in unique circumstances that~~

~~severely limit opportunities to obtain the required continuing education hours.~~

Section 89. Section 471.019, Florida Statutes, is amended to read:

471.019 Reactivation.—The board shall establish by rule a reinstatement process for void licenses. ~~The rule shall prescribe appropriate continuing education requirements for reactivating a license. The continuing education requirements for reactivating a license for a licensed engineer may not exceed the continuing education requirements prescribed pursuant to s. 471.017 for each year the license was inactive.~~

Section 90. 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 Board of Professional Engineers rather than the Florida Building Code Administrators and Inspectors licensing program ~~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 91. Subsection (4) of section 472.003, Florida Statutes, is amended to read:

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

(4) Persons employed by county property appraisers, as defined at s. 192.001(3), and persons employed by the Department of Revenue, to prepare maps for property appraisal purposes 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 92. 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 93. Subsection (1) of section 472.006, Florida Statutes, is amended to read:

472.006 Department; powers and duties.—The department shall:

(1) Adopt rules establishing a procedure for the ~~biennial~~ renewal of licenses every 4 years. ~~However, the department may issue up to a 4-year license to selected licensees notwithstanding any other law to the contrary.~~ Fees for such renewal may not exceed the fee caps for individual professions on an annualized basis as authorized by law.

Section 94. Subsection (5) of section 472.011, Florida Statutes, is amended to read:

472.011 Fees.—

(5) The ~~biennial~~ renewal fee shall not exceed \$500.

Section 95. Subsections (7) through (10) of section 472.0202, Florida Statutes, are amended to read:

472.0202 Inactive and delinquent status.—

(7) The board, by rule, shall impose an additional delinquency fee, not to exceed the ~~biennial~~ renewal fee for an active status license, on a delinquent status licensee when such licensee applies for active or inactive status.

(8) The board, by rule, shall impose an additional fee, not to exceed the ~~biennial~~ renewal fee for an active status license, for processing a licensee's request to change licensure status at any time other than at the beginning of a licensure cycle.

(9) The board, by rule, may impose reasonable conditions,

2701 excluding full reexamination but including part of a national
2702 examination or a special purpose examination to assess current
2703 competency, necessary to ensure that a licensee who has been on
2704 inactive status for more than one ~~two consecutive biennial~~
2705 licensure cycle ~~cycles~~ and who applies for active status can
2706 practice with the care and skill sufficient to protect the
2707 health, safety, and welfare of the public. Reactivation
2708 requirements may differ depending on the length of time
2709 licensees are inactive. The costs to meet reactivation
2710 requirements shall be borne by licensees requesting
2711 reactivation.

2712 (10) Before reactivation, an inactive or delinquent
2713 licensee shall meet the same continuing education requirements,
2714 if any, imposed on an active status licensee for all ~~biennial~~
2715 licensure periods in which the licensee was inactive or
2716 delinquent.

2717 **Section 96. Subsection (2) of section 472.0203, Florida**
2718 **Statutes, is amended to read:**

2719 472.0203 Renewal and cancellation notices.—

2720 (2) Each licensure renewal notification and each notice of
2721 pending cancellation of licensure must state conspicuously that
2722 a licensee who remains on inactive status for more than one ~~two~~
2723 ~~consecutive biennial~~ licensure cycle ~~cycles~~ and who wishes to
2724 reactivate the license may be required to demonstrate the
2725 competency to resume active practice by sitting for a special

2726 purpose examination or by completing other reactivation
2727 requirements, as defined by rule of the board.

2728 **Section 97. Section 473.302, Florida Statutes, is amended**
2729 **to read:**

2730 473.302 Definitions.—As used in this chapter, the term:

2731 ~~(1) "Board" means the Board of Accountancy.~~

2732 (1)~~(2)~~ "Department" means the Department of Business and
2733 Professional Regulation.

2734 (2)~~(3)~~ "Division" means the Division of Certified Public
2735 Accounting.

2736 (3)~~(4)~~ "Certified public accountant" means an individual
2737 who holds a license to practice public accounting in this state
2738 or an individual who is practicing public accounting in this
2739 state pursuant to the practice privilege granted in s. 473.3141.
2740 The term "Florida certified public accountant" means an
2741 individual holding a license under the authority of this
2742 chapter.

2743 (4)~~(5)~~ "Firm" means any legal entity that is engaged in
2744 the practice of public accounting.

2745 (5)~~(6)~~ "Home office" means the principal headquarters of
2746 an entity. An entity may have only one principal headquarters.

2747 (6)~~(7)~~ "Licensed firm" or "public accounting firm" means a
2748 sole proprietorship, partnership, corporation, limited liability
2749 company, firm, or any other legal entity licensed under s.
2750 473.3101.

2751 (7)~~(8)~~ "Practice of," "practicing public accountancy," or
2752 "public accounting" means:

2753 (a) Offering to perform or performing for the public one
2754 or more types of services involving the expression of an opinion
2755 on financial statements, the attestation as an expert in
2756 accountancy to the reliability or fairness of presentation of
2757 financial information, the utilization of any form of opinion or
2758 financial statements that provide a level of assurance, the
2759 utilization of any form of disclaimer of opinion which conveys
2760 an assurance of reliability as to matters not specifically
2761 disclaimed, or the expression of an opinion on the reliability
2762 of an assertion by one party for the use by a third party;

2763 (b) Offering to perform or performing for the public one
2764 or more types of services involving the use of accounting
2765 skills, or one or more types of tax, management advisory, or
2766 consulting services, by any person who is a certified public
2767 accountant who holds an active license, issued pursuant to this
2768 chapter, or who is authorized to practice public accounting
2769 pursuant to the practice privileges granted in s. 473.3141,
2770 including the performance of such services by a certified public
2771 accountant in the employ of a person or firm;

2772 (c) Offering to perform or performing for the public one
2773 or more types of service involving the preparation of financial
2774 statements not included within paragraph (a), by a certified
2775 public accountant who holds an active license, issued pursuant

2776 to this chapter, or who is authorized to practice public
2777 accounting pursuant to the practice privileges granted in s.
2778 473.3141; by a firm of certified public accountants; or by a
2779 firm in which a certified public accountant has an ownership
2780 interest, including the performance of such services in the
2781 employ of another person. The department board shall adopt rules
2782 establishing standards of practice for such reports and
2783 financial statements; provided, however, that nothing in this
2784 paragraph shall be construed to permit the department board to
2785 adopt rules that have the result of prohibiting Florida
2786 certified public accountants employed by unlicensed firms from
2787 preparing financial statements as authorized by this paragraph;
2788 or

2789 (d) Offering to perform or performing for the public one
2790 or more types of services involving any attestation engagements
2791 in accordance with the Statements on Standards for Attestation
2792 Engagements.

2793 (8)-(9) "Uniform Accountancy Act" means the Uniform
2794 Accountancy Act, Eighth Edition, dated January 2018 and
2795 published by the American Institute of Certified Public
2796 Accountants and the National Association of State Boards of
2797 Accountancy.

2798
2799 However, these terms may ~~shall~~ not include services provided by
2800 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.—

(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

2826 **to read:**

2827 473.304 Rules of department board; powers and duties;
2828 legal services.—

2829 (1) The department board shall adopt rules ~~pursuant to ss.~~
2830 ~~120.536(1) and 120.54~~ to implement ~~the provisions of~~ this act.
2831 Every certified public accountant and firm shall be governed and
2832 controlled by this act and the rules adopted by the department
2833 ~~board~~.

2834 (2) Subject to the prior approval of the Attorney General,
2835 the department board may retain independent legal counsel to
2836 provide legal advice to the department board on a specific
2837 matter.

2838 (3) An attorney employed or used by the department board
2839 may not both prosecute a matter and provide legal services to
2840 the department board with respect to the same matter.

2841 **Section 100. Section 473.305, Florida Statutes, is amended**
2842 **to read:**

2843 473.305 Fees.—The department board, by rule, may establish
2844 fees to be paid for applications, examination, reexamination,
2845 licensing and renewal, reinstatement, and recordmaking and
2846 recordkeeping. The fee for the examination shall be established
2847 at an amount that covers the costs for the procurement or
2848 development, administration, grading, and review of the
2849 examination. The fee for the examination is refundable if the
2850 applicant is found to be ineligible to sit for the examination.

The fee for initial application is nonrefundable, and the combined fees for application and examination may not exceed \$250 plus the actual per applicant cost to the department for purchase of the examination from the American Institute of Certified Public Accountants or a similar national organization. The ~~biennial~~ renewal fee may not exceed \$250. The department ~~board~~ may also establish, by rule, a reactivation fee, and a delinquency fee not to exceed \$50 for continuing professional education reporting forms. The department ~~board~~ shall establish 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
moral character is supported by competent substantial evidence.

If an applicant is found pursuant to this paragraph to be
unqualified to take the licensure examination 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.

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

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

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

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

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

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

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

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

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

(1) A partnership 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 form of partnership recognized by Florida law.

(b) Partners owning at least 51 percent of the financial interest and voting rights of the partnership are certified public accountants in some state. However, each partner 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) At least one general partner is a certified public 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

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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 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 (2) of section 473.311, Florida Statutes, is amended to read:

473.311 Renewal of license.—

(2) The department shall adopt rules establishing a procedure for the ~~biennial~~ renewal of licenses issued pursuant to this section every 4 years.

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

473.3125 Peer review.—

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

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

(2) The department ~~board~~ shall adopt rules establishing minimum standards for peer review programs, including, but not limited to, standards for administering, performing, and reporting peer reviews. The department ~~board~~ shall also adopt rules establishing minimum criteria for the department's ~~board's~~ 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 department ~~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 department 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 department 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 department board by March 15 immediately after the delinquent period.

(c) 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 continuing education.

(d) Notwithstanding ~~the provisions of~~ s. 455.271, the

3101 department ~~board~~ may, at its discretion, reinstate the license
3102 of an individual whose license has become null and void if the
3103 individual has made a good faith effort to comply with this
3104 section but has failed to comply because of illness or unusual
3105 hardship. The individual shall apply to the department ~~board~~ for
3106 reinstatement in a manner prescribed by rules of the department
3107 ~~board~~ and shall pay an application fee in an amount determined
3108 by rule of the department ~~board~~. The department ~~board~~ shall
3109 require that the individual meet all continuing education
3110 requirements as provided in paragraph (a), pay appropriate
3111 licensing fees, and otherwise be eligible for renewal of
3112 licensure under this chapter.

3113 (2) A Florida certified public accountant who is at least
3114 65 years of age, currently holds an active or inactive license
3115 in good standing under this chapter, and is not the subject of
3116 any sanction or disciplinary action may request that her or his
3117 license be placed on retired status by making application to the
3118 department. The department ~~board~~ may prescribe by rule the
3119 application for placing a license on retired status, which must
3120 state that the applicant has no association with accounting or
3121 any of the services described in s. 473.302 ~~s. 473.302(8)~~. If a
3122 licensee who has been granted retired status reenters the
3123 workforce in a position that has an association with accounting
3124 or any of the services described in s. 473.302 ~~s. 473.302(8)~~,
3125 the licensee automatically loses her or his retired status.

3126 (a) A retired licensee may, without losing her or his
3127 retired status, ~~serve without compensation on a board of~~
3128 ~~directors or board of trustees,~~ provide volunteer tax
3129 preparation services, participate in a government-sponsored
3130 business mentoring program such as the Internal Revenue
3131 Service's Volunteer Income Tax Assistance program or the Small
3132 Business Administration's SCORE program, or participate in an
3133 advisory role for a similar charitable, civic, or other
3134 nonprofit ~~non-profit~~ organization.

3135 (b) The department ~~board~~ shall require a retired licensee
3136 to affirm in writing her or his understanding of the limited
3137 types of activities in which she or he may engage while in
3138 retired status and that she or he has a professional duty to
3139 ensure that she or he holds the professional competencies
3140 necessary to participate in such activities.

3141 (c) A retired licensee may accept routine reimbursement
3142 for actual costs of travel and meals associated with volunteer
3143 services or de minimis per diem amounts paid to the licensee to
3144 cover such expenses as allowed by law.

3145 (d) A retired licensee may use the title of "retired CPA"
3146 on any business card or letterhead or any other printed or
3147 electronic document. However, such title must not be applied in
3148 such a manner that could confuse the public as to the current
3149 status of the licensee. The licensee is not required to have a
3150 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.

(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.

(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.

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

473.314 Temporary license.—

(1) The department ~~board~~ shall adopt rules providing for the issuance of temporary licenses to certified public accountants or firms of other states who do not meet the requirements of s. 473.3141, for the purpose of enabling them or their employees to perform specific engagements involving the practice of public accountancy in this state. No temporary license shall be valid for more than 90 days after its issuance, and no license shall cover more than one engagement. After the expiration of 90 days, a new license shall be 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~~ not to exceed \$400.

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

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

473.315 Independence, technical standards.—

(3) The department ~~board~~ shall adopt rules establishing the standards of practice of public accounting, including, but 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

3201 practice of public accounting as defined in s. 473.302(7)(b) and
3202 (c) ~~s. 473.302(8)(b) and (c)~~ when such standards conflict with
3203 the rules of The Florida Bar or orders of the Florida Supreme
3204 Court.

3205 **Section 109. Subsections (5) and (6) of section 473.316,**
3206 **Florida Statutes, are amended to read:**

3207 473.316 Communications between the accountant and client
3208 privileged.—

3209 (5) Communications are not privileged from disclosure in
3210 any disciplinary investigation or proceeding conducted pursuant
3211 to this act by the department or before the department board ~~board~~ or
3212 in any judicial review of such a proceeding. In any such
3213 proceeding, a certified public accountant or public accountant,
3214 without the consent of her or his client, may testify with
3215 respect to any communication between the accountant and the
3216 accountant's client or be compelled, pursuant to a subpoena of
3217 the department ~~or the board~~, to testify or produce records,
3218 books, or papers. Such a communication disclosed to the
3219 department board ~~board~~ and records of the department board ~~board~~ relating to
3220 the communication shall for all other purposes and proceedings
3221 be a privileged communication in all of the courts of this
3222 state.

3223 (6) The proceedings, records, and workpapers of a review
3224 committee are privileged and are not subject to discovery,
3225 subpoena, or other means of legal process or to introduction

3226 into evidence in a civil action or arbitration or an
3227 administrative proceeding, ~~or state accountancy board~~
3228 ~~proceeding~~. A member of a review committee or person who was
3229 involved in a quality review may not testify in a civil action
3230 or arbitration or an, administrative proceeding, ~~or state~~
3231 ~~accountancy board proceeding~~ as to any matter produced or
3232 disclosed during the quality review or as to any findings,
3233 recommendations, evaluations, opinions, or other actions of the
3234 review committee or any members thereof. Public records and
3235 materials prepared for a particular engagement are not
3236 privileged merely because they were presented during the quality
3237 review. This privilege does not apply to disputes between a
3238 review committee and a person subject to a quality review.

3239 **Section 110. Section 473.319, Florida Statutes, is amended**
3240 **to read:**

3241 473.319 Contingent fees.—Public accounting services as
3242 defined in s. 473.302(7)(a) and (c) ~~s. 473.302(8)(a) and (c)~~,
3243 and those that include tax filings with federal, state, or local
3244 government, may ~~shall~~ not be offered or rendered for a fee
3245 contingent upon the findings or results of such service. This
3246 section does not apply to services involving federal, state, or
3247 other taxes in which the findings are those of the tax
3248 authorities and not those of the certified public accountant or
3249 firm. Fees to be fixed by courts or other public authorities,
3250 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.—

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

(m) Failing to provide any written disclosure to a client

3301 or the public which is required by this chapter or rule of the
3302 department ~~board~~.

3303 (2) The department ~~board~~ shall specify, by rule, what acts
3304 or omissions constitute a violation of subsection (1).

3305 (3) When the department ~~board~~ finds any certified public
3306 accountant or firm guilty of any of the grounds set forth in
3307 subsection (1), it may enter an order imposing one or more of
3308 the following penalties:

3309 (a) Denial of an application for licensure.

3310 (b) Revocation or suspension of the certified public
3311 accountant or firm's license or practice privileges in this
3312 state.

3313 (c) Imposition of an administrative fine not to exceed
3314 \$5,000 for each count or separate offense.

3315 (d) Issuance of a reprimand.

3316 (e) Placement of the certified public accountant on
3317 probation for a period of time and subject to such conditions as
3318 the department ~~board~~ may specify, including requiring the
3319 certified public accountant to attend continuing education
3320 courses or to work under the supervision of another licensee.

3321 (f) Restriction of the authorized scope of practice by the
3322 certified public accountant.

3323 (4) The department shall reissue the license of a
3324 disciplined licensee upon certification ~~by the board~~ that the
3325 disciplined licensee has complied with all of the terms and

conditions set forth in the final order.

Section 115. Subsection (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. 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.

3351 **Section 117. Subsections (1) through (4) of section**
3352 **474.207, Florida Statutes, are amended to read:**

3353 474.207 Licensure by examination.—

3354 (1) Any person desiring to be licensed as a veterinarian
3355 shall apply to the department to take a licensure examination.
3356 The department ~~board~~ may by rule adopt use of a national
3357 examination in lieu of part or all of the examination required
3358 by this section, with a reasonable passing score to be set by
3359 rule of the department ~~board~~.

3360 (2) The department shall license each applicant who the
3361 department ~~board~~ certifies has:

3362 (a) Completed the application form and remitted an
3363 examination fee set by the department ~~board~~.

3364 (b)1. Graduated from a college of veterinary medicine
3365 accredited by the American Veterinary Medical Association
3366 Council on Education; or

3367 2. Graduated from a college of veterinary medicine listed
3368 in the American Veterinary Medical Association Roster of
3369 Veterinary Colleges of the World and obtained a certificate from
3370 the Education Commission for Foreign Veterinary Graduates or the
3371 Program for the Assessment of Veterinary Education Equivalence.

3372 (c) Successfully completed the examination provided by the
3373 department for this purpose, or an examination determined by the
3374 department ~~board~~ to be equivalent.

3375 (d) Demonstrated knowledge of the laws and rules governing

the practice of veterinary medicine in Florida in a manner designated by rules of the department ~~board~~.

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

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

(a) The applicant was certified for examination before ~~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.

Section 118. Section 474.211, Florida Statutes, is amended to read:

474.211 Renewal of license.—

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

(2) The department shall adopt rules establishing a procedure for the ~~biennial~~ renewal of licenses every 4 years.

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

3426 **Section 119. Subsections (1), (2), and (3) of section**
3427 **474.2125, Florida Statutes, are amended to read:**

3428 474.2125 Temporary license.—

3429 (1) The department ~~board~~ shall adopt rules providing for
3430 the issuance of a temporary license to a licensed veterinarian
3431 of another state for the purpose of enabling her or him to
3432 provide veterinary medical services in this state for the
3433 animals of a specific owner or, as may be needed in an emergency
3434 as defined in s. 252.34(4), for the animals of multiple owners,
3435 provided the applicant would qualify for licensure by
3436 endorsement under s. 474.217. No temporary license shall be
3437 valid for more than 30 days after its issuance, and no license
3438 shall cover more than the treatment of the animals of one owner
3439 except in an emergency as defined in s. 252.34(4). After the
3440 expiration of 30 days, a new license is required.

3441 (2) Each application for a temporary license shall state
3442 the names of all persons who are to enter this state and shall
3443 be accompanied by a fee in an amount established by the
3444 department ~~board~~.

3445 (3) Upon certification of the applicant ~~by the board~~, the
3446 department shall issue a temporary license to the applicant.

3447 **Section 120. Paragraph (d) of subsection (1) of section**
3448 **474.213, Florida Statutes, is amended to read:**

3449 474.213 Prohibitions; penalties.—

3450 (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 121. 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 455, a rule of the ~~board or~~ department, or a lawful order of the ~~board or~~ department previously entered in a disciplinary hearing, or failing to comply with a lawfully issued subpoena of the department.

(h) Being unable to practice veterinary medicine with reasonable skill or safety to patients by reason of illness, drunkenness, use of drugs, narcotics, chemicals, or any other material or substance or as a result of any mental or physical condition. In enforcing this paragraph, upon a finding by the secretary, the secretary's designee, or the probable cause panel of the department board that probable cause exists to believe that the licensee is unable to practice the profession because of the reasons stated in this paragraph, the department may

3476 ~~shall have the authority to~~ compel a licensee to submit to a
3477 mental or physical examination by a physician designated by the
3478 department. If the licensee refuses to comply with the
3479 department's order, the department may file a petition for
3480 enforcement in the circuit court of the circuit in which the
3481 licensee resides or does business. The licensee may ~~shall~~ not be
3482 named or identified by initials in any other public court
3483 records or documents and the enforcement proceedings shall be
3484 closed to the public. The department shall be entitled to the
3485 summary procedure provided in s. 51.011. A licensee affected
3486 under this paragraph shall be afforded an opportunity at
3487 reasonable intervals to demonstrate that she or he can resume
3488 the competent practice for which she or he is licensed with
3489 reasonable skill and safety to patients. Neither the record of
3490 proceedings nor the orders entered by the department ~~board~~ in
3491 any proceedings under this paragraph shall be used against a
3492 licensee in any other proceedings.

3493 (j) Knowingly maintaining a professional connection or
3494 association with any person who is in violation of the
3495 provisions of this chapter or the rules of the ~~board or~~
3496 department. However, if the licensee verifies that the person is
3497 actively participating in a department-approved ~~board-approved~~
3498 program for the treatment of a physical or mental condition, the
3499 licensee is required only to report such person to the
3500 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 thereafter ~~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.

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

(5) The department may issue a temporary premises permit to a responsible veterinarian who has submitted the application fee and a completed application form affirming compliance with the standards set by rule of the department ~~board~~. If the department inspects the establishment and discovers that it is not in compliance with the department's standards, the department shall notify the veterinarian in writing of the deficiencies and shall provide 30 days for correction of the

3576 deficiencies and reinspection. Such temporary permit shall
3577 become void upon notification by the department that the
3578 establishment has failed, after reinspection, to meet those
3579 standards. Upon receipt of such notice, the responsible
3580 veterinarian shall close the establishment until completion of a
3581 subsequent inspection affirming that the required standards have
3582 been met and until another permit has been issued by the
3583 department.

3584 (7) The department ~~board~~ by rule shall establish minimum
3585 standards for the operation of limited service veterinary
3586 medical practices. Such rules may ~~shall~~ not restrict limited
3587 service veterinary medical practices and shall be consistent
3588 with the type of limited veterinary medical service provided.

3589 (a) Any person that offers or provides limited service
3590 veterinary medical practice shall obtain a biennial permit from
3591 the department ~~board~~ the cost of which may ~~shall~~ not exceed
3592 \$250. The limited service permittee shall register each location
3593 where a limited service clinic is held and shall pay a fee set
3594 by rule not to exceed \$25 to register each such location.

3595 (b) All permits issued under this subsection are subject
3596 to ~~the provisions of~~ ss. 474.213 and 474.214.

3597 (c) Notwithstanding any provision of this subsection to
3598 the contrary, any temporary rabies vaccination effort operated
3599 by a county health department in response to a public health
3600 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 123. 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 124. 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

3676 a subpoena without written authorization from the client if the
3677 department finds ~~and the probable cause panel of the board find~~
3678 reasonable cause to believe that a veterinarian has excessively
3679 or inappropriately prescribed any controlled substance specified
3680 in chapter 893 in violation of this chapter or that a
3681 veterinarian has practiced his or her profession below that
3682 level of care, skill, and treatment required as defined by this
3683 chapter.

3684 (8) Notwithstanding ~~the provisions of~~ s. 455.242, records
3685 owners shall notify the department ~~board office~~ when they are
3686 terminating practice, retiring, or relocating and are no longer
3687 available to patients, specifying who the new records owner is
3688 and where the medical records can be found.

3689 (10) Veterinarians in violation of ~~the provisions of~~ this
3690 section shall be disciplined by the department ~~board~~.

3691 (11) A records owner furnishing copies of reports or
3692 records pursuant to this section shall charge no more than the
3693 actual cost of copying, including reasonable staff time, or the
3694 amount specified in administrative rule by the department ~~board~~.

3695 **Section 125. Subsection (1) of section 474.217, Florida**
3696 **Statutes, is amended to read:**

3697 474.217 Licensure by endorsement.—

3698 (1) The department shall issue a license by endorsement to
3699 any applicant who, upon applying to the department and remitting
3700 a fee set by the department ~~board~~, demonstrates to the

3701 department board that she or he:

3702 (a) Has demonstrated, in a manner designated by rule of
3703 the department board, knowledge of the laws and rules governing
3704 the practice of veterinary medicine in this state; and

3705 (b)1. Holds, and has held for the 3 years immediately
3706 preceding the application for licensure, a valid, active license
3707 to practice veterinary medicine in another state of the United
3708 States, the District of Columbia, or a territory of the United
3709 States, provided that the applicant has successfully completed a
3710 state, regional, national, or other examination that is
3711 equivalent to or more stringent than the examination required by
3712 the department board; or

3713 2. Meets the qualifications of s. 474.207(2)(b) and has
3714 successfully completed a state, regional, national, or other
3715 examination which is equivalent to or more stringent than the
3716 examination given by the department and has passed the
3717 department's board's clinical competency examination or another
3718 clinical competency examination specified by rule of the
3719 department board.

3720 **Section 126. Section 474.221, Florida Statutes, is amended**
3721 **to read:**

3722 474.221 Impaired practitioner provisions; applicability.—
3723 Notwithstanding the transfer of the Division of Medical Quality
3724 Assurance to the Department of Health or any other provision of
3725 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 127. Subsection (6) of section 475.451, Florida Statutes, is amended to read:

475.451 Schools teaching real estate practice.—

(6) Any course prescribed by the commission as a condition precedent to a person's becoming initially licensed as a sales associate or broker may be taught by a real estate school in a classroom or via distance learning pursuant to s. 475.17(2) by a currently permitted instructor from any such school. All other prescribed courses, ~~except the continuing education course required by s. 475.182,~~ shall be taught by a currently permitted school instructor personally in attendance at such course or by distance learning pursuant to s. 475.17. ~~The continuing education course required by s. 475.182 may be taught by distance learning pursuant to s. 475.17 or by an equivalent correspondence course; however, any such correspondence course shall be required to have a final examination, prepared and administered by the school or course provider issuing the correspondence course.~~ The continuing education requirements

provided in this chapter do not apply to an attorney who is otherwise qualified under this chapter and who is a member in good standing of The Florida Bar.

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:

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

3826 who holds a current active license to practice barbering in
3827 another state. The department ~~board~~ shall adopt rules specifying
3828 procedures for the licensure by endorsement of practitioners
3829 desiring to be licensed in this state who hold a current active
3830 license in another country and who have met qualifications
3831 substantially similar to, equivalent to, or greater than the
3832 qualifications required of applicants from this state.

3833 (6) A person may apply for a restricted license to
3834 practice barbering. The department ~~board~~ shall adopt rules
3835 specifying procedures for an applicant to obtain a restricted
3836 license if the applicant:

3837 (a)1. Has successfully completed a restricted barber
3838 course, as established by rule of the department ~~board~~, at a
3839 school of barbering licensed pursuant to chapter 1005, a
3840 barbering program within the public school system, or a
3841 government-operated barbering program in this state; or

3842 2.a. Holds or has within the previous 5 years held an
3843 active valid license to practice barbering in another state or
3844 country or has held a Florida barbering license which has been
3845 declared null and void for failure to renew the license, and the
3846 applicant fulfilled the requirements of s. 476.114(2)(c) for
3847 initial licensure; and

3848 b. Has not been disciplined relating to the practice of
3849 barbering in the previous 5 years; and

3850 (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. Section 476.154, Florida Statutes, is amended
to read:**

476.154 ~~Biennial~~ Renewal of licenses.—

(1) Each licensed barber who continues in active practice
or service shall renew her or his license every 4 years
~~biennially~~ and pay the required fee.

(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.

(3)(a) The department shall renew a license upon receipt
of the renewal application and fee.

(b) The department shall adopt rules establishing a
procedure for the ~~biennial~~ renewal of licenses.

**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.—

3901 (1) It is unlawful for any person to:

3902 (i) Violate or refuse to comply with any provision of this
3903 chapter or chapter 455 or a rule or final order of the
3904 department ~~board~~.

3905 (2) Any person who violates any provision of this section
3906 shall be subject to one or more of the following penalties, as
3907 determined by the department ~~board~~:

3908 (a) Revocation or suspension of any license or
3909 registration issued pursuant to this chapter.

3910 (b) Issuance of a reprimand or censure.

3911 (c) Imposition of an administrative fine not to exceed
3912 \$500 for each count or separate offense.

3913 (d) Placement on probation for a period of time and
3914 subject to such reasonable conditions as the department ~~board~~
3915 may specify.

3916 (e) Refusal to certify ~~to the department~~ an applicant for
3917 licensure.

3918 **Section 137. Section 476.214, Florida Statutes, is amended**
3919 **to read:**

3920 476.214 Grounds for suspending, revoking, or refusing to
3921 grant license or certificate.—

3922 (1) The department ~~may board~~ ~~shall have the power to~~
3923 revoke or suspend any license, registration card, or certificate
3924 of registration issued pursuant to this act, or ~~to~~ reprimand,
3925 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)~~.

3976 **Section 141. Section 477.016, Florida Statutes, is amended**
3977 **to read:**

3978 477.016 Rulemaking.—

3979 (1) The department ~~board~~ may adopt rules ~~pursuant to ss.~~
3980 ~~120.536(1) and 120.54~~ to implement the provisions of this
3981 chapter conferring duties upon it.

3982 (2) The department ~~board~~ may by rule adopt any restriction
3983 established by a regulation of the United States Food and Drug
3984 Administration related to the use of a cosmetic product or any
3985 substance used in the practice of cosmetology if the department
3986 ~~board~~ finds that the product or substance poses a risk to the
3987 health, safety, and welfare of clients or persons providing
3988 cosmetology services.

3989 **Section 142. Section 477.018, Florida Statutes, is amended**
3990 **to read:**

3991 477.018 Investigative services.—The department shall
3992 provide all investigative services required by the ~~board or the~~
3993 department in carrying out ~~the provisions of~~ this act.

3994 **Section 143. Subsections (2), (3), (5), (6), and (7) of**
3995 **section 477.019, Florida Statutes, are amended to read:**

3996 477.019 Cosmetologists; qualifications; licensure;
3997 supervised practice; license renewal; endorsement; ~~continuing~~
3998 ~~education.~~—

3999 (2) An applicant is eligible for licensure by examination
4000 to practice cosmetology if the applicant:

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(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 Deaf and the Blind, provided the division meets the standards of this chapter.

4. A government-operated cosmetology 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 1,000 actual school hours. If the person then passes the

4026 examination, he or she has satisfied this requirement, ⁺ but if
4027 the person fails the examination, he or she may not be qualified
4028 to take the examination again until the completion of the full
4029 requirements provided by this section.

4030 (3) Upon an applicant receiving a passing grade, as
4031 established by department ~~board~~ rule, on the examination and
4032 paying the initial licensing fee, the department shall issue a
4033 license to practice cosmetology.

4034 (5) Renewal of license registration shall be accomplished
4035 pursuant to rules adopted by the department ~~board~~.

4036 (6) The department ~~board~~ shall certify as qualified for
4037 licensure by endorsement as a cosmetologist in this state an
4038 applicant who holds a current active license to practice
4039 cosmetology in another state.

4040 ~~(7)(a) The board shall prescribe by rule continuing~~
4041 ~~education requirements intended to ensure protection of the~~
4042 ~~public through updated training of licensees and registered~~
4043 ~~specialists, not to exceed 10 hours biennially, as a condition~~
4044 ~~for renewal of a license or registration as a specialist under~~
4045 ~~this chapter. Continuing education courses shall include, but~~
4046 ~~not be limited to, the following subjects as they relate to the~~
4047 ~~practice of cosmetology: human immunodeficiency virus and~~
4048 ~~acquired immune deficiency syndrome; Occupational Safety and~~
4049 ~~Health Administration regulations; workers' compensation issues;~~
4050 ~~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(5)(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(5)(c) ~~s. 477.013(6)(e)~~; 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(5)(a)-(c) ~~s. 477.013(6)(a)-(e)~~.

(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 knowledge of related statutory requirements. Professional testing services may be utilized to formulate the examinations. The department ~~board~~ may offer a written clinical examination or a performance examination, or both, in addition to a written theory examination.

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

Section 147. Subsections (2), (8), (9), and (10) of

4126 **section 477.025, Florida Statutes, are amended to read:**

4127 477.025 Cosmetology salons; specialty salons; requisites;
4128 licensure; inspection; mobile cosmetology salons.—

4129 (2) The department ~~board~~ shall adopt rules governing the
4130 licensure and operation of salons and specialty salons and their
4131 facilities, personnel, safety and sanitary requirements, and the
4132 license application and granting process.

4133 (8) Renewal of license registration for cosmetology salons
4134 or specialty salons shall be accomplished pursuant to rules
4135 adopted by the department ~~board~~. The department ~~board~~ is further
4136 authorized to adopt rules governing delinquent renewal of
4137 licenses and may impose penalty fees for delinquent renewal.

4138 (9) The department may ~~board is authorized to~~ adopt rules
4139 governing the periodic inspection of cosmetology salons and
4140 specialty salons licensed under this chapter.

4141 (10)(a) The department ~~board~~ shall adopt rules governing
4142 the licensure, operation, and inspection of mobile cosmetology
4143 salons, including their facilities, personnel, and safety and
4144 sanitary requirements.

4145 (b) Each mobile salon must comply with all licensure and
4146 operating requirements specified in this chapter or chapter 455
4147 or rules of the ~~board or~~ department that apply to cosmetology
4148 salons at fixed locations, except to the extent that such
4149 requirements conflict with this subsection or rules adopted
4150 pursuant to this subsection.

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

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

(e) The department ~~board~~ shall establish fees for mobile cosmetology salons, not to exceed the fees for cosmetology 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.—

4176 (1) The department ~~board~~ shall set fees according to the
4177 following schedule:

4178 (a) For cosmetologists, fees for original licensing,
4179 license renewal, and delinquent renewal may ~~shall~~ not exceed
4180 \$50.

4181 (b) For cosmetologists, fees for endorsement application,
4182 examination, and reexamination may ~~shall~~ not exceed \$50.

4183 (c) For cosmetology and specialty salons, fees for license
4184 application, original licensing, license renewal, and delinquent
4185 renewal may ~~shall~~ not exceed \$50.

4186 (d) For specialists, fees for application and endorsement
4187 registration may ~~shall~~ not exceed \$30.

4188 (e) For specialists, fees for initial registration,
4189 registration renewal, and delinquent renewal may ~~shall~~ not
4190 exceed \$50.

4191 (2) All moneys collected by the department from fees
4192 authorized by this chapter shall be paid into the Professional
4193 Regulation Trust Fund, which fund is created in the department,
4194 and shall be applied in accordance with ss. 215.37 and 455.219.
4195 The Legislature may appropriate any excess moneys from this fund
4196 to the General Revenue Fund.

4197 (3) The department, ~~with the advice of the board,~~ shall
4198 prepare and submit a proposed budget in accordance with law.

4199 **Section 149. Subsections (2) and (4) of section 477.0263,**
4200 **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.

Section 150. Section 477.028, Florida Statutes, is amended to read:

477.028 Disciplinary proceedings.—

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

4226 (a) Upon proof that a license or registration has been
4227 obtained by fraud or misrepresentation.

4228 (b) Upon proof that the holder of a license or
4229 registration is guilty of fraud or deceit or of gross
4230 negligence, incompetency, or misconduct in the practice or
4231 instruction of cosmetology or a specialty.

4232 (c) Upon proof that the holder of a license or
4233 registration is guilty of aiding, assisting, procuring, or
4234 advising any unlicensed person to practice as a cosmetologist.

4235 (2) The department may ~~board shall have the power to~~
4236 revoke or suspend the license of a cosmetology salon or a
4237 specialty salon licensed under this chapter, ~~to~~ deny subsequent
4238 licensure of such salon, or ~~to~~ reprimand, censure, or otherwise
4239 discipline the owner of such salon in either of the following
4240 cases:

4241 (a) Upon proof that a license has been obtained by fraud
4242 or misrepresentation.

4243 (b) Upon proof that the holder of a license is guilty of
4244 fraud or deceit or of gross negligence, incompetency, or
4245 misconduct in the operation of the salon so licensed.

4246 (3) Disciplinary proceedings shall be conducted pursuant
4247 to ~~the provisions of~~ chapter 120.

4248 (4) The department may ~~shall~~ not issue or renew a license
4249 or certificate of registration under this chapter to any person
4250 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 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.

4276 (e) Refusal to certify to ~~the department~~ an applicant for
4277 licensure.

4278 **Section 152. Subsections (4) through (16) of section**
4279 **481.203, Florida Statutes, are renumbered as subsections (3)**
4280 **through (15), respectively, and subsection (3) and present**
4281 **subsection (8) of that section are amended to read:**

4282 481.203 Definitions.—As used in this part, the term:
4283 ~~(3) "Board" means the Board of Architecture and Interior~~
4284 ~~Design.~~

4285 (7) ~~(8)~~ "Diversified interior design experience" means
4286 experience which substantially encompasses the various elements
4287 of interior design services set forth under the definition of
4288 "interior design" in subsection (9) ~~(10)~~.

4289 **Section 153. Section 481.207, Florida Statutes, is amended**
4290 **to read:**

4291 481.207 Fees.—The department ~~board~~, by rule, may establish
4292 fees for architects and registered interior designers, to be
4293 paid for applications, examination, reexamination, licensing and
4294 renewal, delinquency, reinstatement, and recordmaking and
4295 recordkeeping. The examination fee shall be in an amount that
4296 covers the cost of obtaining and administering the examination
4297 and shall be refunded if the applicant is found ineligible to
4298 sit for the examination. The application fee is nonrefundable.
4299 The fee for initial application and examination for architects
4300 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. Section 481.215, Florida Statutes, is amended to read:

481.215 Renewal of license or certificate of registration.—

(1) ~~Subject to the requirement of subsection (3),~~ The department shall renew a license or certificate of registration upon receipt of the renewal application and renewal fee.

(2) The department shall adopt rules establishing a procedure for the ~~biennial~~ renewal of licenses and certificates of registration every 4 years.

~~(3) A license or certificate of registration renewal may not be issued to an architect or a registered interior designer by the department until the licensee or registrant submits proof satisfactory to the department that, during the 2 years before application for renewal, the licensee or registrant participated per biennium in not less than 20 hours of at least 50 minutes~~

each per biennium of continuing education approved by the board.
The board shall approve only continuing education that builds
upon the basic knowledge of architecture or interior design. The
board may make exception from the requirements of continuing
education in emergency or hardship cases.

~~(4) The board shall by rule establish criteria for the
approval of continuing education courses and providers and shall
by rule establish criteria for accepting alternative
nonclassroom continuing education on an hour-for-hour basis.~~

~~(5) For a license or certificate of registration, the
board shall require, by rule adopted pursuant to ss. 120.536(1)
and 120.54, 2 hours in specialized or advanced courses on any
portion of the Florida Building Code, adopted pursuant to part
IV of chapter 553, relating to the licensee's respective area of
practice. Such hours count toward the continuing education hours
required under subsection (3). A licensee may complete the
courses required under this subsection online.~~

**Section 157. Section 481.217, Florida Statutes, is amended
to read:**

481.217 Inactive status.—

~~(1) The board 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 or registration for a
registered architect or registered interior designer.~~

4376 ~~(2)~~ The department board shall adopt rules relating to
4377 application procedures for inactive status and for the
4378 reactivation of inactive licenses and registrations.

4379 **Section 158. Subsection (2), paragraph (b) of subsection**
4380 **(3), and subsection (5) of section 481.219, Florida Statutes,**
4381 **are amended to read:**

4382 481.219 Qualification of business organizations.—

4383 (2) If a licensee or an applicant proposes to engage in
4384 the practice of architecture as a business organization, the
4385 licensee or applicant shall qualify the business organization
4386 upon approval of the department board.

4387 (3)

4388 (b) In the event a qualifying agent ceases employment with
4389 a qualified business organization, the department executive
4390 ~~director or the chair of the board~~ may authorize another
4391 registered architect employed by the business organization to
4392 temporarily serve as its qualifying agent for a period of no
4393 more than 60 days. The business organization may ~~is~~ not
4394 ~~authorized to~~ operate beyond such period under this chapter
4395 absent replacement of the qualifying agent who has ceased
4396 employment.

4397 (5) The department board shall allow a licensee or an
4398 applicant to qualify one or more business organizations to offer
4399 architectural services, or to use a fictitious name to offer
4400 such services, if one or more of the principal officers of the

corporation or limited liability company, or one or more partners of the partnership, and all personnel of the corporation, limited liability company, or partnership who act in its behalf in this state as architects, are registered as provided by this part.

Section 159. Subsections (1), (2), (6), (11), and (12) of section 481.221, Florida Statutes, are amended to read:

481.221 Seals; display of certificate number.—

(1) The department ~~board~~ shall prescribe, by rule, one or more forms of seals to be used by registered architects holding valid certificates of registration.

(2) Each registered architect shall obtain one seal in a form approved by rule of the department ~~board~~ and may, in addition, register her or his seal electronically in accordance with ss. 668.001-668.006. All final construction documents and instruments of service which include drawings, plans, specifications, or reports prepared or issued by the registered architect and being filed for public record shall bear the signature and seal of the registered architect who prepared or approved the document and the date on which they were sealed. The signature, date, and seal shall be evidence of the 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) A ~~No~~ registered architect may not ~~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 registered architect or interior designer whose certificate of registration is suspended or revoked shall, within 30 days after the effective date of the suspension or revocation, surrender

her or his seal to the secretary of the department ~~executive director of the board~~ and confirm in writing to the secretary ~~executive director~~ the cancellation of the registered architect's or interior designer's electronic signature in accordance with ss. 668.001-668.006. When a registered architect's or interior designer'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 160. Section 481.222, Florida Statutes, is amended to read:

481.222 Architects performing building code inspection services.—Notwithstanding any other provision of law, a person who is currently licensed to practice as an architect under this part 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. With respect to the performance of such building code inspection services, the architect is subject to the disciplinary guidelines of this part and s. 468.621(1)(c)-(h). Any complaint processing, investigation, and discipline that arise out of an architect's performance of building code inspection services shall be conducted by the department ~~Board of Architecture and Interior Design~~ rather than the Florida

~~Building Code Administrators and Inspectors Board.~~ An architect may not perform plans review as an employee of a local government upon any job that the architect or the architect's company designed.

Section 161. Paragraphs (a) and (d) of subsection (1) of section 481.223, Florida Statutes, are amended to read:

481.223 Prohibitions; penalties; injunctive relief.—

(1) A person may not knowingly:

(a) Practice architecture unless the person is an architect or a registered architect; however, a licensed architect who has been licensed by the department board and who chooses to relinquish or not to renew his or her license may use the title "Architect, Retired" but may not otherwise render any architectural services.

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

Section 162. Paragraphs (a), (g), and (i) of subsection (1) and subsections (2), (3), and (4) of section 481.225, Florida Statutes, are amended to read:

481.225 Disciplinary proceedings against registered architects.—

(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

4501 adopted pursuant to this part or chapter 455.

4502 (g) Committing an act of fraud or deceit, or of
4503 negligence, incompetency, or misconduct, in the practice of
4504 architecture, including, but not limited to, allowing the
4505 preparation of any architectural studies, plans, or other
4506 instruments of service in an office that does not have a full-
4507 time Florida-registered architect assigned to such office or
4508 failing to ensure the responsible supervising control of
4509 services or projects, as required by department ~~board~~ rule.

4510 (i) Aiding, assisting, procuring, or advising any
4511 unlicensed person to practice architecture contrary to this part
4512 or to a rule of the department ~~or the board~~.

4513 (2) The department ~~board~~ shall specify, by rule, what acts
4514 or omissions constitute a violation of subsection (1).

4515 (3) When the department ~~board~~ finds any registered
4516 architect guilty of any of the grounds set forth in subsection
4517 (1), it may enter an order imposing one or more of the following
4518 penalties:

4519 (a) Denial of an application for licensure.

4520 (b) Revocation or suspension of a license.

4521 (c) Imposition of an administrative fine not to exceed
4522 \$1,000 for each count or separate offense and a fine of up to
4523 \$5,000 for matters pertaining to a material violation of the
4524 Florida Building Code as reported by a local jurisdiction.

4525 (d) Issuance of a reprimand.

4526 (e) Placement of the registered architect on probation for
4527 a period of time and subject to such conditions as the
4528 department board may specify, including requiring the registered
4529 architect to attend continuing education courses or to work
4530 under the supervision of another registered architect.

4531 (f) Restriction of the authorized scope of practice by the
4532 registered architect.

4533 (4) The department shall reissue the license of a
4534 disciplined registered architect upon certification ~~by the board~~
4535 that he or she has complied with all of the terms and conditions
4536 set forth in the final order.

4537 **Section 163. Paragraph (a) of subsection (1) and**
4538 **subsection (2) of section 481.2251, Florida Statutes, are**
4539 **amended to read:**

4540 481.2251 Disciplinary proceedings against registered
4541 interior designers.—

4542 (1) The following acts constitute grounds for which the
4543 disciplinary actions specified in subsection (2) may be taken:

4544 (a) Attempting to register or renewing registration by
4545 bribery, by fraudulent misrepresentation, or through an error of
4546 the department board;

4547 (2) When the department board finds any person guilty of
4548 any of the grounds set forth in subsection (1), it may enter an
4549 order taking the following action or imposing one or more of the
4550 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

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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

4626 qualify for examination pursuant to s. 481.309(1)(b)2. may not
4627 be used to satisfy the practical experience requirement under
4628 this section.

4629 **Section 169. Section 481.311, Florida Statutes, is amended**
4630 **to read:**

4631 481.311 Licensure.—

4632 (1) The department shall license any applicant who the
4633 department board certifies is qualified to practice landscape
4634 architecture and who has paid the initial licensure fee.

4635 (2) The department board shall certify for licensure any
4636 applicant who:

4637 (a) Passes the examination required by s. 481.309; and

4638 (b) Satisfies the experience requirement of s. 481.310.

4639 (3) The department board shall certify as qualified for a
4640 license by endorsement an applicant who:

4641 (a) Qualifies to take the examination as set forth in s.
4642 481.309~~+~~ and has passed a national, regional, state, or
4643 territorial licensing examination which is substantially
4644 equivalent to the examination required by s. 481.309;

4645 (b) Holds a valid license to practice landscape
4646 architecture issued by another state or territory of the United
4647 States, if the criteria for issuance of such license were
4648 substantially identical to the licensure criteria which existed
4649 in this state at the time the license was issued; or

4650 (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~~7~~, 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 (2) through (5) of section 481.313, Florida Statutes, are amended to read:

481.313 Renewal of license.—

(2) The department shall adopt rules establishing a

4676 procedure for the ~~biennial~~ renewal of licenses every 4 years.

4677 ~~(3) No license renewal shall be issued to a landscape~~
4678 ~~architect by the department until the licensee submits proof,~~
4679 ~~satisfactory to the department, that during the 2-year period~~
4680 ~~prior to application for renewal, the licensee participated in~~
4681 ~~such continuing education courses required by the board. The~~
4682 ~~board shall approve only continuing education courses that~~
4683 ~~relate to and increase the basic knowledge of landscape~~
4684 ~~architecture. The board may make an exception from the~~
4685 ~~requirements of continuing education in emergency or hardship~~
4686 ~~eases.~~

4687 ~~(4) The board, by rule adopted pursuant to ss. 120.536(1)~~
4688 ~~and 120.54, shall establish criteria for the approval of~~
4689 ~~continuing education courses and providers, and shall by rule~~
4690 ~~establish criteria for accepting alternative nonclassroom~~
4691 ~~continuing education on an hour-for-hour basis. A landscape~~
4692 ~~architect shall receive hour-for-hour credit for attending~~
4693 ~~continuing education courses approved by the Landscape~~
4694 ~~Architecture Continuing Education System or another nationally~~
4695 ~~recognized clearinghouse for continuing education that relate to~~
4696 ~~and increase his or her basic knowledge of landscape~~
4697 ~~architecture, as determined by the board, if the landscape~~
4698 ~~architect submits proof satisfactory to the board that such~~
4699 ~~course was approved by the Landscape Architecture Continuing~~
4700 ~~Education System or another nationally recognized clearinghouse~~

4701 ~~for continuing education, along with the syllabus or outline for~~
4702 ~~such course and proof of course attendance.~~

4703 ~~(5) The board shall require, by rule adopted pursuant to~~
4704 ~~ss. 120.536(1) and 120.54, a specified number of hours in~~
4705 ~~specialized or advanced courses, approved by the Florida~~
4706 ~~Building Commission, on any portion of the Florida Building~~
4707 ~~Code, adopted pursuant to part IV of chapter 553, relating to~~
4708 ~~the licensee's respective area of practice.~~

4709 **Section 171. Section 481.315, Florida Statutes, is amended**
4710 **to read:**

4711 481.315 Inactive status.—

4712 (1) A license that has become inactive or delinquent may
4713 be reactivated under this section upon application to the
4714 department and payment of any applicable ~~biennial~~ renewal or
4715 delinquency fee, or both, and a reactivation fee. ~~The board may~~
4716 ~~not require a licensee to complete more than one renewal cycle~~
4717 ~~of continuing education requirements.~~

4718 (2) The department ~~board~~ shall adopt rules relating to
4719 application procedures for inactive status and for the
4720 reactivation of inactive licenses.

4721 **Section 172. Subsection (1) of section 481.317, Florida**
4722 **Statutes, is amended to read:**

4723 481.317 Temporary certificates.—

4724 (1) Upon the approval by the department ~~board~~ and payment
4725 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. 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 174. 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 board~~ that she or he has complied with all of the terms and conditions set forth in the final order.

Section 175. 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.

5. I understand that, as the owner-builder, I must provide direct, onsite supervision of the construction.

6. I understand that I may not hire an unlicensed person to act as my contractor or to supervise persons working on my building

4826 or residence. It is my responsibility to ensure that the persons
4827 whom I employ have the licenses required by law and by county or
4828 municipal ordinance.

4829 7. I understand that it is a frequent practice of unlicensed
4830 persons to have the property owner obtain an owner-builder
4831 permit that erroneously implies that the property owner is
4832 providing his or her own labor and materials. I, as an owner-
4833 builder, may be held liable and subjected to serious financial
4834 risk for any injuries sustained by an unlicensed person or his
4835 or her employees while working on my property. My homeowner's
4836 insurance may not provide coverage for those injuries. I am
4837 willfully acting as an owner-builder and am aware of the limits
4838 of my insurance coverage for injuries to workers on my property.

4839 8. I understand that I may not delegate the responsibility for
4840 supervising work to a licensed contractor who is not licensed to
4841 perform the work being done. Any person working on my building
4842 who is not licensed must work under my direct supervision and
4843 must be employed by me, which means that I must comply with laws
4844 requiring the withholding of federal income tax and social
4845 security contributions under the Federal Insurance Contributions
4846 Act (FICA) and must provide workers' compensation for the
4847 employee. I understand that my failure to follow these laws may
4848 subject me to serious financial risk.

4849 9. I agree that, as the party legally and financially
4850 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 Florida Department of Business and Professional Regulation ~~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 176. Subsections (2) through (19) of section 489.105, Florida Statutes, are renumbered as subsections (1) through (18), respectively, and subsection (1) and present subsection (6) of that section are amended to read:

489.105 Definitions.—As used in this part:

~~(1) "Board" means the Construction Industry Licensing~~

4901 ~~Board.~~

4902 (5)~~(6)~~ "Contracting" means, except as exempted in this
4903 part, engaging in business as a contractor and includes, but is
4904 not limited to, performance of any of the acts as set forth in
4905 subsection (2) ~~(3)~~ which define types of contractors. The
4906 attempted sale of contracting services and the negotiation or
4907 bid for a contract on these services also constitutes
4908 contracting. If the services offered require licensure or agent
4909 qualification, the offering, negotiation for a bid, or attempted
4910 sale of these services requires the corresponding licensure.
4911 However, the term "contracting" does ~~shall~~ not extend to an
4912 individual, partnership, corporation, trust, or other legal
4913 entity that offers to sell or sells completed residences on
4914 property on which the individual or business entity has any
4915 legal or equitable interest, or to the individual or business
4916 entity that offers to sell or sells manufactured or factory-
4917 built buildings that will be completed on site on property on
4918 which either party to a contract has any legal or equitable
4919 interest, if the services of a qualified contractor certified or
4920 registered pursuant to the requirements of this chapter have
4921 been or will be retained for the purpose of constructing or
4922 completing such residences.

4923 **Section 177. Section 489.108, Florida Statutes, is amended**
4924 **to read:**

4925 489.108 Rulemaking authority.—The department may ~~board has~~

4926 ~~authority to adopt rules pursuant to ss. 120.536(1) and 120.54~~
4927 to implement the provisions of this chapter conferring duties
4928 upon it.

4929 **Section 178. Subsections (1) and (2) of section 489.109,**
4930 **Florida Statutes, are amended to read:**

4931 489.109 Fees.—

4932 (1) The department ~~board~~, by rule, shall establish
4933 reasonable fees to be paid for applications, certification and
4934 renewal, registration and renewal, and recordmaking and
4935 recordkeeping. The fees shall be established as follows:

4936 (a) With respect to an applicant for a certificate, the
4937 initial application fee may not exceed \$150, and, if an
4938 examination cost is included in the application fee, the
4939 combined amount may not exceed \$350. The initial certification
4940 fee and the renewal fee may not exceed \$250. However, any
4941 applicant who seeks certification under this part by taking a
4942 practical examination must pay as an examination fee the actual
4943 cost incurred by the department in developing, preparing,
4944 administering, scoring, score reporting, and evaluating the
4945 examination, if the examination is conducted by the department.

4946 (b) With respect to an applicant for registration, the
4947 initial application fee may not exceed \$100, and the initial
4948 registration fee and the renewal fee may not exceed \$200.

4949 (c) The department ~~board~~, by rule, may establish
4950 delinquency fees, not to exceed the applicable renewal fee for

4951 renewal applications made after the expiration date of the
4952 certificate or registration.

4953 (d) With respect to an application for registration or
4954 certification to qualify a business organization, the initial
4955 application fee and the renewal fee shall be \$50.

4956 (e) The department ~~board~~, by rule, shall impose a renewal
4957 fee for an inactive status certificate or registration, not to
4958 exceed the renewal fee for an active status certificate or
4959 registration. Neither the inactive certification fee nor the
4960 inactive registration fee may exceed \$50. The department ~~board~~,
4961 by rule, may provide for a different fee for inactive status
4962 where such status is sought by a building code administrator,
4963 plans examiner, or inspector certified pursuant to part XII of
4964 chapter 468 who is employed by a local government and is not
4965 allowed by the terms of such employment to maintain a
4966 certificate on active status issued pursuant to this part.

4967 (f) The department ~~board~~, by rule, shall impose an
4968 additional late fee on a delinquent status certificateholder or
4969 registrant when such certificateholder or registrant applies for
4970 active or inactive status.

4971 (g) The department ~~board~~, by rule, shall impose an
4972 additional fee, not to exceed the applicable renewal fee, which
4973 reasonably reflects the costs of processing a
4974 certificateholder's or registrant's request to change licensure
4975 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 179. 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:

(c) Meets eligibility requirements according to one of the following criteria:

1. Has received a baccalaureate degree from an accredited 4-year college in the appropriate field of engineering, architecture, or building construction and has 1 year of proven experience in the category in which the person seeks to qualify. For the purpose of this part, a minimum of 2,000 person-hours shall be used in determining full-time equivalency. An applicant who is exempt from passing an examination under s. 489.113(1) is eligible for a license under this section.

2. Has a total of at least 4 years of active experience as a worker who has learned the trade by serving an apprenticeship as a skilled worker who is able to command the rate of a

mechanic in the particular trade or as a foreman who is in charge of a group of workers and usually is responsible to a superintendent or a contractor or his or her equivalent; provided, however, that at least 1 year of active experience shall be as a foreman.

3. Has a combination of not less than 1 year of experience as a foreman and not less than 3 years of credits for any accredited college-level courses; has a combination of not less than 1 year of experience as a skilled worker, 1 year of experience as a foreman, and not less than 2 years of credits for any accredited college-level courses; or has a combination of not less than 2 years of experience as a skilled worker, 1 year of experience as a foreman, and not less than 1 year of credits for any accredited college-level courses. All junior college or community college-level courses shall be considered accredited college-level courses.

4.a. An active certified residential contractor is eligible to receive a certified building contractor license after passing or having previously passed the building 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 residential contractor is eligible to receive a certified general contractor license after passing or having previously passed the general contractors' examination

5026 | if he or she possesses a minimum of 4 years of proven experience
5027 | in the classification in which he or she is certified.

5028 | c. An active certified building contractor is eligible to
5029 | receive a certified general contractor license after passing or
5030 | having previously passed the general contractors' examination if
5031 | he or she possesses a minimum of 4 years of proven experience in
5032 | the classification in which he or she is certified.

5033 | 5.a. An active certified air-conditioning Class C
5034 | contractor is eligible to receive a certified air-conditioning
5035 | Class B contractor license after passing or having previously
5036 | passed the air-conditioning Class B contractors' examination if
5037 | he or she possesses a minimum of 3 years of proven experience in
5038 | the classification in which he or she is certified.

5039 | b. An active certified air-conditioning Class C contractor
5040 | is eligible to receive a certified air-conditioning Class A
5041 | contractor license after passing or having previously passed the
5042 | air-conditioning Class A contractors' examination if he or she
5043 | possesses a minimum of 4 years of proven experience in the
5044 | classification in which he or she is certified.

5045 | c. An active certified air-conditioning Class B contractor
5046 | is eligible to receive a certified air-conditioning Class A
5047 | contractor license after passing or having previously passed the
5048 | air-conditioning Class A contractors' examination if he or she
5049 | possesses a minimum of 1 year of proven experience in the
5050 | classification in which he or she is certified.

5051 6.a. An active certified swimming pool servicing
5052 contractor is eligible to receive a certified residential
5053 swimming pool contractor license after passing or having
5054 previously passed the residential swimming pool contractors'
5055 examination if he or she possesses a minimum of 3 years of
5056 proven experience in the classification in which he or she is
5057 certified.

5058 b. An active certified swimming pool servicing contractor
5059 is eligible to receive a certified commercial swimming pool
5060 contractor license after passing or having previously passed the
5061 swimming pool commercial contractors' examination if he or she
5062 possesses a minimum of 4 years of proven experience in the
5063 classification in which he or she is certified.

5064 c. An active certified residential swimming pool
5065 contractor is eligible to receive a certified commercial
5066 swimming pool contractor license after passing or having
5067 previously passed the commercial swimming pool contractors'
5068 examination if he or she possesses a minimum of 1 year of proven
5069 experience in the classification in which he or she is
5070 certified.

5071 d. An applicant is eligible to receive a certified
5072 swimming pool/spa servicing contractor license after passing or
5073 having previously passed the swimming pool/spa servicing
5074 contractors' examination if he or she has satisfactorily
5075 completed 60 hours of instruction in courses related to the

scope of work covered by that license and approved by the department ~~Construction Industry Licensing Board~~ by rule and has at least 1 year of proven experience related to the scope of work of such a contractor.

(3)(a) The department ~~board~~ may refuse to certify an applicant for failure to satisfy the requirement of good moral character only if:

1. There is a substantial connection between the lack of good moral character of the applicant and the professional responsibilities of a certified contractor; and

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

(b) When an applicant is found to be unqualified for a certificate because of a lack of good moral character, the department ~~board~~ shall furnish 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.

Section 180. 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 statewide basis shall, as a prerequisite thereto, establish his

5101 or her competency and qualifications to be certified pursuant to
5102 this part. To establish competency, a person shall pass the
5103 appropriate examination approved ~~by the board~~ and certified by
5104 the department. If an applicant has received a baccalaureate
5105 degree in building construction from an accredited 4-year
5106 college, or a related degree as approved by the department ~~board~~
5107 by rule, and has a grade point average of 3.0 or higher, such
5108 applicant is only required to take and pass the business and
5109 finance portion of the examination. Any person who desires to
5110 engage in contracting on other than a statewide basis shall, as
5111 a prerequisite thereto, be registered pursuant to this part,
5112 unless exempted by this part.

5113 (2) A person must be certified or registered in order to
5114 engage in the business of contracting in this state. However,
5115 for purposes of complying with ~~the provisions of~~ this chapter, a
5116 subcontractor who is not certified or registered may perform
5117 construction work under the supervision of a person who is
5118 certified or registered, provided that the work is within the
5119 scope of the supervising contractor's license, the supervising
5120 contractor is responsible for the work, and the subcontractor
5121 being supervised is not engaged in construction work that would
5122 require a license as a contractor under any of the categories
5123 listed in s. 489.105(2)(d)-(o) ~~s. 489.105(3)(d)-(o)~~. This
5124 subsection does not affect the application of any local
5125 construction licensing ordinances. To enforce this subsection:

5126 (a) The department shall issue a cease and desist order to
5127 prohibit any person from engaging in the business of contracting
5128 who does not hold the required certification or registration for
5129 the work being performed under this part. For the purpose of
5130 enforcing a cease and desist order, the department may file a
5131 proceeding in the name of the state seeking issuance of an
5132 injunction or a writ of mandamus against any person who violates
5133 any provision of such order.

5134 (b) A county, municipality, or local licensing board
5135 created by special act may issue a cease and desist order to
5136 prohibit any person from engaging in the business of contracting
5137 who does not hold the required certification or registration for
5138 the work being performed under this part.

5139 (3) A contractor shall subcontract all electrical,
5140 mechanical, plumbing, roofing, sheet metal, swimming pool, and
5141 air-conditioning work, unless such contractor holds a state
5142 certificate or registration in the respective trade category,
5143 however:

5144 (f) A solar contractor may ~~shall~~ not be required to
5145 subcontract minor, as defined by department ~~board~~ rule,
5146 electrical, mechanical, plumbing, or roofing work so long as
5147 that work is within the scope of the license held by the solar
5148 contractor and where such work exclusively pertains to the
5149 installation of residential solar energy equipment as defined by
5150 rules of the department ~~board~~ ~~adopted in conjunction with the~~

~~Electrical Contracting Licensing Board.~~

(6) (a) The department ~~board~~ shall, by rule, designate those types of specialty contractors which may be certified under this part. The limit of the scope of work and responsibility of a specialty contractor shall be established by the department ~~board~~ by rule. However, a certified specialty contractor category established by department ~~board~~ rule exists as a voluntary statewide licensing category and does not create a mandatory licensing requirement. Any mandatory statewide construction contracting licensure requirement may only be established through specific statutory provision.

(b) By July 1, 2025, the department ~~board~~ shall, by rule, establish certified specialty contractor categories for voluntary licensure for all of the following:

1. Structural aluminum or screen enclosures.
2. Marine seawall work.
3. Marine bulkhead work.
4. Marine dock work.
5. Marine pile driving.
6. Structural masonry.
7. Structural prestressed, precast concrete work.
8. Rooftop solar heating installation.
9. Structural steel.
10. Window and door installation, including garage door installation and hurricane or windstorm protection.

11. Plaster and lath.

12. Structural carpentry.

(7) If an eligible applicant fails any contractor's written examination, except the general and building contractors' examination, and provides the department ~~board~~ with acceptable proof of lack of comprehension of written examinations, the applicant may petition the department ~~board~~ to be administered a uniform oral examination, subject to the following conditions:

(a) The applicant documents 10 years of experience in the appropriate construction craft.

(b) The applicant files written recommendations concerning his or her competency in the appropriate construction craft.

(c) The applicant is administered only one oral examination within a period of 1 year.

(8) Any public record of the department ~~board~~, when certified by the department ~~executive director of the board or the executive director's representative~~, may be received as prima facie evidence in any administrative or judicial proceeding.

Section 181. Subsection (1) of section 489.1131, Florida Statutes, is amended to read:

489.1131 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:

(a) 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.

(b) Acceptance of up to 3 years of active duty service in the United States Armed Forces, regardless of duty or training, to meet the experience requirements of s. 489.111(2)(c). At least 1 additional year of active experience as a foreman in the trade, either civilian or military, is required to fulfill the experience requirement of s. 489.111(2)(c).

The department board ~~may adopt rules pursuant to ss. 120.536(1) and 120.54~~ to implement this subsection.

Section 182. Subsection (1) of section 489.1136, Florida Statutes, is amended to read:

489.1136 Medical gas certification.—

(1)(a) In addition to the certification or registration required to engage in business as a plumbing contractor, any plumbing contractor who wishes to engage in the business of installation, improvement, repair, or maintenance of any tubing, pipe, or similar conduit used to transport gaseous or partly

5226 gaseous substances for medical purposes shall take, ~~as part of~~
5227 ~~the contractor's continuing education requirement, at least once~~
5228 ~~during the holding of such license,~~ a course of at least 6 hours
5229 before the licensee's initial installation, improvement, repair,
5230 or maintenance of any tubing, pipe, or similar conduit used to
5231 transport gaseous or partly gaseous substances for medical
5232 purposes. Such course shall be given by an instructional
5233 facility or teaching entity that has been approved by the
5234 department board. In order for a course to be approved, the
5235 department board must find that the course is designed to teach
5236 familiarity with the National Fire Prevention Association
5237 Standard 99C (Standard on Gas and Vacuum Systems, latest
5238 edition) and also designed to teach familiarity and practical
5239 ability in performing and inspecting brazing duties required of
5240 medical gas installation, improvement, repair, or maintenance
5241 work. Such course shall issue a certificate of completion to the
5242 taker of the course, which certificate shall be available for
5243 inspection by any entity or person seeking to have such
5244 contractor engage in the business of installation, improvement,
5245 repair, or maintenance of a medical gas system.

5246 (b) Any other natural person who is employed by a licensed
5247 plumbing contractor to provide work on the installation,
5248 improvement, repair, or maintenance of a medical gas system,
5249 except as noted in paragraph (c), shall, as a prerequisite to
5250 his or her ability to provide such service, take a course

5251 approved by the department ~~board~~. Such course shall be at least
5252 8 hours and consist of both classroom and practical work
5253 designed to teach familiarity with the National Fire Prevention
5254 Association Standard 99C (Standard on Gas and Vacuum Systems,
5255 latest edition) and also designed to teach familiarity and
5256 practical ability in performing and inspecting brazing duties
5257 required of medical gas installation, improvement, repair, or
5258 maintenance work. Such course shall also include the
5259 administration of a practical examination in the skills required
5260 to perform work as outlined above, including brazing, and each
5261 examination shall be reasonably constructed to test for
5262 knowledge of the subject matter. The person taking such course
5263 and examination must, upon successful completion of both, be
5264 issued a certificate of completion by the giver of such course,
5265 which certificate shall be made available by the holder for
5266 inspection by any person or entity seeking to have such person
5267 perform work on the installation, improvement, repair, or
5268 maintenance of a medical gas system.

5269 (c) Any other natural person who wishes to perform only
5270 brazing duties incidental to the installation, improvement,
5271 repair, or maintenance of a medical gas system shall pass an
5272 examination designed to show that person's familiarity with and
5273 practical ability in performing brazing duties required of
5274 medical gas installation, improvement, repair, or maintenance.
5275 Such examination shall be from a test approved by the department

5276 ~~board~~. Such examination must test for knowledge of National Fire
5277 Prevention Association Standard 99C (Standard on Gas and Vacuum
5278 Systems, latest edition). The person taking such examination
5279 must, upon passing such examination, be issued a certificate of
5280 completion by the giver of such examination, and such
5281 certificate shall be made available by the holder for inspection
5282 by any person or entity seeking to have or employ such person to
5283 perform brazing duties on a medical gas system.

5284 (d) It is the responsibility of the licensed plumbing
5285 contractor to ascertain whether members of his or her workforce
5286 are in compliance with this subsection, and such contractor is
5287 subject to discipline under s. 489.129 for violation of this
5288 subsection.

5289 (e) Training programs in medical gas piping installation,
5290 improvement, repair, or maintenance shall be reviewed annually
5291 by the department ~~board~~ to ensure that programs have been
5292 provided equitably across the state.

5293 (f) Periodically, the department ~~board~~ shall review
5294 training programs in medical gas piping installation for quality
5295 in content and instruction in accordance with the National Fire
5296 Prevention Association Standard 99C (Standard on Gas and Vacuum
5297 Systems, latest edition). The department ~~board~~ shall also
5298 respond to complaints regarding approved programs.

5299 **Section 183. Section 489.114, Florida Statutes, is amended**
5300 **to read:**

5301 489.114 Evidence of workers' compensation coverage.—Except
5302 as provided in s. 489.115(5)(d), any person, business
5303 organization, or qualifying agent engaged in the business of
5304 contracting in this state and certified or registered under this
5305 part shall, as a condition precedent to the issuance or renewal
5306 of a certificate or registration of the contractor, provide to
5307 the department ~~Construction Industry Licensing Board~~, as
5308 provided by department ~~board~~ rule, evidence of workers'
5309 compensation coverage pursuant to chapter 440. In the event that
5310 the Division of Workers' Compensation of the Department of
5311 Financial Services receives notice of the cancellation of a
5312 policy of workers' compensation insurance insuring a person or
5313 entity governed by this section, the Division of Workers'
5314 Compensation shall certify and identify all persons or entities
5315 by certification or registration license number to the
5316 department after verification is made by the Division of
5317 Workers' Compensation that persons or entities governed by this
5318 section are no longer covered by workers' compensation
5319 insurance. Such certification and verification by the Division
5320 of Workers' Compensation may result from records furnished to
5321 the Division of Workers' Compensation by the persons or entities
5322 governed by this section or an investigation completed by the
5323 Division of Workers' Compensation. The department shall notify
5324 the persons or entities governed by this section who have been
5325 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 184. Paragraph (c) of subsection (4) of section 489.115, Florida Statutes, is redesignated as paragraph (b), and paragraph (a) of subsection (2), subsection (3), present paragraph (b) of subsection (4), and subsections (5) through (9) of that section 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;

5351 (b) Holds a valid license to practice contracting issued
5352 by another state or territory of the United States, if the
5353 criteria for issuance of such license were substantially
5354 equivalent to Florida's current certification criteria;

5355 (c) Holds a valid, current license to practice contracting
5356 issued by another state or territory of the United States, if
5357 the state or territory has entered into a reciprocal agreement
5358 with the department board for the recognition of contractor
5359 licenses issued in that state, based on criteria for the
5360 issuance of such licenses that are substantially equivalent to
5361 the criteria for certification in this state; or

5362 (d) Has held a valid, current license to practice
5363 contracting issued by another state or territory of the United
5364 States for at least 10 years before the date of application and
5365 is applying for the same or similar license in this state,
5366 subject to subsections (5)-(8) ~~(5)-(9)~~. The department board may
5367 consider an applicant's technical competence to ensure the
5368 applicant is able to meet the requirements of this state's codes
5369 and standards for wind mitigation and water intrusion. The
5370 department board may also consider whether such applicant has
5371 had a license to practice contracting revoked, suspended, or
5372 otherwise acted against by the licensing authority of another
5373 state, territory, or country. Such application must be made
5374 either when the license in another state or territory is active
5375 or within 2 years after such license was last active. Division I

5376 contractors and roofing contractors must complete a 2-hour
5377 course on the Florida Building Code which includes information
5378 on wind mitigation techniques. The required courses may be
5379 completed online.

5380 (4)

5381 ~~(b)1. Each certificateholder or registrant shall provide~~
5382 ~~proof, in a form established by rule of the board, that the~~
5383 ~~certificateholder or registrant has completed at least 14~~
5384 ~~classroom hours of at least 50 minutes each of continuing~~
5385 ~~education courses during each biennium since the issuance or~~
5386 ~~renewal of the certificate or registration. The board shall~~
5387 ~~establish by rule that a portion of the required 14 hours must~~
5388 ~~deal with the subject of workers' compensation, business~~
5389 ~~practices, workplace safety, and, for applicable licensure~~
5390 ~~categories, wind mitigation methodologies, and 1 hour of which~~
5391 ~~must deal with laws and rules. The board shall by rule establish~~
5392 ~~criteria for the approval of continuing education courses and~~
5393 ~~providers, including requirements relating to the content of~~
5394 ~~courses and standards for approval of providers, and may by rule~~
5395 ~~establish criteria for accepting alternative nonclassroom~~
5396 ~~continuing education on an hour-for-hour basis. The board shall~~
5397 ~~prescribe by rule the continuing education, if any, which is~~
5398 ~~required during the first biennium of initial licensure. A~~
5399 ~~person who has been licensed for less than an entire biennium~~
5400 ~~must not be required to complete the full 14 hours of continuing~~

5401 education.

5402 ~~2. In addition, the board may approve specialized~~
5403 ~~continuing education courses on compliance with the wind~~
5404 ~~resistance provisions for one and two family dwellings contained~~
5405 ~~in the Florida Building Code and any alternate methodologies for~~
5406 ~~providing such wind resistance which have been approved for use~~
5407 ~~by the Florida Building Commission. Division I~~
5408 ~~certificateholders or registrants who demonstrate proficiency~~
5409 ~~upon completion of such specialized courses may certify plans~~
5410 ~~and specifications for one and two family dwellings to be in~~
5411 ~~compliance with the code or alternate methodologies, as~~
5412 ~~appropriate, except for dwellings located in floodways or~~
5413 ~~coastal hazard areas as defined in ss. 60.3D and E of the~~
5414 ~~National Flood Insurance Program.~~

5415 ~~3. The board shall require, by rule adopted pursuant to~~
5416 ~~ss. 120.536(1) and 120.54, a specified number of hours in~~
5417 ~~specialized or advanced module courses, approved by the Florida~~
5418 ~~Building Commission, on any portion of the Florida Building~~
5419 ~~Code, adopted pursuant to part IV of chapter 553, relating to~~
5420 ~~the contractor's respective discipline.~~

5421 (5) (a) As a prerequisite to the initial issuance or the
5422 renewal of a certificate or registration, the applicant shall
5423 submit an affidavit on a form provided by the department ~~board~~
5424 attesting to the fact that the applicant has obtained workers'
5425 compensation insurance as required by chapter 440, public

liability insurance, and property damage insurance for the 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 sample method.

(b) In addition to the affidavit of insurance, as a prerequisite to the initial issuance of a certificate, the applicant shall furnish a credit report from a nationally recognized credit agency that reflects the financial responsibility of the applicant and evidence of financial responsibility, credit, and business reputation of either himself or herself or the business organization he or she desires to qualify. The department ~~board~~ shall adopt rules defining financial responsibility based upon the applicant's credit history, ability to be bonded, and any history of bankruptcy or assignment of receivers. The department ~~board~~ may also adopt rules that would allow applicants to demonstrate financial responsibility, as an alternative to the foregoing, by providing minimum credit scores or bonds payable as prescribed for financially responsible officers. Such rules shall specify the financial responsibility grounds on which the department ~~board~~ may refuse to qualify an applicant for certification.

(c) If, within 60 days from the date the applicant is notified that he or she has qualified, he or she does not provide the evidence required, he or she shall apply to the

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 of Business and Professional Regulation ~~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

5476 deny licensure to an applicant based solely upon a felony
5477 conviction or the applicant's failure to provide proof of
5478 restoration of civil rights.

5479 (7) An initial applicant shall, along with the
5480 application, and a certificateholder or registrant shall, upon
5481 requesting a change of status, submit to the department board a
5482 credit report from a nationally recognized credit agency that
5483 reflects the financial responsibility of the applicant or
5484 certificateholder or registrant. The credit report required for
5485 the initial applicant shall be considered the minimum evidence
5486 necessary to satisfy the department board that he or she is
5487 financially responsible to be certified, has the necessary
5488 credit and business reputation to engage in contracting in the
5489 state, and has the minimum financial stability necessary to
5490 avoid the problem of financial mismanagement or misconduct. The
5491 department board shall, by rule, adopt guidelines for
5492 determination of financial stability, which may include minimum
5493 requirements for net worth, cash, and bonding for Division I
5494 certificateholders of no more than \$20,000 and for Division II
5495 certificateholders of no more than \$10,000. Fifty percent of the
5496 financial requirements may be met by completing a 14-hour
5497 financial responsibility course approved by the department
5498 board.

5499 ~~(8) If a certificateholder or registrant holds a license~~
5500 ~~under both this part and part II and is required to have~~

~~continuing education courses under s. 489.517(3), the certificateholder or registrant may apply those course hours for workers' compensation, workplace safety, and business practices obtained under part II to the requirements under this part.~~

~~(8)(9)~~ An initial applicant shall submit, along with the application, a complete set of fingerprints to the department. The fingerprints shall be submitted to the Department of Law Enforcement for state processing, and the Department of Law Enforcement shall forward them to the Federal Bureau of Investigation for national processing for the purpose of determining if the applicant has a criminal history record. The Department of Business and Professional Regulation shall ~~and the board may~~ review the background results to determine if an applicant meets licensure requirements. The cost for the fingerprint processing shall be borne by the person subject to the background screening. These fees are to be collected by the authorized agencies or vendors. The authorized agencies or vendors are responsible for paying the processing costs to the Department of Law Enforcement.

Section 185. Subsections (7) and (8) of section 489.116, Florida Statutes, are renumbered as subsections (6) and (7), respectively, and subsections (2) through (6) and present subsection (7) of that section are amended, to read:

489.116 Inactive and delinquent status; renewal and cancellation notices.—

5526 (2) The department ~~board~~ shall permit a certificateholder
5527 or registrant to elect, at the time of licensure renewal, an
5528 active or inactive status.

5529 (3) An inactive status certificateholder or registrant may
5530 change to active status at any time, if the certificateholder or
5531 registrant meets all requirements for active status, pays any
5532 additional licensure fees necessary to equal those imposed on an
5533 active status certificateholder or registrant, pays any
5534 applicable late fees, and meets all ~~continuing education~~
5535 requirements prescribed by the department ~~board~~.

5536 (4) A certificateholder or registrant shall apply with a
5537 completed application, as determined by department ~~board~~ rule,
5538 to renew an active or inactive status certificate or
5539 registration before the certificate or registration expires.
5540 Failure of a certificateholder or registrant to so apply shall
5541 cause the certificate or registration to become a delinquent
5542 certificate or registration. Further, any delinquent
5543 certificateholder or registrant who fails to apply to renew
5544 licensure on either active or inactive status before expiration
5545 of the current licensure cycle must reapply in the same manner
5546 as an applicant for initial certification or registration.

5547 (5) A delinquent status certificateholder or registrant
5548 must apply with a completed application, as determined by
5549 department ~~board~~ rule, for active or inactive status during the
5550 current licensure cycle. Failure by a delinquent status

5551 certificateholder or registrant to become active or inactive
5552 before the expiration of the current licensure cycle renders the
5553 certificate or registration void, and any subsequent licensure
5554 shall be subject to all procedures and requirements imposed on
5555 an applicant for initial licensure.

5556 ~~(6) The board may not require an inactive~~
5557 ~~certificateholder or registrant to complete more than one~~
5558 ~~renewal cycle of continuing education for reactivating a~~
5559 ~~certificate or registration.~~

5560 (6)~~(7)~~ The status or any change in status of a
5561 certificateholder or registrant may ~~shall~~ not alter in any way
5562 the department's ~~board's~~ right to impose discipline or to
5563 enforce discipline previously imposed on a certificateholder or
5564 registrant for acts or omissions committed by the
5565 certificateholder or registrant while holding a certificate or
5566 registration.

5567 **Section 186. Paragraphs (a) and (c) of subsection (1),**
5568 **subsection (2), paragraph (a) of subsection (3), and subsection**
5569 **(4) of section 489.117, Florida Statutes, are amended to read:**

5570 489.117 Registration; specialty contractors.—

5571 (1)(a) A person engaged in the business of a contractor as
5572 defined in s. 489.105(2)(a)-(o) ~~s. 489.105(3)(a)-(o)~~ must be
5573 registered before engaging in business as a contractor in this
5574 state, unless he or she is certified. Except as provided in
5575 paragraph (2)(b), to be initially registered, the applicant must

5576 submit the required fee and file evidence of successful
5577 compliance with the local examination and licensing
5578 requirements, if any, in the area for which registration is
5579 desired. An examination is not required for registration.

5580 (c) Each registrant shall report to the department ~~board~~
5581 each local jurisdiction and each category of registration in
5582 which the registrant holds a certificate of competency or
5583 license, or where the registrant has been granted a certificate
5584 of competency or license by reciprocal agreement, for which
5585 registration is required by this part, within 30 days after
5586 obtaining such certificate or license.

5587 (2)(a) Except as provided in paragraph (b), the department
5588 ~~board~~ may not issue a new registration after July 1, 1993, based
5589 on any certificate of competency or license for a category of
5590 contractor defined in s. 489.105(2)(a)-(o) ~~s. 489.105(3)(a)-(o)~~
5591 which is issued by a municipal or county government that does
5592 not exercise disciplinary control and oversight over such
5593 locally licensed contractors, including forwarding a recommended
5594 order in each action to the department ~~board~~ as provided in s.
5595 489.131(7). For purposes of this subsection and s. 489.131(10),
5596 the department ~~board~~ shall determine the adequacy of such
5597 disciplinary control by reviewing the local government's ability
5598 to process and investigate complaints and to take disciplinary
5599 action against locally licensed contractors.

5600 (b) The department ~~board~~ shall issue a registration to an

5601 eligible applicant to engage in the business of a contractor in
5602 a specified local jurisdiction, provided each of the following
5603 conditions are satisfied:

5604 1. The applicant held, in any local jurisdiction in this
5605 state during 2021, 2022, or 2023, a certificate of registration
5606 issued by the state or a local license issued by a local
5607 jurisdiction to perform work in a category of contractor defined
5608 in s. 489.105(2)(a)-(o) ~~s. 489.105(3)(a)-(e)~~.

5609 2. The applicant submits all of the following to the
5610 department ~~board~~:

5611 a. Evidence of the certificate of registration or local
5612 license held by the applicant as required by subparagraph 1.

5613 b. Evidence that the specified local jurisdiction does not
5614 have a license type available for the category of work for which
5615 the applicant was issued a certificate of registration or local
5616 license during 2021, 2022, or 2023, such as a notification on
5617 the website of the local jurisdiction or an e-mail or letter
5618 from the office of the local building official or local building
5619 department stating that such license type is not available in
5620 that local jurisdiction.

5621 c. Evidence that the applicant has submitted the required
5622 fee.

5623 d. Evidence of compliance with the insurance and financial
5624 responsibility requirements of s. 489.115(5).
5625

5626 An examination is not required for an applicant seeking a
5627 registration under this paragraph.

5628 (c) The department ~~board~~ is responsible for disciplining
5629 licensees issued a registration under paragraph (b). The
5630 department ~~board~~ shall make such licensure and disciplinary
5631 information available through the automated information system
5632 provided pursuant to s. 455.2286.

5633 (d) The fees for an applicant seeking a registration under
5634 paragraph (b) and renewal of such registration every 2 years are
5635 the same as the fees established by the department ~~board~~ for
5636 applications, registration and renewal, and record making and
5637 recordkeeping, as set forth in s. 489.109. The department shall
5638 provide license, renewal, and cancellation notices pursuant to
5639 ss. 455.273 and 455.275.

5640 (3)(a) Upon findings of fact supporting the need therefor,
5641 the department ~~board~~ may grant a limited nonrenewable
5642 registration to a contractor not domiciled in the state, for one
5643 project. During the period of such registration the department
5644 ~~board~~ may require compliance with this and any other statute of
5645 the state.

5646 (4)(a)1. A person whose job scope does not substantially
5647 correspond to either the job scope of one of the contractor
5648 categories defined in s. 489.105(2)(a)-(o) ~~s. 489.105(3)(a)-(o)~~,
5649 or the job scope of one of the certified specialty contractor
5650 categories established by department ~~board~~ rule, is not required

5651 to register with the department ~~board~~. A local government, as
5652 defined in s. 163.211, may not require a person to obtain a
5653 license, issued by the local government or the state, for a job
5654 scope which does not substantially correspond to the job scope
5655 of one of the contractor categories defined in s. 489.105(2)(a)-
5656 (o) and (q) ~~s. 489.105(3)(a)-(e) and (q)~~ or authorized in s.
5657 489.1455(1), or the job scope of one of the certified specialty
5658 contractor categories established pursuant to s. 489.113(6). A
5659 local government may not require a state or local license to
5660 obtain a permit for such job scopes. For purposes of this
5661 section, job scopes for which a local government may not require
5662 a license include, but are not limited to, painting; flooring;
5663 cabinetry; interior remodeling when the scope of the project
5664 does not include a task for which a state license is required;
5665 driveway or tennis court installation; handyman services;
5666 decorative stone, tile, marble, granite, or terrazzo
5667 installation; plastering; pressure washing; stuccoing; caulking;
5668 and canvas awning and ornamental iron installation.

5669 2. A county that includes an area designated as an area of
5670 critical state concern under s. 380.05 may offer a license for
5671 any job scope which requires a contractor license under this
5672 part if the county imposed such a licensing requirement before
5673 January 1, 2021.

5674 3. A local government may continue to offer a license for
5675 veneer, including aluminum or vinyl gutters, siding, soffit, or

fascia; rooftop painting, coating, and cleaning above three stories in height; or fence installation and erection if the local government imposed such a licensing requirement before January 1, 2021.

4. A local government may not require a license as a prerequisite to submit a bid for public works projects if the work to be performed does not require a license under general law.

(b) The local jurisdictions are responsible for providing the following information to the department ~~board~~ within 30 days after licensure of, or any disciplinary action against, a locally licensed contractor who is registered under this part:

1. Licensure information.
2. Code violation information pursuant to s. 553.781.
3. Disciplinary information.

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.

(c) Providing discipline to such locally licensed contractors is the responsibility of the local jurisdiction.

(d) Any person who is not required to obtain registration or certification pursuant to s. 489.105(2)(d)-(o) ~~s. 489.105(3)(d)-(o)~~ may perform contracting services for the

5701 construction, remodeling, repair, or improvement of single-
5702 family residences, including a townhouse as defined in the
5703 Florida Building Code, without obtaining a local license if such
5704 person is under the supervision of a certified or registered
5705 general, building, or residential contractor. As used in this
5706 paragraph, supervision may ~~shall~~ not be deemed to require the
5707 existence of a direct contract between the certified or
5708 registered general, building, or residential contractor and the
5709 person performing specialty contracting services.

5710 (e) Any person who is not certified or registered may
5711 perform the work of a specialty contractor whose scope of
5712 practice is limited to the type of work specified under s.
5713 489.105(2)(j), (k), or (l) ~~s. 489.105(3)(j), (k), or (l)~~ for the
5714 construction, remodeling, repair, or improvement of commercial
5715 or residential swimming pools, interactive water features as
5716 defined in the Florida Building Code, hot tubs, and spas without
5717 obtaining a local license or certification as a specialty
5718 contractor if he or she is supervised by a contractor who is
5719 certified or registered under s. 489.105(2)(j), (k), or (l) ~~s.~~
5720 ~~489.105(3)(j), (k), or (l)~~; the work is within the scope of the
5721 supervising contractor's license; the supervising contractor is
5722 responsible for the work; and the work does not require
5723 certification or registration under s. 489.105(2)(d)-(i), (m)-
5724 (o) ~~s. 489.105(3)(d)-(i), (m)-(o), or s. 489.505~~. Such
5725 supervision does not require a direct contract between the

contractor certified or registered under s. 489.105(2)(j), (k),
or (l) ~~s. 489.105(3)(j), (k), or (l)~~ and the person performing
the work, or for the person performing the work to be an
employee of the contractor certified or registered under s.
489.105(2)(j), (k), or (l) ~~s. 489.105(3)(j), (k), or (l)~~. This
paragraph does not limit the exemptions provided in s. 489.103
and may not be construed to expand the scope of a contractor
certified or registered under s. 489.105(2)(j), (k), or (l) ~~s.~~
~~489.105(3)(j), (k), or (l)~~ to provide plumbing or electrical
services for which certification or registration is required by
this part or part II.

**Section 187. Section 489.118, Florida Statutes, is amended
to read:**

489.118 Certification of registered contractors;
grandfathering provisions.—The department ~~board~~ shall, upon
receipt of a completed application and appropriate fee, issue a
certificate in the appropriate category to any contractor
registered under this part who makes application to the
department ~~board~~ and can show that he or she meets each of the
following requirements:

(1) Currently holds a valid registered local license in
one of the contractor categories defined in s. 489.105(3)(a)-(p)
~~s. 489.105(3)(a)-(p)~~.

(2) Has, for that category, passed a written examination
that the department ~~board~~ finds to be substantially similar to

the examination required to be licensed as a certified contractor under this part. For purposes of this subsection, a written, proctored examination such as that produced by the National Assessment Institute, Block and Associates, NAI/Block, Experior Assessments, Professional Testing, Inc., or Assessment Systems, Inc., shall be considered to be substantially similar to the examination required to be licensed as a certified 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 188. Paragraphs (b), (c), and (e) of subsection (2), paragraph (a) of subsection (3), paragraphs (a), (b), and

5776 **(e) of subsection (5), subsection (6), and paragraph (b) of**
5777 **subsection (7) of section 489.119, Florida Statutes, are amended**
5778 **to read:**

5779 489.119 Business organizations; qualifying agents.—

5780 (2) If the applicant proposes to engage in contracting as
5781 a business organization, including any partnership, corporation,
5782 business trust, or other legal entity, or in any name other than
5783 the applicant's legal name or a fictitious name where the
5784 applicant is doing business as a sole proprietorship, the
5785 applicant must apply for registration or certification as the
5786 qualifying agent of the business organization.

5787 (b)1. An application for registration or certification to
5788 qualify a business organization must include an affidavit on a
5789 form provided by the department ~~board~~ attesting that the
5790 applicant has final approval authority for all construction work
5791 performed by the business organization and that the applicant
5792 has final approval authority on all business matters, including
5793 contracts, specifications, checks, drafts, or payments,
5794 regardless of the form of payment, made by the business
5795 organization, except where a financially responsible officer is
5796 approved.

5797 2. The application for financially responsible officer
5798 must include an affidavit on a form provided by the department
5799 ~~board~~ attesting that the applicant's approval is required for
5800 all checks, drafts, or payments, regardless of the form of

5801 payment, made by the business organization and that the
5802 applicant has authority to act for the business organization in
5803 all financial matters.

5804 3. The application for secondary qualifying agent must
5805 include an affidavit on a form provided by the department ~~board~~
5806 attesting that the applicant has authority to supervise all
5807 construction work performed by the business organization as
5808 provided in s. 489.1195(2).

5809 (c) The department ~~board~~ may deny an application for
5810 registration or certification to qualify a business organization
5811 if the applicant, or any person listed in paragraph (a), has
5812 been involved in past disciplinary actions or on any grounds for
5813 which an individual registration or certification may be denied.

5814 (e) A joint venture, including a joint venture composed of
5815 qualified business organizations, is itself a separate and
5816 distinct organization that must be qualified in accordance with
5817 department ~~board~~ rules.

5818 (3)(a) A qualifying agent must be certified or registered
5819 under this part in order for the business organization to
5820 operate in the category of contracting in which the qualifying
5821 agent is certified or registered. If any qualifying agent ceases
5822 to be affiliated with a business organization, he or she shall
5823 inform the department. In addition, if the qualifying agent is
5824 the only certified or registered contractor affiliated with the
5825 business organization, the business organization shall notify

the department of the termination of the qualifying agent and shall have 60 days from the termination of the qualifying agent's affiliation with the business organization in which to employ another qualifying agent. The business organization may not engage in contracting until a qualifying agent is employed, unless the department ~~executive director or chair of the board~~ has granted a temporary nonrenewable certificate or registration 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

5851 shall require, as a precondition for the issuance of the
5852 building permit, that the contractor taking out the permit must
5853 provide verification giving his or her department ~~Construction~~
5854 ~~Industry Licensing Board~~ registration or certification number.

5855 (b) The registration or certification number of each
5856 contractor shall appear in each offer of services, business
5857 proposal, bid, contract, or advertisement, regardless of medium,
5858 as defined by department ~~board~~ rule, used by that contractor or
5859 business organization in the practice of contracting.

5860 (e) The department ~~board~~ shall issue a notice of
5861 noncompliance for the first offense, and may assess a fine or
5862 issue a citation for failure to correct the offense within 30
5863 days or for any subsequent offense, to any contractor or
5864 business organization that fails to include the certification or
5865 registration number as required by this part when submitting an
5866 advertisement for publication, broadcast, or printing or fails
5867 to display the certification or registration number as required
5868 by this part.

5869 (6) Each qualifying agent shall pay the department an
5870 amount equal to the original fee for registration or
5871 certification to qualify a new business organization. If the
5872 qualifying agent for a business organization desires to qualify
5873 additional business organizations, the department ~~board~~ shall
5874 require the qualifying agent to present evidence of his or her
5875 ability to supervise the construction activities of each such

organization. Approval of each business organization is discretionary with the department ~~board~~.

(7)

(b) Any business organization engaging in contracting under this subsection shall provide the department ~~board~~ with the name and license number of each registered or certified 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 189. Paragraphs (b) and (d) of subsection (1), paragraphs (a) and (b) of subsection (2), and paragraphs (a) and (b) of subsection (3) of section 489.1195, Florida Statutes, are amended to read:

489.1195 Responsibilities.—

(1) A qualifying agent is a primary qualifying agent unless he or she is a secondary qualifying agent under this section.

(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

5901 responsible officer shall furnish evidence of the financial
5902 responsibility, credit, and business reputation of either
5903 himself or herself, or the business organization he or she
5904 desires to qualify, as determined appropriate by the department
5905 ~~board~~.

5906 (d) The department ~~board~~ shall adopt rules prescribing the
5907 qualifications for financially responsible officers, including
5908 net worth, cash, and bonding requirements. These qualifications
5909 must be at least as extensive as the requirements for the
5910 financial responsibility of qualifying agents.

5911 (2)(a) One of the qualifying agents for a business
5912 organization that has more than one qualifying agent may be
5913 designated as the sole primary qualifying agent for the business
5914 organization by a joint agreement that is executed, on a form
5915 provided by the department ~~board~~, by all qualifying agents for
5916 the business organization.

5917 (b) The joint agreement must be submitted to the
5918 department ~~board~~ for approval. If the department ~~board~~
5919 determines that the joint agreement is in good order, it shall
5920 approve the designation and immediately notify the qualifying
5921 agents of such approval. The designation made by the joint
5922 agreement is effective upon receipt of the notice by the
5923 qualifying agents.

5924 (3)(a) A qualifying agent who has been designated by a
5925 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 190. 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 191. 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 192. 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.

Section 193. Section 489.129, Florida Statutes, is amended to read:

489.129 Disciplinary proceedings.—

(1) The department ~~board~~ may take any of the following actions against any certificateholder or registrant: place on

5976 probation or reprimand the licensee, revoke, suspend, or deny
5977 the issuance or renewal of the certificate or registration,
5978 require financial restitution to a consumer for financial harm
5979 directly related to a violation of a provision of this part,
5980 impose an administrative fine not to exceed \$10,000 per
5981 violation, require continuing education, or assess costs
5982 associated with investigation and prosecution, if the
5983 contractor, financially responsible officer, or business
5984 organization for which the contractor is a primary qualifying
5985 agent, a financially responsible officer, or a secondary
5986 qualifying agent responsible under s. 489.1195 is found guilty
5987 of any of the following acts:

5988 (a) Obtaining a certificate or registration by fraud or
5989 misrepresentation.

5990 (b) Being convicted or found guilty of, or entering a plea
5991 of nolo contendere to, regardless of adjudication, a crime in
5992 any jurisdiction which directly relates to the practice of
5993 contracting or the ability to practice contracting.

5994 (c) Violating any provision of chapter 455.

5995 (d) Performing any act which assists a person or entity in
5996 engaging in the prohibited uncertified and unregistered practice
5997 of contracting, if the certificateholder or registrant knows or
5998 has reasonable grounds to know that the person or entity was
5999 uncertified and unregistered.

6000 (e) Knowingly combining or conspiring with an uncertified

6001 or unregistered person by allowing his or her certificate or
6002 registration to be used by the uncertified or unregistered
6003 person with intent to evade the provisions of this part. When a
6004 certificateholder or registrant allows his or her certificate or
6005 registration to be used by one or more business organizations
6006 without having any active participation in the operations,
6007 management, or control of such business organizations, such act
6008 constitutes prima facie evidence of an intent to evade the
6009 provisions of this part.

6010 (f) Acting in the capacity of a contractor under any
6011 certificate or registration issued hereunder except in the name
6012 of the certificateholder or registrant as set forth on the
6013 issued certificate or registration, or in accordance with the
6014 personnel of the certificateholder or registrant as set forth in
6015 the application for the certificate or registration, or as later
6016 changed as provided in this part.

6017 (g) Committing mismanagement or misconduct in the practice
6018 of contracting that causes financial harm to a customer.
6019 Financial mismanagement or misconduct occurs when:

6020 1. Valid liens have been recorded against the property of
6021 a contractor's customer for supplies or services ordered by the
6022 contractor for the customer's job; the contractor has received
6023 funds from the customer to pay for the supplies or services; and
6024 the contractor has not had the liens removed from the property,
6025 by payment or by bond, within 75 days after the date of such

6026 | liens;

6027 | 2. The contractor has abandoned a customer's job and the
6028 | percentage of completion is less than the percentage of the
6029 | total contract price paid to the contractor as of the time of
6030 | abandonment, unless the contractor is entitled to retain such
6031 | funds under the terms of the contract or refunds the excess
6032 | funds within 30 days after the date the job is abandoned; or

6033 | 3. The contractor's job has been completed, and it is
6034 | shown that the customer has had to pay more for the contracted
6035 | job than the original contract price, as adjusted for subsequent
6036 | change orders, unless such increase in cost was the result of
6037 | circumstances beyond the control of the contractor, was the
6038 | result of circumstances caused by the customer, or was otherwise
6039 | permitted by the terms of the contract between the contractor
6040 | and the customer.

6041 | (h) Being disciplined by any municipality or county for an
6042 | act or violation of this part.

6043 | (i) Failing in any material respect to comply with the
6044 | provisions of this part or violating a rule or lawful order of
6045 | the department ~~board~~.

6046 | (j) Abandoning a construction project in which the
6047 | contractor is engaged or under contract as a contractor. A
6048 | project may be presumed abandoned after 90 days if the
6049 | contractor terminates the project without just cause or without
6050 | proper notification to the owner, including the reason for

6051 termination, or fails to perform work without just cause for 90
6052 consecutive days.

6053 (k) Signing a statement with respect to a project or
6054 contract falsely indicating that the work is bonded; falsely
6055 indicating that payment has been made for all subcontracted
6056 work, labor, and materials which results in a financial loss to
6057 the owner, purchaser, or contractor; or falsely indicating that
6058 workers' compensation and public liability insurance are
6059 provided.

6060 (l) Committing fraud or deceit in the practice of
6061 contracting.

6062 (m) Committing incompetency or misconduct in the practice
6063 of contracting.

6064 (n) Committing gross negligence, repeated negligence, or
6065 negligence resulting in a significant danger to life or
6066 property.

6067 (o) Proceeding on any job without obtaining applicable
6068 local building department permits and inspections.

6069 (p) Intimidating, threatening, coercing, or otherwise
6070 discouraging the service of a notice to owner under part I of
6071 chapter 713 or a notice to contractor under chapter 255 or part
6072 I of chapter 713.

6073 (q) Failing to satisfy within a reasonable time, the terms
6074 of a civil judgment obtained against the licensee, or the
6075 business organization qualified by the licensee, relating to the

6076 practice of the licensee's profession.

6077 (r) Committing misapplication of construction funds in
6078 violation of s. 713.345. If a contractor, subcontractor, sub-
6079 subcontractor, or other person licensed by the department ~~board~~
6080 under this chapter is convicted of misapplication of
6081 construction funds, the department ~~board~~ must suspend all
6082 licenses issued to such licensee under this chapter for a
6083 minimum of 1 year from the date of conviction. The suspension
6084 required under this paragraph is not exclusive, and the
6085 department ~~board~~ may impose any additional penalties set forth
6086 in this subsection.

6087
6088 For the purposes of this subsection, construction is considered
6089 to be commenced when the contract is executed and the contractor
6090 has accepted funds from the customer or lender. A contractor
6091 does not commit a violation of this subsection when the
6092 contractor relies on a building code interpretation rendered by
6093 a building official or person authorized by s. 553.80 to enforce
6094 the building code, absent a finding of fraud or deceit in the
6095 practice of contracting, or gross negligence, repeated
6096 negligence, or negligence resulting in a significant danger to
6097 life or property on the part of the building official, in a
6098 proceeding under chapter 120.

6099 (2) If a registrant or certificateholder disciplined under
6100 subsection (1) is a qualifying agent or financially responsible

6101 officer for a business organization and the violation was
6102 performed in connection with a construction project undertaken
6103 by that business organization, the department ~~board~~ may impose
6104 an additional administrative fine not to exceed \$5,000 per
6105 violation against the business organization or against any
6106 partner, officer, director, trustee, or member if such person
6107 participated in the violation or knew or should have known of
6108 the violation and failed to take reasonable corrective action.

6109 (3) The department ~~board~~ may specify by rule the acts or
6110 omissions which constitute violations of this section.

6111 (4) In recommending penalties in any proposed recommended
6112 final order, the department shall follow the penalty guidelines
6113 established by the department ~~board~~ by rule. The department
6114 shall advise the administrative law judge of the appropriate
6115 penalty, including mitigating and aggravating circumstances, and
6116 the specific rule citation.

6117 (5) The department ~~board~~ may not reinstate the
6118 certification or registration of, or cause a certificate or
6119 registration to be issued to, a person who or business
6120 organization which the department ~~board~~ has determined is
6121 unqualified or whose certificate or registration the department
6122 ~~board~~ has suspended until it is satisfied that such person or
6123 business organization has complied with all the terms and
6124 conditions set forth in the final order and is capable of
6125 competently engaging in the business of contracting.

6126 (6) (a) The department ~~board~~ may assess interest or
6127 penalties on all fines imposed under this chapter against any
6128 person or business organization which has not paid the imposed
6129 fine by the due date established by rule or final order. The
6130 provisions of chapter 120 do not apply to such assessment.
6131 Interest rates to be imposed shall be established by rule and
6132 may ~~shall~~ not be usurious.

6133 (b) Venue for all actions to enforce any fine levied by
6134 the department ~~board~~ shall be in Duval County. The department
6135 ~~board~~ is authorized to enter into contracts with private
6136 businesses or attorneys to collect such fines with payment for
6137 such collections made on a contingent fee basis. All such
6138 contracts shall be publicly advertised and competitively awarded
6139 based upon responses submitted to a request for proposals
6140 developed by the department ~~board~~.

6141 (7) The department ~~may board shall~~ not issue or renew a
6142 certificate or registration to any person or business
6143 organization that has been assessed a fine, interest, or costs
6144 associated with investigation and prosecution, or has been
6145 ordered to pay restitution, until such fine, interest, or costs
6146 associated with investigation and prosecution or restitution are
6147 paid in full or until all terms and conditions of the final
6148 order have been satisfied.

6149 (8) If the department ~~board~~ finds any certified or
6150 registered contractor guilty of a violation, the department

6151 ~~board~~ may, as part of its disciplinary action, require such
6152 contractor to obtain continuing education in the areas of
6153 contracting affected by such violation.

6154 (9) Any person certified or registered pursuant to this
6155 part who has had his or her license revoked may ~~shall~~ not be
6156 eligible to be a partner, officer, director, or trustee of a
6157 business organization defined by this section or be employed in
6158 a managerial or supervisory capacity for a 5-year period. Such
6159 person shall also be ineligible to reapply for certification or
6160 registration under this part for a period of 5 years after the
6161 effective date of the revocation.

6162 (10) If a business organization or any of its partners,
6163 officers, directors, trustees, or members is or has previously
6164 been fined for violating subsection (2) or s. 489.132, the board
6165 may, on that basis alone, revoke, suspend, place on probation,
6166 or deny issuance of a certificate or registration to a
6167 qualifying agent or financially responsible officer of that
6168 business organization.

6169 (11)(a) Notwithstanding the provisions of chapters 120 and
6170 455, upon receipt of a legally sufficient consumer complaint
6171 alleging a violation of this part, the department may provide by
6172 rule for binding arbitration between the complainant and the
6173 certificateholder or registrant, provided the following
6174 conditions exist:

6175 1. There is evidence that the complainant has suffered or

6176 is likely to suffer monetary damages resulting from the
6177 violation of this part;

6178 2. The certificateholder or registrant does not have a
6179 history of repeated or similar violations;

6180 3. Reasonable grounds exist to believe that the public
6181 interest will be better served by arbitration than by
6182 disciplinary action; and

6183 4. The complainant and certificateholder or registrant
6184 have not previously entered into private arbitration, and no
6185 civil court action based on the same transaction has been filed.

6186 (b) The certificateholder or registrant and the
6187 complainant may consent in writing to binding arbitration within
6188 15 days following notification of this process by the
6189 department. The department may suspend all action in the matter
6190 for 45 days when notice of consent to binding arbitration is
6191 received by the department. If the arbitration process is
6192 successfully concluded within the 60-day period, the department
6193 may close the case file with a notation of the disposition and
6194 the licensee's record shall reflect only that a complaint was
6195 filed and resolved through arbitration.

6196 (c) Where a complaint meets the criteria for arbitration
6197 set forth in paragraph (a) and the damages at issue are less
6198 than \$2,500, the department shall refer the complaint for
6199 mandatory arbitration.

6200 (d) The arbitrator's order shall become a final order of

6201 the department ~~board~~ if not challenged by the complainant or the
6202 certificateholder or registrant within 30 days after filing. The
6203 department's ~~board's~~ review of the arbitrator's order shall
6204 operate in the manner of the review of recommended orders
6205 pursuant to s. 120.57(1) and may ~~shall~~ not be a de novo review.

6206 (12) When an investigation of a contractor is undertaken,
6207 the department shall promptly furnish to the contractor or the
6208 contractor's attorney a copy of the complaint or document that
6209 resulted in the initiation of the investigation. The department
6210 shall make the complaint and supporting documents available to
6211 the contractor. The complaint or supporting documents shall
6212 contain information regarding the specific facts that serve as
6213 the basis for the complaint. The contractor may submit a written
6214 response to the information contained in such complaint or
6215 document within 20 days after service to the contractor of the
6216 complaint or document. The contractor's written response shall
6217 be considered by the probable cause panel. The right to respond
6218 does not prohibit the issuance of a summary emergency order if
6219 necessary to protect the public. However, if the department
6220 decides ~~secretary, or the secretary's designee, and the chair of~~
6221 ~~the board or the chair of the probable cause panel agree in~~
6222 ~~writing~~ that such notification would be detrimental to the
6223 investigation, the department may withhold notification. The
6224 department may conduct an investigation without notification to
6225 a contractor if the act under investigation is a criminal

offense.

Section 194. 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.—

(3) Nothing in this part limits the power of a municipality or county:

(c) To collect business taxes, subject to s. 205.065, and inspection fees for engaging in contracting or examination fees from persons who are registered with the department ~~board~~ pursuant to local examination requirements and issue business tax receipts. However, nothing in this part shall be construed to require general contractors, building contractors, or residential contractors to obtain additional business tax receipts for specialty work when such specialty work is performed by employees of such contractors on projects for which they have substantially full responsibility and such contractors do not hold themselves out to the public as being specialty contractors.

(f) To refuse to issue permits or issue permits with specific conditions to a contractor who has committed multiple violations, when he or she has been disciplined for each of them by the department ~~board~~ and when each disciplinary action has involved revocation or suspension of a license, imposition of an

administrative fine of at least \$1,000, or probation; or to issue permits with specific conditions to a contractor who, within the previous 12 months, has had disciplinary action other than a citation or letter of guidance taken against him or her by the department or by a local board or agency which licenses contractors and has reported the action pursuant to paragraph (6)(c), for engaging in the business or acting in the capacity of a contractor without a license. However, this subsection does not supersede the provisions of s. 489.113(4), and no county or municipality may require any certificateholder to obtain a local professional license or pay a local professional license fee as a condition of performing any services within the scope of the certificateholder's statewide license as established under this part.

(6)

(b) To engage in contracting in the territorial area, an applicant shall also be registered with the department ~~board~~, as required by s. 489.117.

(c) Each local board or agency that licenses contractors must transmit quarterly to the department ~~board~~ a report of any disciplinary action taken against contractors and of any administrative or disciplinary action taken against unlicensed persons for engaging in the business or acting in the capacity of a contractor including any cease and desist orders issued pursuant to s. 489.113(2)(b) and any fine issued pursuant to s.

489.127(5).

(7)

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

6301 shall be filed within 60 days after the issuance of the
6302 recommended penalty to the department ~~board~~. If challenged,
6303 there is a presumptive finding of probable cause and the case
6304 may proceed without the need for a probable cause hearing.

6305 (e) Failure of the department, the disciplined contractor,
6306 or the complainant to challenge the local jurisdiction's
6307 recommended penalty within the time period set forth in this
6308 subsection shall constitute a waiver of the right to a hearing
6309 before the department ~~board~~. A waiver of the right to a hearing
6310 before the department ~~board~~ shall be deemed an admission of the
6311 violation, and the penalty recommended shall become a final
6312 order according to procedures developed by department ~~board~~ rule
6313 without further department ~~board~~ action. The disciplined
6314 contractor may appeal this department ~~board~~ action to the
6315 district court.

6316 (f)1. The department may investigate any complaint which
6317 is made with the department. However, the department may not
6318 initiate or pursue any complaint against a registered contractor
6319 who is not also a certified contractor where a local
6320 jurisdiction enforcement body has jurisdiction over the
6321 complaint, unless summary procedures are initiated by the
6322 department ~~secretary~~ pursuant to s. 455.225(8), or unless the
6323 local jurisdiction enforcement body has failed to investigate
6324 and prosecute a complaint, or make a finding of no violation,
6325 within 6 months of receiving the complaint. The department shall

6326 refer the complaint to the local jurisdiction enforcement body
6327 for investigation, and if appropriate, prosecution. However, the
6328 department may investigate such complaints to the extent
6329 necessary to determine whether summary procedures should be
6330 initiated.

6331 2. Upon a recommendation by the department, the department
6332 ~~board~~ may make conditional, suspend, or rescind its
6333 determination of the adequacy of the local government
6334 enforcement body's disciplinary procedures granted under s.
6335 489.117(2).

6336 (10) No municipal or county government may issue any
6337 certificate of competency or license for any contractor defined
6338 in s. 489.105(2)(a)-(o) ~~s. 489.105(3)(a)-(e)~~ after July 1, 1993,
6339 unless such local government exercises disciplinary control and
6340 oversight over such locally licensed contractors, including
6341 forwarding a recommended order in each action to the department
6342 ~~board~~ as provided in subsection (7). Each local board that
6343 licenses and disciplines contractors must have at least two
6344 consumer representatives on that board. If the local board has
6345 seven or more members, at least three of those members must be
6346 consumer representatives. The consumer representative may be any
6347 resident of the local jurisdiction who is not, and has never
6348 been, a contractor ~~member or practitioner of a profession~~
6349 ~~regulated by the board~~ or a member of any closely related
6350 profession.

(11) Any municipal or county government which enters or has in place a reciprocal agreement which accepts a certificate of competency or license issued by another municipal or county government in lieu of its own certificate of competency or license allowing contractors defined in s. 489.105(2)(a)-(o) ~~s. 489.105(3)(a)-(e)~~, shall file a certified copy of such agreement 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 195. 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

6376 leading to the discipline.

6377 **Section 196. Subsections (2) and (4) of section 489.133,**
6378 **Florida Statutes, are amended to read:**

6379 489.133 Pollutant storage systems specialty contractors;
6380 definitions; certification; restrictions.—

6381 (2) The department ~~board~~ shall adopt rules providing
6382 standards for registration of precision tank testers who
6383 precision test a pollutant storage tank. The Department of
6384 Environmental Protection shall approve the methodology,
6385 procedures, and equipment used and shall approve the applicant
6386 as being eligible for registration as a registered precision
6387 tank tester. A registered precision tank tester is subject to
6388 the provisions of ss. 489.129 and 489.132 and is considered a
6389 contractor operating as a primary qualifying agent for the
6390 business entity employing him or her, which is considered a
6391 contracting firm for the purposes of ss. 489.129 and 489.132. A
6392 person who registers under this subsection is exempt from
6393 municipal, county, or development district registration under s.
6394 489.117 and may operate as a precision tank tester statewide.

6395 (4) The department ~~board~~ shall adopt rules providing
6396 standards for certification of pollutant storage systems
6397 specialty contractors, including persons who remove such
6398 systems. The department ~~board~~ shall provide the proposed rules
6399 to the Department of Environmental Protection for review and
6400 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 who has passed a local licensure examination, a licensure examination in another state, or a licensure examination of a national organization, which is at least as stringent as the examination adopted by the department ~~board~~.

Section 197. Subsections (1) and (2) of section 489.1401, Florida Statutes, are amended to read:

489.1401 Legislative intent.—

(1) It is the intent of the Legislature that actions taken by the department ~~Construction Industry Licensing Board~~ with respect to contractor sanctions and pursuant to this chapter are an exercise of the department's regulatory power for the protection of public safety and welfare.

(2) It is the intent of the Legislature that the sole purpose of the Florida Homeowners' Construction Recovery Fund is to compensate an aggrieved claimant who contracted for the construction or improvement of the homeowner's residence located within this state and who has obtained a final judgment in a court of competent jurisdiction, was awarded restitution by the

department ~~Construction Industry Licensing Board~~, or received an award in arbitration against a licensee on grounds of financial mismanagement or misconduct, abandoning a construction project, or making a false statement with respect to a project. Such grievance must arise directly out of a transaction conducted when the judgment debtor was licensed and must involve an act enumerated in s. 489.129(1)(g), (j), or (k).

Section 198. Paragraphs (c) through (l) of subsection (1) of section 489.1402, Florida Statutes, are redesignated as paragraphs (b) through (k), respectively, and paragraph (b) and present paragraph (d) of that subsection are amended, to read:

489.1402 Homeowners' Construction Recovery Fund;
definitions.—

(1) The following definitions apply to ss. 489.140-489.144:

~~(b) "Board" means the Construction Industry Licensing Board.~~

(c)~~(d)~~ "Contractor" means a Division I or Division II contractor performing his or her respective services described in s. 489.105(2) ~~s. 489.105(3)~~.

Section 199. Paragraphs (a), (e), (f), and (g) of subsection (1), paragraph (f) of subsection (2), and subsection (3) of section 489.141, Florida Statutes, are amended to read:

489.141 Conditions for recovery; eligibility.—

(1) A claimant is eligible to seek recovery from the

6451 recovery fund after making a claim and exhausting the limits of
6452 any available bond, cash bond, surety, guarantee, warranty,
6453 letter of credit, or policy of insurance if each of the
6454 following conditions is satisfied:

6455 (a) The claimant has received a final judgment in a court
6456 of competent jurisdiction in this state or has received an award
6457 in arbitration or the department ~~Construction Industry Licensing~~
6458 ~~Board~~ has issued a final order directing the licensee to pay
6459 restitution to the claimant. The department ~~board~~ may waive this
6460 requirement if:

6461 1. The claimant is unable to secure a final judgment
6462 against the licensee due to the death of the licensee; or

6463 2. The claimant has sought to have assets involving the
6464 transaction that gave rise to the claim removed from the
6465 bankruptcy proceedings so that the matter might be heard in a
6466 court of competent jurisdiction in this state and, after due
6467 diligence, the claimant is precluded by action of the bankruptcy
6468 court from securing a final judgment against the licensee.

6469 (e) The contract was executed and the violation occurred
6470 on or after July 1, 1993, and provided that:

6471 1. The claimant has caused to be issued a writ of
6472 execution upon such judgment, and the officer executing the writ
6473 has made a return showing that no personal or real property of
6474 the judgment debtor or licensee liable to be levied upon in
6475 satisfaction of the judgment can be found or that the amount

6476 realized on the sale of the judgment debtor's or licensee's
6477 property pursuant to such execution was insufficient to satisfy
6478 the judgment;

6479 2. If the claimant is unable to comply with subparagraph
6480 1. for a valid reason to be determined by the department ~~board~~,
6481 the claimant has made all reasonable searches and inquiries to
6482 ascertain whether the judgment debtor or licensee is possessed
6483 of real or personal property or other assets subject to being
6484 sold or applied in satisfaction of the judgment and by his or
6485 her search has discovered no property or assets or has
6486 discovered property and assets and has taken all necessary
6487 action and proceedings for the application thereof to the
6488 judgment but the amount thereby realized was insufficient to
6489 satisfy the judgment; and

6490 3. The claimant has made a diligent attempt, as defined by
6491 department ~~board~~ rule, to collect the restitution awarded by the
6492 department ~~board~~.

6493 (f) A claim for recovery is made within 1 year after the
6494 conclusion of any civil, criminal, or administrative action or
6495 award in arbitration based on the act. This paragraph applies to
6496 any claim filed with the department ~~board~~ after October 1, 1998.

6497 (g) Any amounts recovered by the claimant from the
6498 judgment debtor or licensee, or from any other source, have been
6499 applied to the damages awarded by the court or the amount of
6500 restitution ordered by the department ~~board~~.

(2) A claimant is not qualified to make a claim for recovery from the recovery fund if:

(f) The claimant had entered into a contract with a licensee to perform a scope of work described in s. 489.105(2)(d)-(g) ~~s. 489.105(3)(d)-(g)~~ before July 1, 2016.

(3) The department ~~board~~ may determine by rule documentation that is required to complete a claim.

Section 200. Section 489.142, Florida Statutes, is amended to read:

489.142 Department ~~Board~~ powers relating to recovery; conduct of hearings and service.—

(1) With respect to actions for recovery from the recovery fund, the department ~~board~~ may intervene, enter an appearance, file an answer, defend the action, or take any action it deems appropriate and may take recourse through any appropriate method of review on behalf of the State of Florida. The department ~~board~~ may delegate to the department by rule the authority to close any case when a claimant is not qualified to make a claim for recovery from the recovery fund under s. 489.141(2); when after notice the claimant has failed to provide documentation in support of the claim as required by the department ~~board~~; or when the licensee has reached the aggregate limit.

(2) Notwithstanding any other provision of law, the department ~~board~~ shall cause a notice of hearing to be served 14 days in advance of the hearing on the claimant and on the

licensee whose license is subject to suspension by s. 489.143. Each notice shall inform the recipient of any administrative hearing or judicial review that is available under s. 120.569, s. 120.57, or s. 120.68; shall indicate the procedure that must be followed to obtain the hearing or judicial review; and shall state the time limits that apply. Service of the notice on the 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.

6551 **Section 201. Section 489.1425, Florida Statutes, is**
6552 **amended to read:**

6553 489.1425 Duty of contractor to notify residential property
6554 owner of recovery fund.—

6555 (1) Each agreement or contract for repair, restoration,
6556 improvement, or construction to residential real property must
6557 contain a written statement explaining the consumer's rights
6558 under the recovery fund, except where the value of all labor and
6559 materials does not exceed \$2,500. The written statement must be
6560 substantially in the following form:

6561 FLORIDA HOMEOWNERS' CONSTRUCTION

6562 RECOVERY FUND

6563 PAYMENT, UP TO A LIMITED AMOUNT, MAY BE AVAILABLE FROM THE
6564 FLORIDA HOMEOWNERS' CONSTRUCTION RECOVERY FUND IF YOU LOSE MONEY
6565 ON A PROJECT PERFORMED UNDER CONTRACT, WHERE THE LOSS RESULTS
6566 FROM SPECIFIED VIOLATIONS OF FLORIDA LAW BY A LICENSED
6567 CONTRACTOR. FOR INFORMATION ABOUT THE RECOVERY FUND AND FILING A
6568 CLAIM, CONTACT THE FLORIDA DEPARTMENT OF BUSINESS AND
6569 PROFESSIONAL REGULATION ~~CONSTRUCTION INDUSTRY LICENSING BOARD~~ AT
6570 THE FOLLOWING TELEPHONE NUMBER AND ADDRESS:

6571 The statement must shall be immediately followed by the
6572 department's ~~board's~~ address and telephone number as established
6573 by department ~~board~~ rule.

6574 (2)(a) Upon finding a first violation of subsection (1),
6575 the department ~~board~~ may fine the contractor up to \$500, and the

6576 moneys must be deposited into the recovery fund.

6577 (b) Upon finding a second or subsequent violation of
6578 subsection (1), the department ~~board~~ shall fine the contractor
6579 \$1,000 per violation, and the moneys must be deposited into the
6580 recovery fund.

6581 **Section 202. Subsections (1), (2), (4), and (6) of section**
6582 **489.143, Florida Statutes, are amended to read:**

6583 489.143 Payment from the fund.—

6584 (1) The fund shall be disbursed as provided in s. 489.141
6585 on a final order of the department ~~board~~.

6586 (2) A claimant who meets all of the conditions prescribed
6587 in s. 489.141 may apply to the department ~~board~~ to cause payment
6588 to be made to a claimant from the recovery fund in an amount
6589 equal to the judgment, award, or restitution order or \$25,000,
6590 whichever is less, or an amount equal to the unsatisfied portion
6591 of such person's judgment, award, or restitution order, but only
6592 to the extent and amount of actual damages suffered by the
6593 claimant, and only up to the maximum payment allowed for each
6594 respective Division I and Division II claim. Payment from the
6595 fund for other costs related to or pursuant to civil proceedings
6596 such as postjudgment interest, attorney fees, court costs,
6597 medical damages, and punitive damages is prohibited. The
6598 recovery fund is not obligated to pay a judgment, an award, or a
6599 restitution order, or any portion thereof, which is not
6600 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; and any amount subsequently recovered on the judgment, award, or restitution order, to the extent of the right, title, and interest of the department ~~board~~ therein, shall be for the purpose of reimbursing the recovery fund.

(6) For contracts entered into before July 1, 2004, payments for claims against any one licensee may not exceed, in the aggregate, \$100,000 annually, up to a total aggregate of \$250,000. For any claim approved by the department ~~board~~ which is in excess of the annual cap, the amount in excess of \$100,000 up to the total aggregate cap of \$250,000 is eligible for payment in the next and succeeding fiscal years, but only after all claims for the then-current calendar year have been paid. Payments may not exceed the aggregate annual or per claimant limits under law. Beginning January 1, 2005, for each Division I contract entered into after July 1, 2004, payment from the recovery fund is subject only to a total aggregate cap of \$500,000 for each Division I licensee. Beginning January 1, 2017, for each Division II contract entered into on or after

July 1, 2016, payment from the recovery fund is subject only to a total aggregate cap of \$150,000 for each Division II licensee. Beginning January 1, 2025, for Division I and Division II contracts entered into on or after July 1, 2024, payment from the recovery fund is subject only to a total aggregate cap of \$2 million for each Division I licensee and \$600,000 for each Division II licensee.

Section 203. Paragraph (a) of subsection (1) of section 489.1455, Florida Statutes, is amended to read:

489.1455 Journeyman; reciprocity; standards.—

(1) Counties and municipalities are authorized to issue journeyman licenses in the plumbing, pipe fitting, mechanical, or HVAC trades to an individual who:

(a) Has scored at least 70 percent, or after October 1, 1997, at least 75 percent, on a proctored journeyman Block and Associates examination or other proctored examination approved by the department ~~board~~ for the trade in which he or she is licensed;

Section 204. Section 489.146, Florida Statutes, is amended to read:

489.146 Privatization of services.—Notwithstanding any other provision of this part relating to the review of licensure applications, issuance of licenses and renewals, collection of revenues, fees, and fines, service of documents, publications, and printing, and other ministerial functions of the department

relating to the regulation of contractors, the department shall make all reasonable efforts to contract with one or more private entities for provision of such services, when such services can be provided in a more efficient manner by private entities. The department or the department ~~board~~ shall retain final authority for licensure decisions and rulemaking, including all appeals or other legal action resulting from such licensure decisions or rulemaking.

Section 205. Subsections (4) through (29) of section 489.505, Florida Statutes, are renumbered as subsections (3) through (28), respectively, and subsection (3) and present subsections (14), (15), (19), and (23) of that section are amended to read:

489.505 Definitions.—As used in this part:

~~(3) "Board," except "local board," means the Electrical Contractors' Licensing Board created by this part.~~

(13) ~~(14)~~ "Primary qualifying agent" means a person who possesses the requisite skill, knowledge, and experience, and has the responsibility, to supervise, direct, manage, and control the electrical or alarm system contracting activities of the business organization with which he or she is connected; and whose technical and personal qualifications have been determined by investigation and examination as provided in this part by the department, as attested to by the department ~~board~~; and who has been issued a certificate of competency by the department.

6676 (14)~~(15)~~ "Secondary qualifying agent" means a person who
6677 possesses the requisite skill, knowledge, and experience, and
6678 has the responsibility to supervise, direct, manage, and control
6679 the electrical or alarm system contracting activities on a job
6680 for which he or she has obtained a permit; and whose technical
6681 and personal qualifications have been determined by
6682 investigation and examination as provided in this part by the
6683 department, as attested to by the department ~~board~~; and who has
6684 been issued a certificate of competency by the department.

6685 (18)~~(19)~~ "Specialty contractor" means a contractor whose
6686 scope of practice is limited to a specific segment of electrical
6687 or alarm system contracting established in a category adopted by
6688 department ~~board~~ rule, including, but not limited to,
6689 residential electrical contracting, maintenance of electrical
6690 fixtures, and fabrication, erection, installation, and
6691 maintenance of electrical and nonelectrical advertising signs
6692 together with the interrelated parts and supports thereof.

6693 (22)~~(23)~~ "Registered residential alarm system contractor"
6694 means an alarm system contractor whose business is limited to
6695 burglar alarm systems in single-family residential, quadruplex
6696 housing, and mobile homes of a residential occupancy class and
6697 who is registered with the department pursuant to s. 489.513.
6698 The department ~~board~~ shall define "residential occupancy class"
6699 by rule. A registered residential alarm system contractor may
6700 contract only in the jurisdiction for which his or her

6701 registration is issued.

6702 **Section 206. Subsection (1) of section 489.509, Florida**
6703 **Statutes, is amended to read:**

6704 489.509 Fees.—

6705 (1) The department ~~board~~, by rule, shall establish fees to
6706 be paid for applications, examination, reexamination, transfers,
6707 licensing and renewal, reinstatement, and recordmaking and
6708 recordkeeping. The examination fee shall be in an amount that
6709 covers the cost of obtaining and administering the examination
6710 and shall be refunded if the applicant is found ineligible to
6711 sit for the examination. The application fee is nonrefundable.
6712 The fee for initial application and examination for
6713 certification of electrical contractors may not exceed \$400. The
6714 initial application fee for registration may not exceed \$150.
6715 The ~~biennial~~ renewal fee may not exceed \$400 for
6716 certificateholders and \$200 for registrants. The fee for initial
6717 application and examination for certification of alarm system
6718 contractors may not exceed \$400. The ~~biennial~~ renewal fee for
6719 certified alarm system contractors may not exceed \$450. The
6720 department ~~board~~ may establish a fee for a temporary certificate
6721 as an alarm system contractor not to exceed \$75. The department
6722 ~~board~~ may also establish by rule a delinquency fee not to exceed
6723 \$50. The fee to transfer a certificate or registration from one
6724 business organization to another may not exceed \$200. The fee
6725 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

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;

6776 2. Pass the certification examination, achieving a passing
6777 grade as established by department ~~board~~ rule; and

6778 3. Meet eligibility requirements according to one of the
6779 following criteria:

6780 a. Has, within the 6 years immediately preceding the
6781 filing of the application, at least 3 years of proven management
6782 experience in the trade or education equivalent thereto, or a
6783 combination thereof, but not more than one-half of such
6784 experience may be educational equivalent;

6785 b. Has, within the 8 years immediately preceding the
6786 filing of the application, at least 4 years of experience as a
6787 supervisor or contractor in the trade for which he or she is
6788 making application, or at least 4 years of experience as a
6789 supervisor in electrical or alarm system work with the United
6790 States Armed Forces;

6791 c. Has, within the 12 years immediately preceding the
6792 filing of the application, at least 6 years of comprehensive
6793 training, technical education, or supervisory experience
6794 associated with an electrical or alarm system contracting
6795 business, or at least 6 years of technical experience,
6796 education, or training in electrical or alarm system work with
6797 the United States Armed Forces or a governmental entity;

6798 d. Has, within the 12 years immediately preceding the
6799 filing of the application, been licensed for 3 years as a
6800 professional engineer who is qualified by education, training,

6801 or experience to practice electrical engineering; or

6802 e. Has any combination of qualifications under sub-
6803 subparagraphs a.-c. totaling 6 years of experience.

6804 (2) The department ~~board~~ may determine by rule the number
6805 of times per year the applicant may take the examination and
6806 after three unsuccessful attempts may require the applicant to
6807 complete additional college-level or technical education courses
6808 in the areas of deficiency, as determined by the department
6809 ~~board~~, as a condition of future eligibility to take the
6810 examination.

6811 (3) (a) "Good moral character" means a personal history of
6812 honesty, fairness, and respect for the rights of others and for
6813 laws of this state and nation.

6814 (b) The department ~~board~~ may determine that an individual
6815 applying for certification is ineligible for failure to satisfy
6816 the requirement of good moral character only if:

6817 1. There is a substantial connection between the lack of
6818 good moral character of the individual and the professional
6819 responsibilities of a certified contractor; and

6820 2. The finding by the department ~~board~~ of lack of good
6821 moral character is supported by clear and convincing evidence.

6822 (c) When an individual is found to be unqualified for
6823 certification because of a lack of good moral character, the
6824 department ~~board~~ shall furnish such individual a statement
6825 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

6851 system contracting issued by another state or territory of the
6852 United States, if the criteria for issuance of such license were
6853 substantially equivalent to the certification criteria that
6854 existed in this state at the time the certificate was issued; or

6855 (c) Has held a valid, current license to practice
6856 electrical or alarm system contracting issued by another state
6857 or territory of the United States for at least 10 years before
6858 the date of application and is applying for the same or similar
6859 license in this state, subject to ss. 489.510 and 489.521(3)(a)
6860 and subparagraph (1)(b)1. Such application must be made either
6861 when the license in another state or territory is active or
6862 within 2 years after such license was last active. Electrical
6863 contractors and alarm system contractors must complete a 2-hour
6864 course on the Florida Building Code. The required courses may be
6865 completed online.

6866 **Section 209. Paragraph (c) of subsection (1) and**
6867 **subsections (3) and (6) of section 489.513, Florida Statutes,**
6868 **are amended to read:**

6869 489.513 Registration; application; requirements.—

6870 (1) Any person engaged in the business of contracting in
6871 the state shall be registered in the proper classification
6872 unless he or she is certified. Any person desiring to be a
6873 registered contractor shall apply to the department for
6874 registration and must:

6875 (c) Meet eligibility requirements according to the

6876 following criteria:

6877 1. As used in this subsection, the term "good moral
6878 character" means a personal history of honesty, fairness, and
6879 respect for the rights of others and for state and federal law.

6880 2. The department ~~board~~ may determine that an individual
6881 applying for registration is ineligible due to failure to
6882 satisfy the requirement of good moral character only if:

6883 a. There is a substantial connection between the lack of
6884 good moral character of the individual and the professional
6885 responsibilities of a registered contractor; and

6886 b. The finding by the department ~~board~~ of lack of good
6887 moral character is supported by clear and convincing evidence.

6888 3. When an individual is found to be unqualified because
6889 of lack of good moral character, the department ~~board~~ must
6890 furnish such individual a statement containing the findings of
6891 the department ~~board~~, a complete record of evidence upon which
6892 the determination was based, and a notice of the rights of the
6893 individual to a rehearing and an appeal.

6894 (3) To be registered as an electrical contractor, an alarm
6895 system contractor I, an alarm system contractor II, or a
6896 residential alarm system contractor, the applicant shall file
6897 evidence of holding a current certificate of competency issued
6898 by any municipality or county of the state for the type of work
6899 for which registration is desired, on a form provided by the
6900 department, together with evidence of having passed an

6901 appropriate local examination, written or oral, designed to test
6902 skills and knowledge relevant to the technical performance of
6903 the profession, accompanied by the registration fee fixed
6904 pursuant to this part. For any person working or wishing to work
6905 in any local jurisdiction that does not require an examination
6906 for its license, the applicant may apply and shall be considered
6907 qualified to be issued a registration in the appropriate
6908 electrical or alarm system category, provided that he or she
6909 shows that he or she has scored at least 75 percent on an
6910 examination which is substantially equivalent to the examination
6911 approved by the department ~~board~~ for certification in the
6912 category and that he or she has had at least 3 years' technical
6913 experience in the trade. The requirement to take and pass an
6914 examination in order to obtain a registration does ~~shall~~ not
6915 apply to persons making application before ~~prior to~~ the
6916 effective date of this act.

6917 (6) The local jurisdictions are responsible for providing
6918 the following information to the department ~~board~~ within 30 days
6919 after licensure of, or any disciplinary action against, a
6920 locally licensed contractor who is registered under this part:

- 6921 (a) Licensure information.
6922 (b) Code violation information pursuant to s. 553.781.
6923 (c) Disciplinary information.

6924
6925 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.

6951 (b) Has, for that category, passed a written, proctored
6952 examination that the department ~~board~~ finds to be substantially
6953 similar to the examination required to be licensed as a
6954 certified contractor under this part. For purposes of this
6955 subsection, a written, proctored examination such as that
6956 produced by the National Assessment Institute, Block and
6957 Associates, NAI/Block, Exuperior Assessments, Professional
6958 Testing, Inc., or Assessment Systems, Inc., shall be considered
6959 to be substantially similar to the examination required to be
6960 licensed as a certified contractor. The department ~~board~~ may not
6961 impose or make any requirements regarding the nature or content
6962 of these cited examinations.

6963 (c) Has at least 5 years of experience as a contractor in
6964 that contracting category, or as an inspector or building
6965 administrator with oversight over that category, at the time of
6966 application. For contractors, only time periods in which the
6967 contractor license is active and the contractor is not on
6968 probation shall count toward the 5 years required under this
6969 subsection.

6970 (d) Has not had his or her contractor's license revoked at
6971 any time, had his or her contractor's license suspended in the
6972 last 5 years, or been assessed a fine in excess of \$500 in the
6973 last 5 years.

6974 (e) Is in compliance with the insurance and financial
6975 responsibility requirements in s. 489.515(1)(b).

6976 **Section 211. Section 489.515, Florida Statutes, is amended**
6977 **to read:**

6978 489.515 Issuance of certificates; registrations.—

6979 (1)(a) The department shall issue a certificate to a
6980 person who the department ~~board~~ certifies is qualified to become
6981 a certified contractor.

6982 (b) The department ~~board~~ shall certify as qualified for
6983 certification any person who satisfies the requirements of s.
6984 489.511 and who submits satisfactory evidence that he or she has
6985 obtained both workers' compensation insurance or an acceptable
6986 exemption certificate issued by the department and public
6987 liability and property damage insurance for the health, safety,
6988 and welfare of the public in amounts determined by rule of the
6989 department ~~board~~, and furnishes evidence of financial
6990 responsibility, credit, and business reputation of either
6991 himself or herself or the business organization he or she
6992 desires to qualify.

6993 (c) Upon compliance with the provisions of this section
6994 and payment of the certification fee, the department shall issue
6995 the person a certificate.

6996 (2) The department shall issue a registration to a person
6997 who is in compliance with the provisions of s. 489.513 and who
6998 the department ~~board~~ certifies is qualified to be registered.

6999 (3)(a) As a prerequisite to the initial issuance or the
7000 renewal of a certificate or registration, the applicant shall

7001 submit an affidavit on a form provided by the department ~~board~~
7002 attesting to the fact that the applicant has obtained both
7003 workers' compensation insurance or an acceptable exemption
7004 certificate issued by the department and public liability and
7005 property damage insurance for the health, safety, and welfare of
7006 the public in amounts determined by rule of the department
7007 ~~board~~. The department ~~board~~ shall by rule establish a procedure
7008 to verify the accuracy of such affidavits based upon a random
7009 audit method.

7010 (b) An applicant for initial issuance of a certificate or
7011 registration shall submit as a prerequisite to qualifying for an
7012 exemption from workers' compensation coverage requirements under
7013 s. 440.05 an affidavit attesting to the fact that the applicant
7014 will obtain an exemption within 30 days after the date the
7015 initial certificate or registration is issued by the department
7016 ~~board~~.

7017 (4) The department ~~board~~ may refuse to certify any
7018 applicant who has violated any of the provisions of s. 489.533.

7019 (5) A certificate or registration is not transferable.

7020 **Section 212. Subsection (4) of section 489.516, Florida**
7021 **Statutes, is amended to read:**

7022 489.516 Qualifications to practice; restrictions;
7023 prerequisites.—

7024 (4) A county or municipality may suspend or deny a locally
7025 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 present subsections (3), (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~~

7076 ~~classroom hours of at least 50 minutes each of continuing~~
7077 ~~education courses during each biennium since the issuance or~~
7078 ~~renewal of the certificate or registration. The board shall by~~
7079 ~~rule establish criteria for the approval of continuing education~~
7080 ~~courses and providers and may by rule establish criteria for~~
7081 ~~accepting alternative nonclassroom continuing education on an~~
7082 ~~hour-for-hour basis.~~

7083 ~~(b) Each certificateholder or registrant licensed as an~~
7084 ~~electrical contractor shall provide proof, in a form established~~
7085 ~~by rule of the board, that the certificateholder or registrant~~
7086 ~~has completed at least 11 classroom hours of at least 50 minutes~~
7087 ~~each of continuing education courses during each biennium since~~
7088 ~~the issuance or renewal of the certificate or registration. The~~
7089 ~~board shall by rule establish criteria for the approval of~~
7090 ~~continuing education courses and providers and may by rule~~
7091 ~~establish criteria for accepting alternative nonclassroom~~
7092 ~~continuing education on an hour-for-hour basis.~~

7093 ~~(4)(5)~~ By applying for renewal, each certificateholder or
7094 registrant certifies that he or she has continually maintained
7095 the required amounts of public liability and property damage
7096 insurance as specified by department ~~board~~ rule. The department
7097 ~~board~~ shall establish by rule a procedure to verify the public
7098 liability and property damage insurance for a specified period,
7099 based upon a random sampling method.

7100 ~~(6) The board shall require, by rule adopted pursuant to~~

7101 ~~ss. 120.536(1) and 120.54, a specialized number of hours in~~
7102 ~~specialized or advanced module courses, approved by the Florida~~
7103 ~~Building Commission, on any portion of the Florida Building~~
7104 ~~Code, adopted pursuant to part IV of chapter 553, relating to~~
7105 ~~the contractor's respective discipline.~~

7106 **Section 215. Subsection (6) of section 489.518, Florida**
7107 **Statutes, is renumbered as subsection (5), and paragraph (b) of**
7108 **subsection (1), paragraphs (b) and (d) of subsection (4), and**
7109 **subsection (5) of that section are amended, to read:**

7110 489.518 Alarm system agents.—

7111 (1) A licensed electrical or alarm system contractor may
7112 not employ a person to perform the duties of a burglar alarm
7113 system agent unless the person:

7114 (b) Has successfully completed a minimum of 14 hours of
7115 training within 90 days after employment, to include basic alarm
7116 system electronics in addition to related training including
7117 CCTV and access control training, with at least 2 hours of
7118 training in the prevention of false alarms. Such training shall
7119 be from a department-approved ~~board-approved~~ provider, and the
7120 employee or applicant for employment shall provide proof of
7121 successful completion to the licensed employer. The department
7122 ~~board~~ shall by rule establish criteria for the approval of
7123 training courses and providers and may by rule establish
7124 criteria for accepting alternative nonclassroom education on an
7125 hour-for-hour basis. The department ~~board~~ shall approve

7126 providers that conduct training in other than the English
7127 language. The department ~~board~~ shall establish a fee for the
7128 approval of training providers or courses, not to exceed \$60.
7129 Qualified employers may conduct training classes for their
7130 employees, with department ~~board~~ approval.

7131 (4)

7132 (b) The identification card shall be designed in a
7133 department-approved ~~board-approved~~ format. The card must include
7134 a picture of the agent, must specify at least the name of the
7135 holder of the card and the name and license number of the
7136 contractor, and must be signed by the contractor and by the
7137 holder of the card. Each identification card is valid for a
7138 period of 4 ~~2~~ years after the date of issuance. The
7139 identification card must be in the possession of each burglar
7140 alarm system agent while engaged in burglar alarm system agent
7141 duties.

7142 (d) Each identification card must be renewed every 4 ~~2~~
7143 years ~~and in a board-approved format to show compliance with the~~
7144 ~~6 hours of continuing education necessary to maintain~~
7145 ~~certification as a burglar alarm system agent.~~

7146 ~~(5) Each burglar alarm system agent must receive 6 hours~~
7147 ~~of continuing education on burglar alarm system installation and~~
7148 ~~repair and false alarm prevention every 2 years from a board-~~
7149 ~~approved sponsor of training and through a board-approved~~
7150 ~~training course.~~

7151 **Section 216. Subsection (6) of section 489.5185, Florida**
7152 **Statutes, is renumbered as subsection (5) and paragraph (b) of**
7153 **subsection (1), paragraphs (a) and (f) of subsection (2),**
7154 **paragraphs (b) and (d) of subsection (4), and subsection (5) of**
7155 **that section are amended, to read:**

7156 489.5185 Fire alarm system agents.—

7157 (1) A certified unlimited electrical contractor or
7158 licensed fire alarm contractor may not employ a person to
7159 perform the duties of a fire alarm system agent unless the
7160 person:

7161 (b) Has successfully completed a minimum of 14 hours of
7162 initial training, to include basic fire alarm system technology
7163 in addition to related training in National Fire Protection
7164 Association (NFPA) codes and standards and access control
7165 training, with at least 2 hours of training in the prevention of
7166 false alarms. Such training must be from a department-approved
7167 ~~board-approved~~ provider, and the employee or applicant for
7168 employment must provide proof of successful completion to the
7169 licensed employer. The department ~~board~~, by rule, shall
7170 establish criteria for the approval of training courses and
7171 providers. The department ~~board~~ shall approve qualified
7172 providers that conduct training in other than the English
7173 language. The department ~~board~~ shall establish a fee for the
7174 approval of training providers, not to exceed \$200, and a fee
7175 for the approval of courses at \$25 per credit hour, not to

7176 exceed \$100 per course.

7177 (2)(a) Any applicant for employment as a fire alarm system
7178 agent, or any individual employed as a fire alarm system agent
7179 on the effective date of this act, who has completed alarm
7180 system agent or burglar alarm system agent training before ~~prior~~
7181 ~~to~~ the effective date of this act in a department-certified
7182 ~~board-certified~~ program is not required to take additional
7183 training in order to comply with the initial training
7184 requirements of this section.

7185 (f) If a person holds a current National Institute of
7186 Certification in Engineering Technologies (NICET) Level II
7187 certification or higher in Fire Alarm Systems or Inspection and
7188 Testing of Fire Alarm Systems, a current certification as an
7189 Electronic Security Association (ESA) Certified Fire Alarm
7190 Technician, or a current certification as an ESA Certified Fire
7191 Alarm Designer, he or she is required to complete only the 2
7192 hours of training in the prevention of false alarms required by
7193 paragraph (1)(b) from a department-approved ~~board-approved~~
7194 sponsor of training and through a department-approved ~~board-~~
7195 ~~approved~~ training course.

7196 (4)

7197 (b) The card shall follow a department-approved ~~board-~~
7198 ~~approved~~ format, to include a picture of the agent; shall
7199 specify at least the name of the holder of the card and the name
7200 and license number of the certified unlimited electrical

contractor or licensed fire alarm contractor; and shall be signed by both the contractor and the holder of the card. Each identification card shall be valid for a period of 4 ~~2~~ years after the date of issuance. The identification card must be in the possession of the fire alarm system agent while engaged in fire 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 fire alarm system agent.~~

~~(5)(a) Except as provided in paragraph (b), each fire alarm system agent must receive 6 hours of continuing education on fire 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.~~

~~(b) A person holding a current NICET Level II certification or higher in Fire Alarm Systems or Inspection and Testing of Fire Alarm Systems, certification as an ESA Certified Fire Alarm Technician, or certification as an ESA Certified Fire Alarm Designer is required to complete only 2 hours of continuing education training in the prevention of false alarms every 2 years from a board-approved sponsor of training and through a board-approved training course.~~

Section 217. Subsection (4) of section 489.519, Florida Statutes, is renumbered as subsection (3), and subsection (1)

7226 **and present subsection (3) of that section are amended to read:**

7227 489.519 Inactive status.—

7228 (1) A certificate or registration that becomes inactive
7229 may be reactivated under s. 489.517 upon application to the
7230 department. ~~The board may not require a licensee to complete~~
7231 ~~more than one renewal cycle of continuing education to~~
7232 ~~reactivate a certificate or registration.~~

7233 ~~(3) The board shall impose, by rule, continuing education~~
7234 ~~requirements for inactive certificateholders, when inactive~~
7235 ~~status is sought by certificateholders who are also building~~
7236 ~~code administrators, plans examiners, or inspectors certified~~
7237 ~~pursuant to part XII of chapter 468.~~

7238 **Section 218. Section 489.520, Florida Statutes, is amended**
7239 **to read:**

7240 489.520 Automated licensure status information system.—By
7241 January 1, 1995, the department shall implement an automated
7242 licensure status information system for electrical and alarm
7243 system contracting. The system shall provide instant
7244 notification to local building departments and other interested
7245 parties, as determined by the ~~board or~~ department, regarding the
7246 status of the certification or registration of any contractor
7247 certified or registered pursuant to the provisions of this part.
7248 The provision of such information shall consist, at a minimum,
7249 of an indication of whether the certification or registration of
7250 the contractor applying for a permit is active, of any current

7251 failure of the contractor to make restitution according to the
7252 terms of any final action by the department ~~board~~, of any
7253 ongoing disciplinary cases against the contractor that are
7254 subject to public disclosure, and whether there are any
7255 outstanding fines against the contractor.

7256 **Section 219. Paragraphs (a) and (b) of subsection (2),**
7257 **subsections (3), (4), and (5), paragraph (c) of subsection (7),**
7258 **subsections (8) and (9), and paragraph (b) of subsection (10) of**
7259 **section 489.521, Florida Statutes, are amended to read:**

7260 489.521 Business organizations; qualifying agents.—

7261 (2)(a)1. If the applicant proposing to engage in
7262 contracting is a partnership, corporation, business trust, or
7263 other legal entity, other than a sole proprietorship, the
7264 application shall state the name of the partnership and its
7265 partners; the name of the corporation and its officers and
7266 directors and the name of each of its stockholders who is also
7267 an officer or director; the name of the business trust and its
7268 trustees; or the name of such other legal entity and its
7269 members. In addition, the applicant shall furnish evidence of
7270 statutory compliance if a fictitious name is used. A joint
7271 venture, including a joint venture composed of qualified
7272 business organizations, is itself a separate and distinct
7273 organization that shall be qualified in accordance with
7274 department ~~board~~ rules. The registration or certification, when
7275 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, the business organization shall, within 45 days after such change occurs, mail the correct information to the department.

2. Any person certified or registered pursuant to this part who has had his or her license revoked may ~~shall~~ not be eligible for a 5-year period to be a partner, officer, director, or trustee of a business organization as defined by this section. Such person shall also be ineligible to reapply for certification or registration under this part for a period of 5 years.

(b) The applicant shall also show that the proposed qualifying agent is legally qualified to act for the business organization in all matters connected with its electrical or alarm system contracting business and concerning regulations by the department ~~board~~ and that he or she has authority to supervise electrical or alarm system contracting undertaken by the business organization.

(3)(a) The applicant shall furnish evidence of financial responsibility, credit, and business reputation of the business organization, as well as the name of the qualifying agent. The department ~~board~~ shall adopt rules defining financial responsibility based upon the business organization's credit history, ability to be bonded, and any history of bankruptcy or

7301 assignment of receivers. Such rules shall specify the financial
7302 responsibility grounds on which the department ~~board~~ may
7303 determine that a business organization is not qualified to
7304 engage in contracting.

7305 (b) In the event a qualifying agent must take the
7306 certification examination, the department ~~board~~ shall, within 60
7307 days from the date of the examination, inform the business
7308 organization in writing whether or not its qualifying agent has
7309 qualified.

7310 (c) If the qualifying agent of a business organization
7311 applying to engage in contracting, after having been notified to
7312 do so, does not appear for examination within 1 year from the
7313 date of filing of the application, the examination fee paid by
7314 it shall be credited as an earned fee to the department. A new
7315 application to engage in contracting shall be accompanied by
7316 another application fee fixed pursuant to this act. Forfeiture
7317 of a fee may be waived by the department ~~board~~ for good cause.

7318 (d) Once the department ~~board~~ has determined that the
7319 business organization's proposed qualifying agent has qualified,
7320 the business organization shall be authorized to engage in the
7321 contracting business. The certificate, when issued, shall be in
7322 the name of the qualifying agent, and the name of the business
7323 organization shall be noted thereon.

7324 (4) As a prerequisite to the initial issuance of a
7325 certificate, the applicant or the business organization he or

7326 she qualifies shall submit evidence that he or she or the
7327 business organization has obtained public liability and property
7328 damage insurance for the safety and welfare of the public in an
7329 amount to be determined by department ~~board~~ rule.

7330 (5) At least one officer or supervising employee of the
7331 business organization must be qualified under this act in order
7332 for the business organization to be qualified to engage in
7333 contracting in the category of the business conducted. If any
7334 individual so qualified on behalf of the business organization
7335 ceases to qualify the business organization, he or she shall
7336 notify the ~~board and the~~ department thereof within 30 days after
7337 such occurrence. In addition, if the individual is the only
7338 individual who qualifies the business organization, the business
7339 organization shall notify the ~~board and the~~ department of the
7340 individual's termination, and it shall have a period of 60 days
7341 from the termination of the individual to qualify another person
7342 under the provision of this act, failing which, the department
7343 ~~board~~ shall determine that the business organization is no
7344 longer qualified to engage in contracting. The individual shall
7345 also inform the department ~~board~~ in writing when he or she
7346 proposes to engage in contracting in his or her own name or in
7347 affiliation with another business organization, and the
7348 individual, or such new business organization, shall supply the
7349 same information to the department ~~board~~ as required for
7350 applicants under this act. After an investigation of the

7351 financial responsibility, credit, and business reputation of the
7352 individual or the new business organization and upon a favorable
7353 determination, the department ~~board~~ shall certify the business
7354 organization as qualified, and the department shall issue,
7355 without examination, a new certificate in the individual's name,
7356 which shall include the name of the new business organization,
7357 as provided in this section.

7358 (7)

7359 (c) The department ~~board~~ shall assess a fine of not less
7360 than \$100 or issue a citation to any contractor who fails to
7361 include that contractor's certification or registration number
7362 when submitting an advertisement for publication, broadcast, or
7363 printing. In addition, any person who claims in any
7364 advertisement to be a certified or registered contractor, but
7365 who does not hold a valid state certification or registration,
7366 commits a misdemeanor of the second degree, punishable as
7367 provided in s. 775.082 or s. 775.083.

7368 (8) Each qualifying agent shall pay the department an
7369 amount equal to the original fee for certification or
7370 registration to qualify any additional business organizations.
7371 If the qualifying agent for a business organization desires to
7372 qualify additional business organizations, the department ~~board~~
7373 shall require him or her to present evidence of supervisory
7374 ability and financial responsibility of each such organization.
7375 Allowing a licensee to qualify more than one business

organization shall be conditioned upon the licensee showing that the licensee has both the capacity and intent to adequately supervise each business organization in accordance with s. 489.522(1). The department may ~~board shall~~ not limit the number of business organizations which the licensee may qualify except upon the licensee's failing to provide such information as is required under this subsection or upon a finding that such information or evidence as is supplied is incomplete or unpersuasive in showing the licensee's capacity and intent to comply with the requirements of this subsection. A qualification for an additional business organization may be revoked or suspended upon a finding by the department ~~board~~ that the licensee has failed in the licensee's responsibility to adequately supervise the operations of that business organization in accordance with s. 489.522(1). Failure of the responsibility to adequately supervise the operations of a business organization in accordance with s. 489.522(1) shall be grounds for denial to qualify additional business organizations.

(9) If a business organization or any of its partners, officers, directors, trustees, or members is disciplined for violating s. 489.533(1), the department ~~board~~ may, on that basis alone, deny issuance of a certificate or registration to a qualifying agent on behalf of that business organization.

(10)

(b) Any business organization engaging in contracting

under this subsection shall provide the department ~~board~~ with the name and license number of each registered or certified 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

7426 qualifying agents for the business organization are secondary
7427 qualifying agents.

7428 (a) A designated sole primary qualifying agent has all the
7429 responsibilities and duties of a primary qualifying agent,
7430 notwithstanding that there are secondary qualifying agents for
7431 specified jobs. The designated sole primary qualifying agent is
7432 jointly and equally responsible with secondary qualifying agents
7433 for field work supervision.

7434 (b) A secondary qualifying agent is responsible only for:
7435 1. The supervision of field work at sites where his or her
7436 license was used to obtain the building permit; and
7437 2. Any other work for which he or she accepts
7438 responsibility.

7439
7440 A secondary qualifying agent is not responsible for supervision
7441 of financial matters.

7442 (c) A primary qualifying agent shall have approval
7443 authority for checks, payments, drafts, and contracts issued by
7444 or entered into by the business organization.

7445 (3)(a) A qualifying agent who has been designated by a
7446 joint agreement as the sole primary qualifying agent for a
7447 business organization may terminate this status as such by
7448 giving actual notice to the business organization, to the
7449 department board, and to all secondary qualifying agents of his
7450 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 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. If no new primary qualifying agent has been designated within 60 days, all secondary qualifying agents for the business organization shall become primary qualifying agents, unless the joint agreement specifies that one or more of them shall become sole qualifying agents under such circumstances, in which case only they shall become sole qualifying agents.

Section 221. Section 489.523, Florida Statutes, is amended to read:

489.523 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. The person shall notify the department appropriate 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. The department board shall then issue an emergency registration which shall expire upon the completion of the contract. For purposes of this section, and upon written approval of the

department board, an incomplete contract may be 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 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) through (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.

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(b) Revocation or suspension of a certificate or registration.

(c) Imposition of an administrative fine not to exceed \$10,000 for each count or separate offense.

(d) Issuance of a reprimand.

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

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

(g) Require financial restitution to a consumer.

(3) In recommending penalties in any proposed recommended final order, the department shall follow the penalty guidelines established by the department ~~board~~ by rule. The department shall advise the administrative law judge of the appropriate penalty, including mitigating and aggravating circumstances, and the specific rule citation.

(4) The department ~~board~~ may not reinstate the certificate or registration of, or cause a certificate or registration to be issued to, a person who the department ~~board~~ has determined unqualified until it is satisfied that such person has complied with all the terms and conditions set forth in the final order and is capable of competently engaging in the business of

7526 contracting.

7527 (5) When the department ~~board~~ imposes administrative fines
7528 pursuant to subsection (2) resulting from violation of chapter
7529 633 or violation of the rules of the State Fire Marshal, 50
7530 percent of the fine shall be paid into the Insurance Regulatory
7531 Trust Fund to help defray the costs of investigating the
7532 violations and obtaining the corrective action. The State Fire
7533 Marshal may participate at its discretion, but not as a party,
7534 in any proceedings before the department ~~board~~ relating to
7535 violation of chapter 633 or the rules of the State Fire Marshal,
7536 in order to make recommendations as to the appropriate penalty
7537 in such case. However, the State Fire Marshal does ~~shall~~ not
7538 have standing to bring disciplinary proceedings regarding
7539 certification.

7540 (6) The department ~~board~~ may restrain any violation of
7541 this part by action in a court of competent jurisdiction.

7542 (7)

7543 (b) A ~~No~~ licensee may not avail himself or herself of the
7544 mediation process more than three times without the approval of
7545 the department ~~board~~. The department ~~board~~ may consider the
7546 subject and the dates of the earlier complaints in rendering its
7547 decision. ~~The board's decision shall not be considered a final~~
7548 ~~agency action and is not appealable.~~

7549 (e) The department, ~~in conjunction with the board,~~ shall
7550 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.

Section 224. Paragraph (a) of subsection (1) of section 489.5335, Florida Statutes, is amended to read:

489.5335 Journeyman; reciprocity; standards.—

(1) Counties and municipalities are authorized to issue journeyman licenses in the electrical and alarm system trades to an individual who:

(a) Has scored at least 70 percent, or after October 1, 1997, at least 75 percent, on a proctored journeyman Block and Associates examination or other proctored examination approved by the department ~~board~~ for the trade in which he or she is licensed;

Section 225. Paragraph (e) of subsection (3) and paragraphs (b) and (c) of subsection (5) of section 489.537, Florida Statutes, are amended to read:

489.537 Application of this part.—

(3) Nothing in this act limits the power of a municipality or county:

(e)1. To refuse to issue permits or issue permits with specific conditions to a contractor who has committed multiple violations, when he or she has been disciplined for each of them by the department ~~board~~ and when each disciplinary action has involved revocation or suspension of a license, imposition of an

administrative fine of at least \$1,000, or probation.

2. To issue permits with specific conditions to a contractor who, within the previous 12 months, has had final action taken against him or her, by the department or by a local board or agency which licenses contractors and has reported the action pursuant to paragraph (5)(c), for engaging in the business or acting in the capacity of a contractor without a license.

(5)

(b) To engage in contracting in the territorial area, an applicant shall also be registered with the department ~~board~~.

(c) Each local board or agency which licenses contractors shall transmit monthly to the department ~~board~~ a report of any disciplinary action taken against contractors and any administrative or disciplinary action taken against unlicensed persons for engaging in the business or acting in the capacity of a contractor, including any cease and desist order issued pursuant to s. 489.516(2)(b).

Section 226. Section 489.552, Florida Statutes, is amended to read:

489.552 Registration required.—A person may ~~shall~~ not hold himself or herself out as a septic tank contractor or a master septic tank contractor in this state unless he or she is registered by the department in accordance with the provisions of this part. However, nothing in this part prohibits any person

7601 licensed pursuant to s. 489.105(2)(m) ~~s. 489.105(3)(m)~~ in this
7602 state from engaging in the profession for which he or she is
7603 licensed.

7604 **Section 227. Subsection (1) of section 492.102, Florida**
7605 **Statutes, is amended to read:**

7606 492.102 Definitions.—For the purposes of this chapter,
7607 unless the context clearly requires otherwise:

7608 ~~(1) "Board" means the Board of Professional Geologists.~~

7609 **Section 228. Section 492.104, Florida Statutes, is amended**
7610 **to read:**

7611 492.104 Rulemaking authority.—The department may ~~Board of~~
7612 ~~Professional Geologists has authority to~~ adopt rules pursuant to
7613 ~~ss. 120.536(1) and 120.54~~ to implement this chapter. Every
7614 licensee shall be governed and controlled by this chapter and
7615 the rules adopted by the department ~~board~~. The department ~~board~~
7616 is authorized to set, by rule, fees for application,
7617 examination, late renewal, initial licensure, and license
7618 renewal. These fees may not exceed the cost of implementing the
7619 application, examination, initial licensure, and license renewal
7620 or other administrative process and shall be established as
7621 follows:

7622 (1) The application fee may ~~shall~~ not exceed \$150 and
7623 shall be nonrefundable.

7624 (2) The examination fee may ~~shall~~ not exceed \$250, and the
7625 fee may be apportioned to each part of a multipart examination.

The examination fee shall be refundable in whole or part if the applicant is found to be ineligible to take any portion of the 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 refundable if the applicant is found to be ineligible to take the examination.

(b) Is at least 18 years of age.

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

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

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

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

(e) Has at least 5 years of verified professional geological work experience, which includes a minimum of 3 years of professional geological work under the supervision of a licensed or qualified geologist or professional engineer registered under chapter 471 as qualified in the field or discipline of professional engineering work performed; or has a minimum of 5 accumulative years of verified geological work

7676 experience in responsible charge of geological work as
7677 determined by the department ~~board~~.

7678 (2) The department shall issue a license to practice
7679 professional geology to any person who has:

7680 (b) Been certified by the department ~~board~~ as qualified to
7681 practice professional geology; and

7682 (3) The department may ~~shall~~ not issue a license to any
7683 applicant who is under investigation in any jurisdiction for an
7684 offense which would constitute a violation of this chapter. Upon
7685 completion of the investigation, the disciplinary provisions of
7686 s. 492.113 shall apply.

7687 **Section 230. Subsections (1) and (2) of section 492.1051,**
7688 **Florida Statutes, are amended to read:**

7689 492.1051 Registered geologist-in-training; requirements.—

7690 (1) A person desiring to register as a geologist-in-
7691 training shall apply to the department to take a discrete
7692 portion of the examination required for licensure as a
7693 professional geologist in this state. This discrete portion
7694 shall cover the fundamentals of geology. The department shall
7695 examine each applicant who the department ~~board~~ certifies:

7696 (a) Has completed the application form and remitted a
7697 nonrefundable application fee and an examination fee that is
7698 refundable if the applicant is found to be ineligible to take
7699 the examination.

7700 (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 or 45 quarter hours of geological coursework at a college or university, the geological curricula of which meet the criteria established by an accrediting agency recognized by the United States Department of Education and, if still enrolled, has provided a letter of good academic standing from the college or university.

(2) The department shall register as a geologist-in-training each applicant who the department ~~board~~ certifies has passed the fundamentals of geology portion of the licensure examination.

Section 231. Section 492.106, Florida Statutes, is amended to read:

492.106 Provisional licenses.—The department may provide a provisional license to any person who is not a resident of and has not established a place of business in this state, and who is duly licensed in another state, territory, or possession of the United States, or in the District of Columbia, and who has qualifications which the department ~~board~~, upon advice of a committee of the department ~~board~~, deems comparable to those required of professional geologists in this state, upon written application accompanied by the proper application fee, offered before ~~prior to~~ the practice of professional geology in this

state, under the following restrictions:

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

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

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

(4) A written statement shall be furnished to the department within 60 days of completion of the work, indicating the time engaged and the nature of the work. A person holding a provisional license shall exhibit such provisional license each time and on each occasion that an indication of licensure is required.

Section 232. Subsection (1) of section 492.107, Florida Statutes, is amended to read:

492.107 Seals.—

(1) The department ~~board~~ shall prescribe, by rule, a form of seal, including its electronic form, to be used by persons holding valid licenses. All geological papers, reports, and documents prepared or issued by the licensee shall be signed,

dated, and sealed by the licensee who performed or is responsible for the supervision, direction, or control of the work contained in the papers, reports, or documents. Such 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 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 492.109, Florida Statutes, is amended to read:

492.109 Renewal of license; fees.—

7801 (2) The department shall adopt rules establishing a
7802 procedure for the ~~biennial~~ renewal of licenses.

7803 **Section 235. Subsection (2) of section 492.1101, Florida**
7804 **Statutes, is amended to read:**

7805 492.1101 Inactive status.—

7806 (2) The department ~~board~~ shall adopt ~~promulgate~~ rules
7807 relating to the reactivation of inactive licenses and shall
7808 prescribe by rule a fee for the reactivation of inactive
7809 licenses.

7810 **Section 236. Subsection (1) of section 492.111, Florida**
7811 **Statutes, is amended to read:**

7812 492.111 Practice of professional geology by a firm,
7813 corporation, or partnership.—The practice of, or offer to
7814 practice, professional geology by individual professional
7815 geologists licensed under the provisions of this chapter through
7816 a firm, corporation, or partnership offering geological services
7817 to the public through individually licensed professional
7818 geologists as agents, employees, officers, or partners thereof
7819 is permitted subject to the provisions of this chapter, if:

7820 (1) At all times that it offers geological services to the
7821 public, the firm, corporation, or partnership is qualified by
7822 one or more individuals who hold a current, active license as a
7823 professional geologist in the state and are serving as a
7824 geologist of record for the firm, corporation, or partnership. A
7825 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 237. 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 238. Subsections (11) and (12) of section 493.6101, Florida Statutes, are amended to read:

493.6101 Definitions.—

(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" provisional licensee ~~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) "Provisional licensee" ~~"Intern"~~ means an individual who studies as a trainee or apprentice under the direction and control of a designated sponsoring licensee.

7876 **Section 239. Subsection (7) of section 493.6105, Florida**
7877 **Statutes, is amended to read:**

7878 493.6105 Initial application for license.—

7879 ~~(7) In addition to the application requirements for~~
7880 ~~individuals, partners, or officers outlined under subsection~~
7881 ~~(3), the application for an agency license must contain the~~
7882 ~~following information:~~

7883 ~~(a) The proposed name under which the agency intends to~~
7884 ~~operate.~~

7885 ~~(b) The street address, mailing address, and telephone~~
7886 ~~numbers of the principal location at which business is to be~~
7887 ~~conducted in this state.~~

7888 ~~(c) The street address, mailing address, and telephone~~
7889 ~~numbers of all branch offices within this state.~~

7890 ~~(d) The names and titles of all partners or, in the case~~
7891 ~~of a corporation, the names and titles of its principal~~
7892 ~~officers.~~

7893 **Section 240. Subsection (2) of section 493.6106, Florida**
7894 **Statutes, is amended to read:**

7895 493.6106 License requirements; posting.—

7896 (2) Each agency shall have a minimum of one physical
7897 location within this state from which the normal business of the
7898 agency is conducted, and this location shall be considered the
7899 primary office for that agency in this state.

7900 ~~(a)~~ If an agency or branch office desires to change the

physical location of the business, as it appears on the license, the department must be notified within 10 days after the change, and, except upon renewal, the fee prescribed in s. 493.6107 must be submitted for each license requiring revision. Each license requiring revision must be returned with such notification.

~~(b) The Class "A," Class "B," or Class "R" license and any branch office or school license shall at all times be posted in a conspicuous place at the licensed physical location in this state where the business is conducted.~~

~~(c) Each Class "A," Class "B," Class "R," branch office, or school licensee shall display, in a place that is in clear and unobstructed public view, a notice on a form prescribed by the department stating that the business operating at this location is licensed and regulated by the Department of Agriculture and Consumer Services and that any questions or complaints should be directed to the department.~~

~~(d) A minimum of one properly licensed manager shall be designated for each agency and branch office location.~~

Section 241. Subsections (4), (5), and (6) of section 493.6111, Florida Statutes, are renumbered as subsections (3), (4), and (5), respectively, and subsection (2) and present subsection (3) of that section are amended to read:

493.6111 License; contents; identification card.—

(2) Licenses shall be valid for a period of 4 ~~2~~ years, ~~except for Class "A," Class "B," Class "AB," Class "K," Class~~

~~"R," and branch agency licenses, which shall be valid for a period of 3 years.~~

~~(3) The department shall, upon complete application and payment of the appropriate fees, issue a separate license to each branch office for which application is made.~~

Section 242. Subsection (1) and paragraph (b) of subsection (3) of section 493.6113, Florida Statutes, are amended to read:

493.6113 Renewal application for licensure.—

(1) A license granted under the provisions of this chapter shall be renewed every 4 years ~~biennially~~ by the department, ~~except for Class "A," Class "B," Class "AB," Class "K," Class "R," and branch agency licenses, which shall be renewed every 3 years.~~

(3) Each licensee is responsible for renewing his or her license on or before its expiration by filing with the department an application for renewal accompanied by payment of the renewal fee and the fingerprint retention fee to cover the cost of ongoing retention in the statewide automated biometric identification system established in s. 943.05(2)(b). Upon the first renewal of a license issued under this chapter before January 1, 2017, the licensee shall submit a full set of fingerprints and fingerprint processing fees to cover the cost of entering the fingerprints into the statewide automated biometric identification system pursuant to s. 493.6108(4)(a)

7951 and the cost of enrollment in the Federal Bureau of
7952 Investigation's national retained print arrest notification
7953 program. Subsequent renewals may be completed without submission
7954 of a new set of fingerprints.

7955 (b) Each Class "G" licensee shall additionally submit
7956 proof that he or she has received during each year of the
7957 license period a minimum of 4 hours of firearms requalification
7958 training taught by a Class "K" licensee and has complied with
7959 such other health and training requirements that the department
7960 shall adopt by rule. Proof of completion of firearms
7961 requalification training shall be submitted to the department
7962 upon completion of the training. A Class "G" licensee must
7963 successfully complete this requalification training for each
7964 type and caliber of firearm carried in the course of performing
7965 his or her regulated duties. At the discretion of a Class "K"
7966 instructor, a Class "G" licensee may qualify for up to two
7967 calibers of firearms in one 4-hour firearm requalification class
7968 if the licensee successfully completes training for each
7969 firearm, including a separate course of fire for each caliber of
7970 firearm. If the licensee fails to complete the required 4 hours
7971 of annual training during the first year of the 2-year term of
7972 the license, the license is automatically suspended. The
7973 licensee must complete the minimum number of hours of range and
7974 classroom training required at the time of initial licensure and
7975 submit proof of completion of such training to the department

7976 before the license may be reinstated. If the licensee fails to
7977 complete the required 4 hours of annual training during the
7978 second year of the 4-year ~~2-year~~ term of the license, the
7979 licensee must complete the minimum number of hours of range and
7980 classroom training required at the time of initial licensure and
7981 submit proof of completion of such training to the department
7982 before the license may be renewed. The department may waive the
7983 firearms training requirement if:

7984 1. The applicant provides proof that he or she is
7985 currently certified as a law enforcement officer or correctional
7986 officer under the Criminal Justice Standards and Training
7987 Commission and has completed law enforcement firearms
7988 requalification training annually during the previous 4 years ~~2~~
7989 ~~years~~ of the licensure period;

7990 2. The applicant provides proof that he or she is
7991 currently certified as a federal law enforcement officer and has
7992 received law enforcement firearms training administered by a
7993 federal law enforcement agency annually during the previous 4
7994 years ~~2-years~~ of the licensure period;

7995 3. The applicant submits a valid firearm certificate among
7996 those specified in s. 493.6105(6)(a) and provides proof of
7997 having completed requalification training during the previous 4
7998 years ~~2-years~~ of the licensure period; or

7999 4. The applicant provides proof that he or she has
8000 completed annual firearms training in accordance with the

requirements of the federal Law Enforcement Officers Safety Act under 18 U.S.C. ss. 926B-926C.

Section 243. Section 493.6116, Florida Statutes, is amended to read:

493.6116 Sponsorship of provisional licensees ~~interns~~.—

(1) Only licensees may sponsor provisional licensees ~~interns~~. A Class "C," Class "M," or Class "MA" licensee may sponsor a Class "CC" provisional licensees ~~private investigator intern; a Class "E" or Class "MR" licensee may sponsor a Class "EE" recovery agent intern.~~

(2) Provisional licensure ~~An internship~~ may not commence until the sponsor has submitted to the department the notice of intent to sponsor. Such notice shall be on a form provided by the department.

(3) Provisional licensure ~~Internship~~ is intended to serve as a learning process. Sponsors shall assume a training status by providing direction and control of provisional licensees ~~interns~~. Sponsors shall not allow provisional licensees ~~interns~~ to operate independently of such direction and control or require provisional licensees ~~interns~~ to perform activities that do not enhance the provisional licensee's ~~intern's~~ qualification for licensure. Provisional licensees ~~Interns~~ must perform regulated duties within the boundaries of this state during the period of provisional licensure ~~internship~~.

(4) No sponsor may sponsor more than six provisional

licensees ~~interns~~ at the same time.

(5) A sponsor ~~shall certify a biannual progress report on each intern and~~ shall certify completion or termination of provisional licensure ~~an internship~~ to the department within 15 days after such completion or termination. The report must be made on a form provided by the department and must include at a minimum:

(a) The inclusive dates of the provisional licensure ~~internship~~.

(b) A narrative part explaining the primary duties, types of experiences gained, and the scope of training received.

(c) An evaluation of the performance of the provisional licensee ~~intern~~ and a recommendation regarding future licensure.

Section 244. Paragraphs (r) and (x) of subsection (1) of section 493.6118, Florida Statutes, are amended to read:

493.6118 Grounds for disciplinary action.—

(1) The following constitute grounds for which disciplinary action specified in subsection (2) may be taken by 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 provisional private investigator ~~intern~~ or to certify completion or termination of an provisional private investigator ~~internship~~ to the department within 15 working

8051 days.

8052 (x) In addition to the grounds for disciplinary action
8053 prescribed in paragraphs (a)-(t) and, ~~Class "R" recovery~~
8054 ~~agencies~~, Class "E" recovery agents, ~~and Class "EE" recovery~~
8055 ~~agent interns~~ are prohibited from committing the following acts:

8056 1. Recovering a motor vehicle, mobile home, motorboat,
8057 aircraft, personal watercraft, all-terrain vehicle, farm
8058 equipment, or industrial equipment that has been sold under a
8059 conditional sales agreement or under the terms of a chattel
8060 mortgage before authorization has been received from the legal
8061 owner or mortgagee.

8062 2. Charging for expenses not actually incurred in
8063 connection with the recovery, transportation, storage, or
8064 disposal of repossessed property or personal property obtained
8065 in a repossession.

8066 3. Using any repossessed property or personal property
8067 obtained in a repossession for the personal benefit of a
8068 licensee or an officer, director, partner, manager, or employee
8069 of a licensee.

8070 4. Selling property recovered under ~~the provisions of this~~
8071 chapter, except with written authorization from the legal owner
8072 or the mortgagee thereof.

8073 5. Failing to notify the police or sheriff's department of
8074 the jurisdiction in which the repossessed property is recovered
8075 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 course of performing a repossession regulated by this chapter.

Section 245. Subsection (6) of section 493.6120, Florida Statutes, is amended to read:

493.6120 Violations; penalty.—

(6) A person who was an owner, officer, partner, or

8101 manager of an ~~a licensed~~ agency or a Class "DS" or "RS" school
8102 or training facility ~~at the time of any activity that is the~~
8103 ~~basis for revocation of the agency or branch office license or~~
8104 ~~the school or training facility license and~~ who knew or should
8105 have known of unlawful ~~the~~ activity shall have his or her
8106 personal licenses or approval suspended for 3 years and may not
8107 have any financial interest in or be employed in any capacity by
8108 an ~~a licensed~~ agency or a school or training facility during the
8109 period of suspension.

8110 **Section 246. Subsection (2) of section 493.6123, Florida**
8111 **Statutes, is amended to read:**

8112 493.6123 Publication to industry.—

8113 (2) The department shall develop and make available to
8114 each Class "C," Class "D," and Class "E" licensee and all
8115 provisional private investigators ~~interns~~ a pamphlet detailing
8116 in plain language the legal authority, rights, and obligations
8117 of his or her class of licensure. Within the pamphlet, the
8118 department should endeavor to present situations that the
8119 licensee may be expected to commonly encounter in the course of
8120 doing business pursuant to his or her specific license, and
8121 provide to the licensee information on his or her legal options,
8122 authority, limits to authority, and obligations. The department
8123 shall supplement this with citations to statutes and legal
8124 decisions, as well as a selected bibliography that would direct
8125 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 247. 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 all locations ~~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.~~

~~(3) Any individual who performs the services of a manager for a:~~

~~(a) Class "A" private investigative agency or Class "AA" branch office shall have a Class "MA" license. A Class "C" or Class "M" licensee may be designated as the manager, in which~~

8151 ~~ease the Class "MA" license is not required.~~

8152 ~~(b) Class "A" and "B" agency or a Class "AB" branch office~~
8153 ~~shall have a Class "M" license.~~

8154 ~~(4) Class "C" or Class "CC" licensees shall own or be an~~
8155 ~~employee of a Class "A" agency, a Class "A" and Class "B"~~
8156 ~~agency, or a branch office. This does not include those who are~~
8157 ~~exempt under s. 493.6102, but who possess a Class "C" license~~
8158 ~~solely for the purpose of holding a Class "G" license.~~

8159 ~~(2)(5)~~ Any individual who performs the services of a
8160 private investigator shall have a Class "C" license.

8161 ~~(3)(6)~~ Any individual who performs private investigative
8162 work as an provisional private investigator intern under the
8163 direction and control of a designated, sponsoring Class "C"
8164 licensee ~~or a designated, sponsoring Class "MA" or Class "M"~~
8165 ~~licensee~~ must have a Class "CC" license.

8166 ~~(4)(7)~~ Only ~~Class "M," Class "MA,"~~ Class "C," or Class
8167 "CC" licensees are permitted to bear a firearm, and any such
8168 licensee who bears a firearm shall also have a Class "G"
8169 license.

8170 ~~(5)(8)~~ A Class "C" or Class "CC" licensee may perform
8171 bodyguard services without obtaining a Class "D" license.

8172 **Section 248. Section 493.6202, Florida Statutes, is**
8173 **amended to read:**

8174 493.6202 Fees.—

8175 (1) The department shall establish by rule examination and

license fees, not to exceed a ~~the following~~:

(a) Class "A" license-private investigative agency: \$450.

~~(b) Class "AA" or "AB" license branch office: \$125.~~

~~(c) Class "MA" license private investigative agency
manager: \$75.~~

(b) ~~(d)~~ Class "C" license-private investigator: \$75.

(c) ~~(e)~~ Class "CC" license-provisional private investigator
~~intern~~: \$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 "G~~7~~" Class "C," or Class "CC~~7~~" ~~Class "M," or Class "MA"~~ 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 "C~~7~~" or Class "CC~~7~~" ~~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 249. 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 experience described in paragraph (c) for 1 year;~~

~~(e) No more than 1 year using:~~

~~1. College coursework related to criminal justice, criminology, or law enforcement administration; or~~

8226 ~~2. Successfully completed law enforcement-related training~~
8227 ~~received from any federal, state, county, or municipal agency;~~
8228 ~~or~~

8229 ~~(f) Experience described in paragraph (a) for 1 year and~~
8230 ~~work in a managerial or supervisory capacity for 1 year.~~

8231
8232 ~~However, experience in performing bodyguard services is not~~
8233 ~~creditable toward the requirements of this subsection.~~

8234 ~~(3) An applicant for a Class "M" license shall qualify for~~
8235 ~~licensure as a Class "MA" manager as outlined under subsection~~
8236 ~~(2) and as a Class "MB" manager as outlined under s.~~
8237 ~~493.6303(2).~~

8238 (2)(4) An applicant for a Class "C" license shall have 6
8239 months ~~2 years~~ of lawfully gained, verifiable, full-time
8240 experience, or training in one, or a combination of more than
8241 one, of the following:

8242 (a) Private investigative work or related fields of work
8243 that provided equivalent experience or training.

8244 (b) College coursework related to criminal justice,
8245 criminology, or law enforcement administration, or successful
8246 completion of any law enforcement-related training received from
8247 any federal, state, county, or municipal agency, ~~except that no~~
8248 ~~more than 1 year may be used from this category.~~

8249 (c) Work as a Class "CC" licensed provisional private
8250 investigator intern.

8251
8252 However, experience in performing bodyguard services is not
8253 creditable toward the requirements of this subsection.

8254 (3)~~(5)~~ An applicant for a ~~Class "MA," Class "M," or Class~~
8255 "C" license must pass an examination that covers the provisions
8256 of this chapter and is administered by the department or by a
8257 provider approved by the department. The applicant must pass the
8258 examination before applying for licensure and must submit proof
8259 with the license application on a form approved by rule of the
8260 department that he or she has passed the examination. The
8261 administrator of the examination shall verify the identity of
8262 each applicant taking the examination.

8263 (a) The examination requirement in this subsection does
8264 not apply to an individual who holds a valid Class "CC~~7~~" or
8265 Class "C~~7~~" ~~Class "MA," or Class "M"~~ license.

8266 (b) Notwithstanding the exemption provided in paragraph
8267 (a), if the license of an applicant for relicensure has been
8268 invalid for more than 1 year, the applicant must take and pass
8269 the examination.

8270 (c) The department shall establish by rule the content of
8271 the examination, the manner and procedure of its administration,
8272 and an examination fee that may not exceed \$100.

8273 (4) (a)~~(6) (a)~~ A Class "CC" licensee must serve an
8274 internship under the direction and control of a designated
8275 sponsor, who is a ~~Class "C~~7~~," Class "MA," or Class "M"~~ licensee.

(b) Before submission of an application to the department, the applicant for a Class "CC" license must have completed a minimum of 40 hours of professional training pertaining to general investigative techniques and this chapter, which course is offered by a state university or by a school, community college, college, or university under the purview of the Department of Education, and the applicant must pass an examination. The certificate evidencing satisfactory completion of the 40 hours of professional training must be submitted with the application for a Class "CC" license. The training specified in this paragraph may be provided by face-to-face presentation, online technology, or a home study course in accordance with rules and procedures of the Department of Education. The administrator of the examination must verify the identity of each applicant taking the examination.

1. Upon an applicant's successful completion of each part of the approved training and passage of any required examination, the school, community college, college, or university shall issue a certificate of completion to the applicant. The certificates must be on a form established by rule of the department.

2. The department shall establish by rule the general content of the professional training and the examination criteria.

3. If the license of an applicant for relicensure is

invalid for more than 1 year, the applicant must complete the required training and pass any required examination.

(c) An individual licensed on or before August 31, 2008, is not required to complete additional training hours in order to renew an active license beyond the total required hours, and the timeframe for completion in effect at the time he or she was licensed applies.

(5)~~(7)~~ In addition to any other requirement, an applicant for a Class "G" license shall satisfy the firearms training set forth in s. 493.6115.

Section 250. Section 493.6301, Florida Statutes, is amended to read:

493.6301 Classes of licenses.—

(1) Any person, firm, company, partnership, or corporation which engages in business as a security agency shall have a Class "B" license. A Class "B" license is valid for only one location.

~~(2) Each branch office of a Class "B" agency shall have a Class "BB" license. Where a person, firm, company, partnership, or corporation holds both a Class "A" and Class "B" license, each branch office shall have a Class "AB" license.~~

~~(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.~~

(2)~~(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.

(3)~~(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.

(4)~~(7)~~ Any person who operates a security officer school or training facility must have a Class "DS" license.

(5)~~(8)~~ Any individual who teaches or instructs at a Class "DS" security officer school or training facility must have a Class "DI" license.

Section 251. 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" or Class "G" ~~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" or Class "DI" ~~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, 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 252. Subsections (2) and (3) of section 493.6303, Florida Statutes, are amended to read:

493.6303 License requirements.—In addition to the license requirements set forth elsewhere in this chapter, each individual or agency must comply with the following additional requirements:

~~(2) An applicant for a Class "MB" license shall have 2 years of lawfully gained, verifiable, full-time experience, or training in:~~

~~(a) Security work or related fields of work that provided equivalent experience or training;~~

~~(b) Experience described in paragraph (a) for 1 year and experience described in paragraph (c) for 1 year;~~

~~(c) No more than 1 year using:~~

~~1. Either 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~~

~~(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 253. 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(2) ~~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 254. 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 255. Section 493.6401, Florida Statutes, is 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 any ~~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.~~

(2) ~~(4)~~ Any individual who performs the services of a recovery agent must have a Class "E" license.

~~(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.~~

(3) ~~(6)~~ Class "E" ~~or Class "EE"~~ licensees shall own or be an employee of a Class "R" agency ~~or branch office~~.

(4) ~~(7)~~ Any person who operates a recovery agent school or training facility or who conducts an Internet-based training

8451 course or a correspondence training course must have a Class
8452 "RS" license.

8453 (5)~~(8)~~ Any individual who teaches or instructs at a Class
8454 "RS" recovery agent school or training facility shall have a
8455 Class "RI" license.

8456 **Section 256. Section 493.6402, Florida Statutes, is**
8457 **amended to read:**

8458 493.6402 Fees.—

8459 (1) The department shall establish by rule license fees
8460 not to exceed the following:

8461 (a) Class "R" license-recovery agency: \$450.

8462 ~~(b) Class "RR" license branch office: \$125.~~

8463 ~~(c) Class "MR" license-recovery agency manager: \$75.~~

8464 (b)~~(d)~~ Class "E" license-recovery agent: \$75.

8465 ~~(e) Class "EE" license-recovery agent intern: \$60.~~

8466 (c)~~(f)~~ Class "RS" license-recovery agent school or
8467 training facility: \$60.

8468 (d)~~(g)~~ Class "RI" license-recovery agent school or
8469 training facility instructor: \$60.

8470 (2) The department may establish by rule a fee for the
8471 replacement or revision of a license, which fee shall not exceed
8472 \$30.

8473 (3) The fees set forth in this section must be paid by
8474 check or money order, or, at the discretion of the department,
8475 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 257. 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.~~

(b)~~(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 following:~~

~~1.~~ repossession of motor vehicles as defined in s. 320.01(1), mobile homes as defined in s. 320.01(2), motorboats as defined in s. 327.02, aircraft as defined in s. 330.27, personal watercraft as defined in s. 327.02, all-terrain vehicles as defined in s. 316.2074, farm equipment as defined under s. 686.402, or industrial equipment as defined in s. 493.6101(22).

~~2. Work as a Class "EE" licensed intern.~~

(2) An applicant for a Class "E" ~~or a Class "EE"~~ license must submit proof of successful completion of 40 hours of professional training at a school or training facility licensed by the department. The department shall by rule establish the general content for the training.

Section 258. Subsection (1) of section 493.6406, Florida Statutes, is amended to read:

493.6406 Recovery agent school or training facility.—

(1) Any school, training facility, or instructor who offers the training outlined in s. 493.6403(2) for Class "E" ~~or Class "EE"~~ 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 shall not be refundable. This training may be offered as face-to-face training, Internet-based training, or correspondence training.

Section 259. Paragraph (b) of subsection (1) of section 499.067, Florida Statutes, is amended to read:

499.067 Denial, suspension, or revocation of permit, certification, or registration.—

(1)

(b) The department may deny an application for a permit or certification, or suspend or revoke a permit or certification, if the department finds that:

1. The applicant is not of good moral character or that it would be a danger or not in the best interest of the public health, safety, and welfare if the applicant were issued a permit or certification.

2. The applicant has not met the requirements for the permit or certification.

3. The applicant is not eligible for a permit or certification for any of the reasons enumerated in s. 499.012.

8551 4. The applicant, or permittee, ~~or person certified under~~
8552 ~~s. 499.012(15)~~ demonstrates any of the conditions enumerated in
8553 s. 499.012.

8554 5. The applicant, or permittee, ~~or person certified under~~
8555 ~~s. 499.012(15)~~ has committed any violation of this chapter.

8556 **Section 260. Subsection (2) of section 501.015, Florida**
8557 **Statutes, is amended to read:**

8558 501.015 Health studios; registration requirements and
8559 fees.—Each health studio shall:

8560 (2) Remit a ~~an annual~~ registration fee every 4 years of
8561 \$300 to the department at the time of registration for each of
8562 the health studio's business locations.

8563 (a) The department shall waive the initial registration
8564 fee for an honorably discharged veteran of the United States
8565 Armed Forces, the spouse or surviving spouse of such a veteran,
8566 a current member of the United States Armed Forces who has
8567 served on active duty, the spouse of such a member, the
8568 surviving spouse of a member of the United States Armed Forces
8569 if the member died while serving on active duty, or a business
8570 entity that has a majority ownership held by such a veteran or
8571 spouse or surviving spouse if the department receives an
8572 application, in a format prescribed by the department. The
8573 application format must include the applicant's signature, under
8574 penalty of perjury, and supporting documentation. To qualify for
8575 the waiver:

8576 1. A veteran must provide to the department a copy of his
8577 or her DD Form 214, as issued by the United States Department of
8578 Defense, or another acceptable form of identification as
8579 specified by the Department of Veterans' Affairs;

8580 2. The spouse or surviving spouse of a veteran must
8581 provide to the department a copy of the veteran's DD Form 214,
8582 as issued by the United States Department of Defense, or another
8583 acceptable form of identification as specified by the Department
8584 of Veterans' Affairs, and a copy of a valid marriage license or
8585 certificate verifying that he or she was lawfully married to the
8586 veteran at the time of discharge; or

8587 3. A business entity must provide to the department proof
8588 that a veteran or the spouse or surviving spouse of a veteran
8589 holds a majority ownership in the business, a copy of the
8590 veteran's DD Form 214, as issued by the United States Department
8591 of Defense, or another acceptable form of identification as
8592 specified by the Department of Veterans' Affairs, and, if
8593 applicable, a copy of a valid marriage license or certificate
8594 verifying that the spouse or surviving spouse of the veteran was
8595 lawfully married to the veteran at the time of discharge.

8596 (b) The department shall waive the registration renewal
8597 fee for a registrant who:

8598 1. Is an active duty member of the United States Armed
8599 Forces or the spouse of such member;

8600 2. Is or was a member of the United States Armed Forces

and served on active duty within the 2 years preceding the renewal date. To qualify for the fee waiver, a registrant who is a former member of the United States Armed Forces who served on active duty within the 2 years preceding the expiration date of the registration must have received an honorable discharge upon separation or discharge from the United States Armed Forces; or

3. Is the surviving spouse of a member of the United States Armed Forces if the member was serving on active duty at the time of death and died within the 2 years preceding the date of renewal.

A registrant seeking such waiver must apply in a format prescribed by the department, including the applicant's signature, under penalty of perjury, and supporting documentation.

Section 261. Subsections (1) and (5) of section 501.609, Florida Statutes, are amended to read:

501.609 License renewal.—

(1) Each person licensed under the provisions of this part must renew his or her license every 4 years ~~annually~~ by paying the fee for licensing and submitting to the department the application required by this part.

(5) The department shall waive the ~~annual~~ fee to renew for a licensee who:

(a) Is an active duty member of the United States Armed

Forces or the spouse of such member;

(b) Is or was a member of the United States Armed Forces, and served on active duty within the 2 years preceding the renewal date. To qualify for the fee waiver, a licensee who is a former member of the United States Armed Forces who served on active duty within the 2 years preceding the expiration date of the registration must have received an honorable discharge upon separation or discharge from the United States Armed Forces; or

(c) Is the surviving spouse of a member of the United States Armed Forces if the member was serving on active duty at the time of death and died within the 2 years preceding the renewal.

A licensee seeking such waiver must apply in a format prescribed by the department, including the applicant's signature, under penalty of perjury, and supporting documentation.

Section 262. Subsection (4) of section 507.03, Florida Statutes, is amended to read:

507.03 Registration.—

(4) A registration must be renewed every 4 years ~~biennially~~ on or before its expiration date. In order to establish staggered expiration dates, the department may extend the expiration date of a registration for a period not to exceed 12 months.

Section 263. Subsection (3) of section 514.0315, Florida

Statutes, is amended to read:

514.0315 Required safety features for public swimming pools and spas.—

(3) The determination and selection of a feature under subsection (2) for a public swimming pool or spa constructed before January 1, 1993, is at the sole discretion of the owner or operator of the public swimming pool or spa. A licensed contractor described in s. 489.105(2)(j), (k), or (l) ~~s. 489.105(3)(j), (k), or (l)~~ must install the feature.

Section 264. Section 514.075, Florida Statutes, is amended to read:

514.075 Public pool service technician; certification.—The department may require that a public pool, as defined in s. 514.011, be serviced by a person certified as a pool service technician. To be certified, an individual must demonstrate knowledge of public pools which includes, but is not limited to: pool cleaning; general pool maintenance; source of the water supply; bacteriological, chemical, and physical quality of water; and water purification, testing, treatment, and disinfection procedures. The department may, by rule, establish the requirement for the certification course and course approval. The department shall deem certified any individual who is certified by a course of national recognition or any person licensed under s. 489.105(2)(j), (k), or (l) ~~s. 489.105(3)(j), (k), or (l)~~. This requirement does not apply to a person, or the

direct employee of a person, permitted as a public pool operator under s. 514.031.

Section 265. Section 527.03, Florida Statutes, is amended to read:

527.03 Renewal of license.—All licenses required under this chapter shall be renewed every 4 years ~~annually, biennially, or triennially, as elected by the licensee,~~ subject to the license fees prescribed in s. 527.02. All renewals must meet the same requirements and conditions as an annual license for each licensed year. Any license allowed to expire will become inoperative because of failure to renew. The fee for restoration of a license is equal to the original license fee and must be paid before the licensee may resume operations.

Section 266. Paragraph (c) of subsection (3) of section 539.001, Florida Statutes, is amended to read:

539.001 The Florida Pawnbroking Act.—

(3) LICENSE REQUIRED.—

(c) Each license is valid for a period of 4 years ~~1 year~~ unless it is earlier relinquished, suspended, or revoked. Each license shall be renewed every 4 years ~~annually,~~ and each licensee shall, initially ~~and annually thereafter,~~ pay to the agency a license fee of \$300 for each license held. The agency shall waive the initial license fee for an honorably discharged veteran of the United States Armed Forces, the spouse or surviving spouse of such a veteran, a current member of the

8701 United States Armed Forces who has served on active duty, the
8702 spouse of such a member, the surviving spouse of a member of the
8703 United States Armed Forces if the member died while serving on
8704 active duty, or a business entity that has a majority ownership
8705 held by such a veteran or spouse or surviving spouse if the
8706 agency receives an application, in a format prescribed by the
8707 agency. The application format must include the applicant's
8708 signature, under penalty of perjury, and supporting
8709 documentation. To qualify for the waiver:

8710 1. A veteran must provide to the agency a copy of his or
8711 her DD Form 214, as issued by the United States Department of
8712 Defense, or another acceptable form of identification as
8713 specified by the Department of Veterans' Affairs;

8714 2. The spouse or surviving spouse of a veteran must
8715 provide to the agency a copy of the veteran's DD Form 214, as
8716 issued by the United States Department of Defense, or another
8717 acceptable form of identification as specified by the Department
8718 of Veterans' Affairs, and a copy of a valid marriage license or
8719 certificate verifying that he or she was lawfully married to the
8720 veteran at the time of discharge; or

8721 3. A business entity must provide to the agency proof that
8722 a veteran or the spouse or surviving spouse of a veteran holds a
8723 majority ownership in the business, a copy of the veteran's DD
8724 Form 214, as issued by the United States Department of Defense,
8725 or another acceptable form of identification as specified by the

Department of Veterans' Affairs, and, if applicable, a copy of a valid marriage license or certificate verifying that the spouse or surviving spouse of the veteran was lawfully married to the veteran at the time of discharge.

Section 267. Subsection (10) of section 553.79, Florida Statutes, is amended 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.

Section 268. Paragraph (d) of subsection (1) of section 553.791, Florida Statutes, is amended to read:

553.791 Alternative plans review and inspection.—

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

(d) "Building code inspection services" means those services described in s. 468.603 (4) and (7) ~~s. 468.603(5) and (8)~~ involving the review of building plans as well as those services involving the review of site plans and site work engineering plans or their functional equivalent, to determine

compliance with applicable codes and those inspections required by law, conducted either in person or virtually, of each phase of construction for which permitting by a local enforcement agency is required to determine compliance with applicable codes.

Section 269. Section 553.998, Florida Statutes, is amended to read:

553.998 Compliance.—All ratings must be determined using tools and procedures developed by the systems recognized under this part and must be certified by the rater as accurate and correct and in compliance with procedures of the system under which the rater is certified. The local enforcement agency shall accept duct and air infiltration tests conducted in accordance 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 270. Subsections (2), (5), and (8) of section 559.904, Florida Statutes, are amended to read:

559.904 Motor vehicle repair shop registration; application; exemption.—

(2) Any motor vehicle repair shop maintaining more than one place of business may file a single application every 4

8776 years ~~biennially~~, which, along with the other information
8777 required by this part, clearly indicates the location of and the
8778 individual in charge of each facility or in the case of a mobile
8779 motor vehicle repair shop, the home address of the owner, if
8780 different from the business address. In such case, fees shall be
8781 paid for each place of business.

8782 (5) No ~~biennial~~ registration fee is required for any motor
8783 vehicle repair shop which has a local municipal or county
8784 license issued pursuant to an ordinance containing standards
8785 which the department determines are at least equal to the
8786 requirements of this part, or for any motor vehicle dealer
8787 licensed pursuant to chapter 320.

8788 (8) Each registration must be renewed ~~biennially~~ on or
8789 before the expiration date of the current registration. A late
8790 fee of \$25 shall be paid, in addition to the registration fee or
8791 any other penalty, for any registration renewal application that
8792 is received by the department after the expiration date of the
8793 current registration. The department may not issue the
8794 registration until all fees are paid.

8795 **Section 271. Subsection (3) of section 559.928, Florida**
8796 **Statutes, is amended to read:**

8797 559.928 Registration.—

8798 (3) Each independent agent shall ~~annually~~ file an
8799 application with the department every 4 years before engaging in
8800 business in this state. This application must include the

independent agent's full name, legal business or trade name, mailing address, business address, telephone number, and the name and address of each seller of travel represented by the independent agent. A letter evidencing proof of filing must be issued by the department and must be prominently displayed in the independent agent's primary place of business. Each independent agent must also submit a ~~an annual~~ registration fee of \$50. All moneys collected pursuant to the imposition of the fee shall be deposited by the Chief Financial Officer into the General Inspection Trust Fund of the Department of Agriculture and Consumer Services for the sole purpose of administrating this part. As used in this subsection, the term "independent agent" means a person who represents a seller of travel by soliciting persons on its behalf; who has a written contract with a seller of travel which is operating in compliance with this part and any rules adopted thereunder; who does not receive a fee, commission, or other valuable consideration directly from the purchaser for the seller of travel; who does not at any time have any unissued ticket stock or travel documents in his or her possession; and who does not have the ability to issue tickets, vacation certificates, or any other travel document. The term "independent agent" does not include an affiliate of the seller of travel, as that term is used in s. 559.935(3), or the employees of the seller of travel or of such affiliates.

Section 272. Paragraph (a) of subsection (2) of section

8826 **627.192, Florida Statutes, is amended to read:**

8827 627.192 Workers' compensation insurance; employee leasing
8828 arrangements.—

8829 (2) For purposes of the Florida Insurance Code:

8830 (a) "Employee leasing" shall have the same meaning as
8831 provided in s. 468.520(3) ~~set forth in s. 468.520(4).~~

8832 **Section 273. Subsection (6) of section 633.216, Florida**
8833 **Statutes, is amended to read:**

8834 633.216 Inspection of buildings and equipment; orders;
8835 firesafety inspection training requirements; certification;
8836 disciplinary action.—The State Fire Marshal and her or his
8837 agents or persons authorized to enforce laws and rules of the
8838 State Fire Marshal shall, at any reasonable hour, when the State
8839 Fire Marshal has reasonable cause to believe that a violation of
8840 this chapter or s. 509.215, or a rule adopted thereunder, or a
8841 minimum firesafety code adopted by the State Fire Marshal or a
8842 local authority, may exist, inspect any and all buildings and
8843 structures which are subject to the requirements of this chapter
8844 or s. 509.215 and rules adopted thereunder. The authority to
8845 inspect shall extend to all equipment, vehicles, and chemicals
8846 which are located on or within the premises of any such building
8847 or structure.

8848 ~~(6) The division and the Florida Building Code~~
8849 ~~Administrators and Inspectors Board, established pursuant to s.~~
8850 ~~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 274. Subsection (8) of section 713.01, Florida 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 275. Subsection (4) of section 259.1053, Florida Statutes, 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:~~

~~1. One member with experience in sustainable management of forest lands for commodity purposes.~~

~~2. One member with experience in financial management, budget and program analysis, and small business operations.~~

~~3. One member with experience in management of game and nongame wildlife and fish populations, including hunting, fishing, and other recreational activities.~~

~~4. One member with experience in domesticated livestock management, production, and marketing, including range management and livestock business management.~~

~~5. One member with experience in agriculture operations or forestry management.~~

~~6. One member with experience in hunting, fishing, nongame species management, or wildlife habitat management, restoration,~~

and conservation.

~~7. One member with experience in public outreach and education.~~

~~8. One member who is a resident of Lee County, to be designated by the Board of County Commissioners of Lee County.~~

~~9. One member who is a resident of Charlotte County, to be designated by the Board of County Commissioners of Charlotte County.~~

~~Vacancies will be filled in the same manner in which the original appointment was made. A member appointed to fill a 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 276. 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 277. Paragraph (a) of subsection (3) of section 455.02, Florida Statutes, is amended 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.—

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

1. The applicant is or was an active duty member of the Armed Forces of the United States or is married to a member of the Armed Forces of the United States and was married to the member during any period of active duty or was married to such a member who at the time of the member's death was serving on active duty. An applicant who was an active duty member of the Armed Forces of the United States must have received an

honorably discharge upon separation or discharge from the Armed Forces of the United States.

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

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

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

b. The Department of Law Enforcement shall forward the fingerprints submitted pursuant to sub-subparagraph a. to the Federal Bureau of Investigation for a national criminal history check. The department shall, and the board may, review the results of the criminal history checks according to the level 2 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 278. 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

9001 which totals 3 years, with at least 1 year of such total being
9002 experience in construction, building code inspection, or plans
9003 review;

9004 4. Currently holds a standard certificate issued by the
9005 department ~~board~~ or a firesafety inspector license issued under
9006 chapter 633, with a minimum of 3 years' verifiable full-time
9007 experience in firesafety inspection or firesafety plan review,
9008 and has satisfactorily completed a building code inspector or
9009 plans examiner training program that provides at least 100 hours
9010 but not more than 200 hours of cross-training in the
9011 certification category sought. The department ~~board~~ shall
9012 establish by rule criteria for the development and
9013 implementation of the training programs. The department ~~board~~
9014 must accept all classroom training offered by an approved
9015 provider if the content substantially meets the intent of the
9016 classroom component of the training program;

9017 5. Demonstrates a combination of the completion of an
9018 approved training program in the field of building code
9019 inspection or plan review and a minimum of 2 years' experience
9020 in the field of building code inspection, plan review, fire code
9021 inspections and fire plans review of new buildings as a
9022 firesafety inspector certified under s. 633.216, or
9023 construction. The approved training portion of this requirement
9024 must include proof of satisfactory completion of a training
9025 program that provides at least 200 hours but not more than 300

9026 | hours of cross-training that is approved by the department board
9027 | in the chosen category of building code inspection or plan
9028 | review in the certification category sought with at least 20
9029 | hours but not more than 30 hours of instruction in state laws,
9030 | rules, and ethics relating to professional standards of
9031 | practice, duties, and responsibilities of a certificateholder.
9032 | The department board shall coordinate with the Building
9033 | Officials Association of Florida, Inc., to establish by rule the
9034 | development and implementation of the training program. However,
9035 | the department board must accept all classroom training offered
9036 | by an approved provider if the content substantially meets the
9037 | intent of the classroom component of the training program;

9038 | 6. Currently holds a standard certificate issued by the
9039 | department board or a firesafety inspector license issued under
9040 | chapter 633 and:

9041 | a. Has at least 4 years' verifiable full-time experience
9042 | as an inspector or plans examiner in a standard certification
9043 | category currently held or has a minimum of 4 years' verifiable
9044 | full-time experience as a firesafety inspector licensed under
9045 | chapter 633.

9046 | b. Has satisfactorily completed a building code inspector
9047 | or plans examiner classroom training course or program that
9048 | provides at least 200 but not more than 300 hours in the
9049 | certification category sought, except for residential training
9050 | programs, which must provide at least 500 but not more than 800

9051 hours of training as prescribed by the department ~~board~~. The
9052 department ~~board~~ shall establish by rule criteria for the
9053 development and implementation of classroom training courses and
9054 programs in each certification category; or

9055 7.a. Has completed a 4-year internship certification
9056 program as a building code inspector or plans examiner,
9057 including an internship program for residential inspectors,
9058 while also employed full time by a municipality, county, or
9059 other governmental jurisdiction, under the direct supervision of
9060 a certified building official. A person may also complete the
9061 internship certification program, including an internship
9062 program for residential inspectors, while employed full time by
9063 a private provider or a private provider's firm that performs
9064 the services of a building code inspector or plans examiner,
9065 while under the direct supervision of a certified building
9066 official. Proof of graduation with a related vocational degree
9067 or college degree ~~or of verifiable work experience~~ may be
9068 exchanged for the internship experience requirement year-for-
9069 year, but may reduce the requirement to no less than 1 year.
9070 Proof of verifiable work experience as an inspector or plans
9071 examiner of any other type may be exchanged for the internship
9072 experience requirement year-for-year, but may reduce the
9073 requirement to no less than 1 year.

9074 b. Has passed an examination administered by the
9075 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 completing the internship certification program.

e. Has obtained a favorable recommendation from the supervising building official after completion of the internship certification program.

(4) No person may engage in the duties of a building code administrator, plans examiner, or building code inspector pursuant to this part after October 1, 1993, unless such person possesses one of the following types of certificates, currently valid, issued by the department ~~board~~ attesting to the person's qualifications to hold such position:

(a) A standard certificate.

(b) A limited certificate.

(c) A provisional certificate.

(5)(a) To obtain a standard certificate, an individual must pass an examination approved by the department ~~board~~ which demonstrates that the applicant has fundamental knowledge of the state laws and codes relating to the construction of buildings for which the applicant has building code administration, plans examination, or building code inspection responsibilities. It is

the intent of the Legislature that the examination approved for certification pursuant to this part be substantially equivalent to the examinations administered by the International Code Council.

(b) A standard certificate shall be issued to each applicant who successfully completes the examination, which certificate authorizes the individual named thereon to practice throughout the state as a building code administrator, plans examiner, or building code inspector within such class and level as is specified by the department ~~board~~.

(c) The department ~~board~~ may accept proof that the applicant has passed an examination which is substantially equivalent to the department-approved ~~board-approved~~ examination set forth in this section.

(6)

(b) By October 1, 1993, individuals who were employed on July 1, 1993, as building code administrators, plans examiners, or building code inspectors, who are not eligible for a standard certificate, but who wish to continue in such employment, shall submit to the department ~~board~~ the appropriate application and certification fees and shall receive a limited certificate qualifying them to engage in building code administration, plans examination, or building code inspection in the class, at the performance level, and within the governmental jurisdiction in which such person is employed.

9126 (e) By March 1, 2003, or 1 year after the Florida Building
9127 Code is implemented, whichever is later, individuals who were
9128 employed by an educational board, the Department of Education,
9129 or the State University System as building code administrators,
9130 plans examiners, or inspectors, who do not wish to apply for a
9131 standard certificate but who wish to continue in such
9132 employment, shall submit to the department ~~board~~ the appropriate
9133 application and certification fees and shall receive a limited
9134 certificate qualifying such individuals to engage in building
9135 code administration, plans examination, or inspection in the
9136 class, at the performance level, and within the governmental
9137 jurisdiction in which such person is employed.

9138 (7)(a) The department ~~board~~ shall provide for the issuance
9139 of provisional certificates valid for 2 years, as specified by
9140 department ~~board~~ rule, to any building code inspector or plans
9141 examiner who meets the eligibility requirements described in
9142 subsection (2) and any newly employed or promoted building code
9143 administrator who meets the eligibility requirements described
9144 in subsection (3). The provisional license may be renewed by the
9145 department ~~board~~ for just cause; however, a provisional license
9146 is not valid for longer than 3 years.

9147 (c) The department ~~board~~ shall provide for appropriate
9148 levels of provisional certificates and may issue these
9149 certificates with such special conditions or requirements as the
9150 department ~~board~~ deems necessary to protect the public safety

9151 and health. The department ~~board~~ may not place a special
9152 condition or requirement on a provisional certificate with
9153 respect to the requirement of employment by a municipality,
9154 county, or other local governmental agency.

9155 (8) Any individual applying to the department ~~board~~ may be
9156 issued a certificate valid for multiple building code inspection
9157 classes, as deemed appropriate by the department ~~board~~.

9158 (10)(a) The department ~~board~~ may by rule create categories
9159 of certification in addition to those defined in s. 468.603(4)
9160 and (7) ~~s. 468.603(5) and (8)~~. Such certification categories may
9161 ~~shall~~ not be mandatory and may ~~shall~~ not act to diminish the
9162 scope of any certificate created by statute.

9163 (b) The department ~~board~~ shall by rule establish:

9164 1. Reciprocity of certification with any other state that
9165 requires an examination administered by the International Code
9166 Council.

9167 2. That an applicant for certification as a building code
9168 inspector or plans examiner may apply for a provisional
9169 certificate valid for the duration of the internship period.

9170 3. That partial completion of an internship program is
9171 transferable among jurisdictions, private providers, and firms
9172 of private providers on a form prescribed by the department
9173 ~~board~~.

9174 4. That an applicant may apply for a standard certificate
9175 on a form prescribed by the department ~~board~~ upon successful

completion of an internship certification program.

5. That an applicant may apply for a standard certificate at least 30 days but no more than 60 days before completing the internship certification program.

6. That a building code inspector or plans examiner who 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 279. Subsection (4) is added to section 471.007, Florida Statutes, to read:

471.007 Board of Professional Engineers.—

(4) The board is abolished July 1, 2033.

Section 280. Subsection (3) of section 471.015, Florida Statutes, is amended to read:

471.015 Licensure.—

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

(a) Qualifies to take the fundamentals examination and the principles and practice examination as set forth in s. 471.013, has passed a United States national, regional, state, or territorial licensing examination that is substantially equivalent to the fundamentals examination and principles and

9201 practice examination required by s. 471.013, and has satisfied
9202 the experience requirements set forth in paragraph (2)(a) and s.
9203 471.013; ~~or~~

9204 (b) Holds a valid license to practice engineering issued
9205 by another state or territory of the United States, or a foreign
9206 jurisdiction if the criteria for issuance of the license were
9207 substantially the same as the licensure criteria that existed in
9208 this state at the time the license was issued; or

9209 (c) Holds a valid license to practice engineering issued
9210 by a foreign jurisdiction approved by the department and holds
9211 an active Council Record with the National Council of Examiners
9212 for Engineering and Surveying.

9213 **Section 281. Effective January 1, 2027, section 473.308,**
9214 **Florida Statutes, is amended to read:**

9215 473.308 Licensure.—

9216 (1) A person desiring to be licensed as a Florida
9217 certified public accountant in this state shall apply to the
9218 department for licensure, and the department shall license any
9219 applicant who the department ~~board~~ certifies is qualified to
9220 practice public accounting.

9221 (2) The department ~~board~~ shall certify for licensure any
9222 applicant who successfully passes the licensure examination and
9223 satisfies the requirements of subsections (4), (5), and (6), and
9224 shall certify for licensure any firm that satisfies the
9225 requirements of ss. 473.309 and 473.3101. The department ~~board~~

9226 may refuse to certify any applicant or firm that has violated
9227 any of the provisions of s. 473.322.

9228 (3) A person desiring to be licensed as a Florida
9229 certified public accountant or a firm desiring to engage in the
9230 practice of public accounting must create and maintain an online
9231 account with the department and provide an e-mail address to
9232 function as the primary means of contact for all communication
9233 from the department. Certified public accountants and firms are
9234 responsible for maintaining accurate contact information on file
9235 with the department and must submit any change in an e-mail
9236 address or street address within 30 days after the change. All
9237 changes must be submitted through the department's online
9238 system.

9239 (4)(a) An applicant for licensure must:

9240 1. Complete ~~have~~ at least 150 semester hours of college
9241 education, including a baccalaureate or higher degree conferred
9242 by an accredited college or university, with a concentration in
9243 accounting and business as prescribed by the department; ~~in the~~
9244 ~~total educational program to the extent specified by the board.~~

9245 2. Hold a master's degree in accounting or finance
9246 conferred by an accredited college or university with a
9247 concentration in accounting and business as prescribed by the
9248 department;

9249 3. Hold a baccalaureate degree in accounting or finance
9250 conferred by an accredited college or university with a

9251 concentration in accounting and business as prescribed by the
9252 department; or

9253 4. Hold a baccalaureate degree in any major course of
9254 study conferred by an accredited college or university and have
9255 completed coursework required for a concentration in accounting
9256 and business as prescribed by the department.

9257 (b) The department shall prescribe the coursework required
9258 for a concentration in accounting and business. The department
9259 may deem that an applicant has satisfied requirements for such
9260 coursework if the applicant receives a baccalaureate or higher
9261 degree in accounting or finance conferred by an accredited
9262 college or university in a state or territory of the United
9263 States. An applicant receiving a baccalaureate or higher degree
9264 with a major course of study other than accounting or finance
9265 must complete the coursework required for a concentration in
9266 accounting and business as prescribed by the department.

9267 (5) (a) An applicant for licensure who completes the
9268 education requirements under subparagraph (4) (a)1. or
9269 subparagraph (4) (a)2. ~~after December 31, 2008,~~ must show that he
9270 ~~or she has had~~ 1 year of work experience. An applicant who
9271 ~~completes the education requirements under subparagraph (4) (a)3.~~
9272 ~~or subparagraph (4) (a)4. must show 2 years of work experience.~~

9273 (b) The work experience under paragraph (a) ~~This~~
9274 ~~experience~~ shall include providing any type of service or advice
9275 involving the use of accounting, attest, compilation, management

9276 advisory, financial advisory, tax, or consulting skills, all of
9277 which must be verified by a certified public accountant who is
9278 licensed by a state or territory of the United States. This
9279 experience is acceptable if it was gained through employment in
9280 government, industry, academia, or public practice; constituted
9281 a substantial part of the applicant's duties; and was verified
9282 by a certified public accountant licensed by a state or
9283 territory of the United States.

9284 (c) The department board shall adopt rules specifying
9285 standards and providing for the review and approval of the work
9286 experience required by this subsection ~~section~~.

9287 (d) ~~(b)~~ However, an applicant who completed the
9288 requirements of subsection (4) on or before December 31, 2008,
9289 and who passes the licensure examination on or before June 30,
9290 2010, is exempt from the requirements of this subsection.

9291 (6) (a) An applicant for licensure must ~~shall~~ show that she
9292 or he ~~the applicant~~ has good moral character. For purposes of
9293 this paragraph, the term

9294 ~~(7) (a)~~ "good moral character" means a personal history of
9295 honesty, fairness, and respect for the rights of others and for
9296 the laws of this state and nation.

9297 (b) The department board may refuse to certify an
9298 applicant for failure to satisfy this requirement if:

9299 1. The department board finds a reasonable relationship
9300 between the lack of good moral character of the applicant and

9301 the professional responsibilities of a certified public
9302 accountant; and

9303 2. The finding by the department ~~board~~ of lack of good
9304 moral character is supported by competent substantial evidence.

9305 (c) When an applicant is found to be unqualified for a
9306 license because of a lack of good moral character, the
9307 department ~~board~~ shall furnish to the applicant a statement
9308 containing the findings of the department ~~board~~, a complete
9309 record of the evidence upon which the determination was based,
9310 and a notice of the rights of the applicant to a rehearing and
9311 appeal.

9312 ~~(7)-(8)~~ The department ~~board~~ shall certify as qualified for
9313 a license by endorsement an applicant who:

9314 (a) Is not licensed and has not been licensed in any state
9315 or territory and who has met the requirements of this section
9316 for education, work experience, and good moral character and has
9317 passed a national, regional, state, or territorial licensing
9318 examination that is substantially equivalent to the examination
9319 required by s. 473.306; or

9320 (b) ~~1-~~ Holds an active ~~a valid~~ license as a certified
9321 public accountant ~~to practice public accounting~~ issued by
9322 another state or a territory of the United States, if the
9323 applicant has maintained good moral character and, at the time
9324 of licensure by such other state or territory, the applicant was
9325 required to show evidence of having obtained at least a

9326 baccalaureate degree from an accredited college or university
9327 and having passed the Uniform CPA Examination. ~~criteria for~~
9328 ~~issuance of such license were substantially equivalent to the~~
9329 ~~licensure criteria that existed in this state at the time the~~
9330 ~~license was issued;~~

9331 ~~2. Holds a valid license to practice public accounting~~
9332 ~~issued by another state or territory of the United States but~~
9333 ~~the criteria for issuance of such license did not meet the~~
9334 ~~requirements of subparagraph 1.; has met the requirements of~~
9335 ~~this section for education, work experience, and good moral~~
9336 ~~character; and has passed a national, regional, state, or~~
9337 ~~territorial licensing examination that is substantially~~
9338 ~~equivalent to the examination required by s. 473.306; or~~

9339 ~~3. Holds a valid license to practice public accounting~~
9340 ~~issued by another state or territory of the United States for at~~
9341 ~~least 10 years before the date of application; has passed a~~
9342 ~~national, regional, state, or territorial licensing examination~~
9343 ~~that is substantially equivalent to the examination required by~~
9344 ~~s. 473.306; and has met the requirements of this section for~~
9345 ~~good moral character.~~

9346 ~~(9) If the applicant has at least 5 years of experience in~~
9347 ~~the practice of public accountancy in the United States or in~~
9348 ~~the practice of public accountancy or its equivalent in a~~
9349 ~~foreign country that the International Qualifications Appraisal~~
9350 ~~Board of the National Association of State Boards of Accountancy~~

9351 ~~has determined has licensure standards that are substantially~~
9352 ~~equivalent to those in the United States, or has at least 5~~
9353 ~~years of work experience that meets the requirements of~~
9354 ~~subsection (5), the board must waive the requirements of~~
9355 ~~subsection (4) which are in excess of a baccalaureate degree.~~
9356 ~~All experience that is used as a basis for waiving the~~
9357 ~~requirements of subsection (4) must be while licensed as a~~
9358 ~~certified public accountant by another state or territory of the~~
9359 ~~United States or while licensed in the practice of public~~
9360 ~~accountancy or its equivalent in a foreign country that the~~
9361 ~~International Qualifications Appraisal Board of the National~~
9362 ~~Association of State Boards of Accountancy has determined has~~
9363 ~~licensure standards that are substantially equivalent to those~~
9364 ~~in the United States. The board shall have the authority to~~
9365 ~~establish the standards for experience that meet this~~
9366 ~~requirement.~~

9367 ~~(8)(10)~~ The department ~~board~~ may refuse to certify for
9368 licensure any applicant who is under investigation in another
9369 state for any act that would constitute a violation of this act
9370 or chapter 455, until such time as the investigation is complete
9371 and disciplinary proceedings are ~~have been~~ terminated.

9372 **Section 282. Section 473.3085, Florida Statutes, is**
9373 **created to read:**

9374 473.3085 Licensure of international applicants.—

9375 (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 283. Section 473.312, Florida Statutes, is amended to read:

473.312 Continuing education.—

(1)(a) As part of the license renewal procedure, the department ~~board~~ shall by rule require Florida certified public accountants to submit proof satisfactory to the department ~~board~~ that during the 2 years before ~~prior to~~ application for renewal,

9401 they have successfully completed not less than 48 or more than
9402 80 hours of continuing professional education programs in public
9403 accounting subjects approved by the department ~~board~~. The
9404 department ~~board~~ may prescribe by rule additional continuing
9405 professional education hours, not to exceed 25 percent of the
9406 total hours required, for failure to complete the hours required
9407 for renewal by the end of the reestablishment period.

9408 (b) Not less than 10 percent of the total hours required
9409 by the department ~~board~~ shall be in accounting-related and
9410 auditing-related subjects, as distinguished from federal and
9411 local taxation matters and management services.

9412 (c) Not less than 5 percent of the total hours required by
9413 the department ~~board~~ shall be in ethics applicable to the
9414 practice of public accounting. This requirement shall be
9415 administered by providers approved by the department ~~board~~, and
9416 a majority of the hours shall include a review of ~~the provisions~~
9417 ~~of~~ chapter 455 and this chapter and the related administrative
9418 rules.

9419 (2) Programs of continuing professional education approved
9420 by the department ~~board~~ shall be formal programs of learning
9421 which contribute directly to the professional competency of an
9422 individual following licensure to practice public accounting and
9423 may be any of the following:

9424 (a) Professional development programs of the American
9425 Institute of Certified Public Accountants, state societies of

certified public accountants, or other organizations.

(b) Technical sessions at meetings of the American Institute of Certified Public Accountants, state societies, chapters, or other organizations.

(c) University and college courses.

(d) Formal organized in-firm education programs.

(3) The department ~~board~~ shall adopt rules establishing the continuing education requirements for Florida certified public accountants who are engaged in the audit of a governmental entity. The department ~~board~~ shall approve subjects directly related to the governmental environment and to governmental auditing for purposes of satisfying the requirement of this subsection.

(4) For the purposes of maintaining proper continuing education requirements for renewal of licensure under this chapter, the department ~~board~~ may appoint a Continuing Professional Education Advisory Committee, which shall be composed of one member of the department ~~board~~, one academician on the faculty of a university in this state, and six certified public accountants.

Section 284. Effective January 1, 2027, subsections (1), (3), and (4) of section 473.3141, Florida Statutes, are amended to read:

473.3141 Certified public accountants licensed in other states.—

9451 (1) ~~Except as otherwise provided in this chapter,~~ An
9452 individual who holds an active license in good standing as a
9453 certified public accountant in another state or a territory of
9454 the United States and who does not have an office in this state
9455 has the privileges of Florida certified public accountants and
9456 may provide public accounting services in this state without
9457 obtaining a license under this chapter or notifying or
9458 registering with the department ~~board~~ or paying a fee if, at the
9459 time of licensure by such other state or territory, the
9460 individual was required to show evidence of having obtained at
9461 least a baccalaureate degree and having passed the Uniform CPA
9462 Examination÷

9463 ~~(a) Holds a valid license as a certified public accountant~~
9464 ~~from a state that the board or its designee has determined by~~
9465 ~~rule to have adopted standards that are substantially equivalent~~
9466 ~~to the certificate requirements in s. 5 of the Uniform~~
9467 ~~Accountancy Act in the issuance of licenses; or~~

9468 ~~(b) Holds a valid license as a certified public accountant~~
9469 ~~from a state that has not been approved by the board as having~~
9470 ~~adopted standards in substantial equivalence with s. 5 of the~~
9471 ~~Uniform Accountancy Act, but obtains verification from the~~
9472 ~~board, or its designee, as determined by rule, that the~~
9473 ~~individual's certified public accountant qualifications are~~
9474 ~~substantially equivalent to the certificate requirements in s. 5~~
9475 ~~of the Uniform Accountancy Act.~~

9476
9477 The department ~~board~~ shall define by rule what constitutes an
9478 office.

9479 (3) An individual certified public accountant from another
9480 state or a territory of the United States who practices pursuant
9481 to this section, and the firm that employs that individual,
9482 shall both consent, as a condition of the privilege of
9483 practicing in this state:

9484 (a) To the ~~personal and subject matter~~ jurisdiction and
9485 disciplinary authority of the department ~~board~~;

9486 (b) To comply with this chapter and the applicable
9487 department ~~board~~ rules;

9488 (c) That if the individual's license as a certified public
9489 accountant from another ~~the~~ state or a territory of the United
9490 States becomes invalid ~~of the individual's principal place of~~
9491 ~~business is no longer valid~~, the individual must ~~will~~ cease
9492 offering or rendering public accounting services in this state,
9493 individually and on behalf of a firm; and

9494 (d) To the appointment of the department ~~state board~~ that
9495 issued the individual's license as the agent upon whom process
9496 may be served in any action or proceeding by the ~~board or~~
9497 department against the individual or firm.

9498 (4) An individual who qualifies to practice under this
9499 section may perform the services identified in s. 473.302(7)(a)
9500 ~~s. 473.302(8)(a)~~ only through a firm that has obtained a license

issued under s. 473.3101 or is authorized by s. 473.3101 to provide such services.

Section 285. Subsection (3) and paragraph (e) of subsection (4) of section 474.2021, Florida Statutes, are 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.

(4) A veterinarian practicing veterinary telehealth:

(e) Shall prescribe all drugs and medications in accordance with all federal and state laws and the following requirements:

1. A veterinarian practicing veterinary telehealth may order, prescribe, or make available medicinal drugs or drugs specifically approved for use in animals by the United States Food and Drug Administration, the use of which conforms to the approved labeling. Prescriptions based solely on a telehealth evaluation may be issued for up to 1 year ~~month~~ for products labeled solely for flea and tick control and up to 14 days of treatment for other animal drugs. Prescriptions based solely on a telehealth evaluation may not be renewed without an in-person

9526 examination.

9527 2. A veterinarian practicing veterinary telehealth may not
9528 order, prescribe, or make available medicinal drugs or drugs as
9529 defined in s. 465.003 approved by the United States Food and
9530 Drug Administration for human use or compounded antibacterial,
9531 antifungal, antiviral, or antiparasitic medications, unless the
9532 veterinarian has conducted an in-person physical examination of
9533 the animal or made medically appropriate and timely visits to
9534 the premises where the animal is kept.

9535 3. A veterinarian may not use veterinary telehealth to
9536 prescribe a controlled substance as defined in chapter 893
9537 unless the veterinarian has conducted an in-person physical
9538 examination of the animal or made medically appropriate and
9539 timely visits within the past year to the premises where the
9540 animal is kept.

9541 4. A veterinarian practicing veterinary telehealth may not
9542 prescribe a drug or other medication for use on a horse engaged
9543 in racing or training at a facility under the jurisdiction of
9544 the Florida Gaming Control Commission or on a horse that is a
9545 covered horse as defined in the federal Horseracing Integrity
9546 and Safety Act, 15 U.S.C. ss. 3051 et seq.;

9547 **Section 286. Subsections (3) through (7) of section**
9548 **475.17, Florida Statutes, are amended to read:**

9549 475.17 Qualifications for practice.—

9550 ~~(3)(a) The commission may prescribe a postlicensure~~

9551 ~~education requirement in order for a person to maintain a valid~~
9552 ~~sales associate's license, which shall not exceed 45 classroom~~
9553 ~~hours of 50 minutes each, inclusive of examination, prior to the~~
9554 ~~first renewal following initial licensure. If prescribed, this~~
9555 ~~shall consist of one or more commission-approved courses which~~
9556 ~~total at least 45 classroom hours on one or more subjects which~~
9557 ~~include, but are not limited to, property management, appraisal,~~
9558 ~~real estate finance, the economics of real estate management,~~
9559 ~~marketing, technology, sales and listing of properties, business~~
9560 ~~office management, courses teaching practical real estate~~
9561 ~~application skills, development of business plans, marketing of~~
9562 ~~property, and time management. Required postlicensure education~~
9563 ~~courses must be provided by an accredited college, university,~~
9564 ~~or community college, by a career center, by a registered real~~
9565 ~~estate school, or by a commission-approved sponsor.~~

9566 ~~(b) Satisfactory completion of the postlicensure education~~
9567 ~~requirement is demonstrated by successfully meeting all~~
9568 ~~standards established for the commission-prescribed or~~
9569 ~~commission-approved institution or school. However, notice of~~
9570 ~~satisfactory completion shall not be issued if the student has~~
9571 ~~absences in excess of 10 percent of the required classroom hours~~
9572 ~~or has not satisfactorily completed a timed distance learning~~
9573 ~~course examination.~~

9574 ~~(c) The license of any sales associate who does not~~
9575 ~~complete the postlicensure education requirement prior to the~~

9576 ~~first renewal following initial licensure shall be considered~~
9577 ~~null and void. Such person wishing to again operate as a real~~
9578 ~~estate sales associate must requalify by satisfactorily~~
9579 ~~completing the sales associate's prelicensure course and passing~~
9580 ~~the state examination for licensure as a sales associate.~~

9581 ~~(d) A sales associate who is required to complete any~~
9582 ~~postlicensure education requirement must complete any~~
9583 ~~postlicensure education requirement and hold a current and valid~~
9584 ~~license in order to be eligible for licensure as a broker.~~

9585 ~~(4)(a) The commission may prescribe a postlicensure~~
9586 ~~education requirement in order for a person to maintain a valid~~
9587 ~~broker's license, which shall not exceed 60 classroom hours of~~
9588 ~~50 minutes each, inclusive of examination, prior to the first~~
9589 ~~renewal following initial licensure. If prescribed, this shall~~
9590 ~~consist of one or more commission-approved courses which total~~
9591 ~~at least 60 classroom hours on one or more subjects which~~
9592 ~~include, but are not limited to, advanced appraisal, advanced~~
9593 ~~property management, real estate marketing, business law,~~
9594 ~~advanced real estate investment analyses, advanced legal~~
9595 ~~aspects, general accounting, real estate economics,~~
9596 ~~syndications, commercial brokerage, feasibility analyses,~~
9597 ~~advanced real estate finance, residential brokerage, advanced~~
9598 ~~marketing, technology, advanced business planning, time~~
9599 ~~management, or real estate brokerage office operations. Required~~
9600 ~~postlicensure education courses must be provided by an~~

9601 ~~accredited college, university, or community college, by a~~
9602 ~~career center, by a registered real estate school, or by a~~
9603 ~~commission-approved sponsor.~~

9604 ~~(b) Satisfactory completion of the postlicensure education~~
9605 ~~requirement is demonstrated by successfully meeting all~~
9606 ~~standards established for the commission-prescribed or~~
9607 ~~commission-approved institution or school. However, notice of~~
9608 ~~satisfactory completion shall not be issued if the student has~~
9609 ~~absences in excess of 10 percent of the required classroom hours~~
9610 ~~or has not satisfactorily completed a timed distance learning~~
9611 ~~course examination.~~

9612 ~~(c) The license of any broker who does not complete the~~
9613 ~~postlicensure education requirement prior to the first renewal~~
9614 ~~following initial licensure shall be considered null and void.~~
9615 ~~If the licensee wishes to operate as a sales associate, she or~~
9616 ~~he may be issued a sales associate's license after providing~~
9617 ~~proof that she or he has satisfactorily completed the 14-hour~~
9618 ~~continuing education course within the 6 months following~~
9619 ~~expiration of her or his broker's license. To operate as a~~
9620 ~~broker, the licensee must requalify by satisfactorily completing~~
9621 ~~the broker's prelicensure course and passing the state~~
9622 ~~examination for licensure as a broker.~~

9623 ~~(5)(a) The commission may allow an additional 6-month~~
9624 ~~period after the first renewal following initial licensure for~~
9625 ~~completing the postlicensure education courses for sales~~

9626 ~~associates and brokers who cannot, due to individual physical~~
9627 ~~hardship, as defined by rule, complete the courses within the~~
9628 ~~required time.~~

9629 ~~(b) Except as provided in subsection (4), sales associates~~
9630 ~~and brokers are not required to meet the 14-hour continuing~~
9631 ~~education requirement prior to the first renewal following~~
9632 ~~initial licensure.~~

9633 ~~(c)1. A distance learning course or courses shall be~~
9634 ~~approved by the commission as an option to classroom hours as~~
9635 ~~satisfactory completion of the postlicensure education course or~~
9636 ~~courses as required by this section. The schools or sponsors~~
9637 ~~authorized by this section have the option of providing~~
9638 ~~classroom courses, distance learning courses, or both. However,~~
9639 ~~satisfactory completion of a distance learning postlicensure~~
9640 ~~education course or courses requires the satisfactory completion~~
9641 ~~of a timed distance learning course examination. Such~~
9642 ~~examination shall not be required to be monitored or given at a~~
9643 ~~centralized location.~~

9644 ~~2. The commission shall provide for postlicensure~~
9645 ~~education courses to be made available by correspondence or~~
9646 ~~other suitable means to any person who, by reason of hardship,~~
9647 ~~as defined by rule, cannot attend the place or places where~~
9648 ~~courses are regularly conducted or does not have access to the~~
9649 ~~distance learning courses.~~

9650 ~~(3)(6)~~ The postlicensure education requirements of this

9651 section, and the education course requirements for one to become
9652 initially licensed, do not apply to any applicant or licensee
9653 who has received a 4-year degree, or higher, in real estate from
9654 an accredited institution of higher education.

9655 ~~(4)(7)~~ The commission may not approve prelicensure or
9656 postlicensure distance learning courses for brokers, broker
9657 associates, and sales associates by correspondence methods,
9658 except in instances of hardship pursuant to subparagraphs
9659 (2)(a)3. and (5)(c)2.

9660 **Section 287. Subsection (2) of section 475.175, Florida**
9661 **Statutes, is amended to read:**

9662 475.175 Examinations.—

9663 (2) Each accredited college, university, community
9664 college, or registered real estate school shall notify the
9665 department ~~commission~~ of the names of all persons who have
9666 satisfactorily completed the educational requirements provided
9667 for in s. 475.17(2), ~~(3), and (4)~~ in a manner prescribed by the
9668 department ~~commission~~. Furthermore, each such educational
9669 institution shall provide to each person satisfactorily
9670 completing the educational requirements provided for in s.
9671 475.17(2), ~~(3), and (4)~~ a certificate as proof of such
9672 satisfactory completion.

9673 **Section 288. Subsection (1) of section 475.180, Florida**
9674 **Statutes, is amended to read:**

9675 475.180 Nonresident licenses.—

(1) Notwithstanding the prelicensure requirements set forth under ss. 475.17(2) and (3) ~~(6)~~ and 475.175, the department ~~commission~~ in its discretion may enter into written agreements with similar licensing authorities of other states, territories, or jurisdictions of the United States or foreign national jurisdictions to ensure for Florida licensees nonresident licensure opportunities comparable to those afforded to nonresidents by this section. Whenever the department ~~commission~~ determines that another jurisdiction does not offer nonresident licensure to Florida licensees substantially comparable to those afforded to licensees of that jurisdiction by this section, the department ~~commission~~ shall require licensees of that jurisdiction who apply for nonresident licensure to meet education, experience, and examination requirements substantially comparable to those required by that jurisdiction with respect to Florida licensees who seek nonresident licensure, not to exceed such requirements as prescribed in ss. 475.17(2) and (3) ~~(6)~~ and 475.175.

Section 289. Subsection (1) of section 475.182, Florida Statutes, is amended to read:

475.182 Renewal of license; ~~continuing education.~~

(1) ~~(a)~~ The department shall renew a license upon receipt of the renewal application and fee. ~~The renewal application for an active license as broker, broker associate, or sales associate shall include proof satisfactory to the commission~~

9701 ~~that the licensee has, since the issuance or renewal of her or~~
9702 ~~his current license, satisfactorily completed at least 14~~
9703 ~~classroom hours of 50 minutes each of a continuing education~~
9704 ~~course during each biennium of a license period, as prescribed~~
9705 ~~by the commission. Approval or denial of a specialty course must~~
9706 ~~be based on the extent to which the course content focuses on~~
9707 ~~real estate issues relevant to the modern practice of real~~
9708 ~~estate by a real estate licensee, including technology used in~~
9709 ~~the real estate industry. The commission may accept as a~~
9710 ~~substitute for such continuing education course, on a classroom-~~
9711 ~~hour-for-classroom-hour basis, any satisfactorily completed~~
9712 ~~education course that the commission finds is adequate to~~
9713 ~~educate licensees within the intent of this section, including~~
9714 ~~an approved distance learning course. However, the commission~~
9715 ~~may not require, for the purpose of satisfactorily completing an~~
9716 ~~approved correspondence or distance learning course, a written~~
9717 ~~examination that is to be taken at a centralized location and is~~
9718 ~~to be monitored.~~

9719 ~~(b) The commission may accept as a substitute for 3~~
9720 ~~classroom hours, one time per renewal cycle, attendance at one~~
9721 ~~legal agenda session of the commission. In order to obtain~~
9722 ~~credit, the licensee must notify the division at least 7 days in~~
9723 ~~advance of his or her intent to attend. A licensee may not earn~~
9724 ~~any continuing education credit for attending a legal agenda~~
9725 ~~session of the commission as a party to a disciplinary action.~~

9726 **Section 290. Subsections (1), (2), and (4) of section**
9727 **475.183, Florida Statutes, are amended to read:**

9728 475.183 Inactive status.—

9729 (1) A license which has become voluntarily inactive may be
9730 renewed pursuant to s. 475.182 upon application to the
9731 department. ~~The commission shall prescribe by rule continuing~~
9732 ~~education requirements, not to exceed 12 classroom hours for~~
9733 ~~each year the license was inactive, as a condition of renewing a~~
9734 ~~voluntarily inactive license. The commission shall substitute~~
9735 ~~for such continuing education requirements, on a classroom hour~~
9736 ~~for classroom hour basis, any satisfactorily completed education~~
9737 ~~course approved in the manner specified in s. 475.182(1). A~~
9738 person whose license is voluntarily inactive and who renews the
9739 license may elect to continue her or his voluntarily inactive
9740 status.

9741 ~~(2) (a) A licensee may reactivate a license that has been~~
9742 ~~involuntarily inactive for 12 months or less by satisfactorily~~
9743 ~~completing at least 14 hours of a commission-prescribed~~
9744 ~~continuing education course. Notwithstanding the provisions of~~
9745 ~~s. 455.271, a licensee may reactivate a license that has been~~
9746 ~~involuntarily inactive for more than 12 months but fewer than 24~~
9747 ~~months by satisfactorily completing 28 hours of a commission-~~
9748 ~~prescribed education course.~~

9749 ~~(b)~~ Any license that has been involuntarily inactive for
9750 more than 2 years shall automatically expire. Once a license

9751 expires, it becomes null and void without any further action by
9752 the ~~commission or~~ department. Ninety days prior to expiration of
9753 the license, the department shall give notice to the licensee.
9754 The department ~~commission~~ shall prescribe by rule a fee not to
9755 exceed \$100 for the late renewal of an involuntarily inactive
9756 license. The department shall collect the current renewal fee
9757 for each renewal period in which the license was involuntarily
9758 inactive in addition to any applicable late renewal fee.

9759 (4) The department ~~commission~~ may reinstate the license of
9760 an individual whose license has become void if the department
9761 ~~commission~~ determines that the individual failed to comply
9762 because of illness or economic hardship, as defined by rule. The
9763 individual must apply to the department ~~commission~~ for
9764 reinstatement within 6 months after the date that the license
9765 becomes void. Such individual must ~~meet all continuing education~~
9766 ~~requirements prescribed by law,~~ pay appropriate licensing fees,
9767 and otherwise be eligible for renewal of licensure under this
9768 section.

9769 **Section 291. Paragraph (t) of subsection (1) of section**
9770 **475.25, Florida Statutes, is amended to read:**

9771 475.25 Discipline.—

9772 (1) The commission may deny an application for licensure,
9773 registration, or permit, or renewal thereof; may place a
9774 licensee, registrant, or permittee on probation; may suspend a
9775 license, registration, or permit for a period not exceeding 10

9776 years; may revoke a license, registration, or permit; may impose
9777 an administrative fine not to exceed \$5,000 for each count or
9778 separate offense; and may issue a reprimand, and any or all of
9779 the foregoing, if it finds that the licensee, registrant,
9780 permittee, or applicant:

9781 (t) Has violated any standard of professional practice
9782 adopted by rule of the department ~~Florida Real Estate Appraisal~~
9783 ~~Board~~, including standards for the development or communication
9784 of a real estate appraisal, as approved and adopted by the
9785 Appraisal Standards Board of the Appraisal Foundation, as
9786 defined in s. 475.611. This paragraph does not apply to a real
9787 estate broker or sales associate who, in the ordinary course of
9788 business, performs a comparative market analysis, gives a broker
9789 price opinion, or gives an opinion of value of real estate.
9790 However, in no event may this comparative market analysis,
9791 broker price opinion, or opinion of value of real estate be
9792 referred to as an appraisal, as defined in s. 475.611.

9793 **Section 292. Paragraphs (k) through (dd) of subsection (1)**
9794 **are redesignated as paragraphs (j) through (cc), respectively,**
9795 **and present paragraphs (j), (p), (q), (z), and (aa) of**
9796 **subsection (1) and subsection (2) of section 475.611, Florida**
9797 **Statutes, are amended to read:**

9798 475.611 Definitions.—

9799 (1) As used in this part, the term:

9800 ~~(j) "Board" means the Florida Real Estate Appraisal Board~~

9801 ~~established under s. 475.613.~~

9802 (o)~~(p)~~ "Direct supervision" means the degree of
9803 supervision required of a supervisory appraiser overseeing the
9804 work of a registered trainee appraiser by which the supervisory
9805 appraiser has control over and detailed professional knowledge
9806 of the work being done. Direct supervision is achieved when a
9807 registered trainee appraiser has regular direction, guidance,
9808 and support from a supervisory appraiser who has the
9809 competencies as determined by rule of the department ~~board~~.

9810 (p)~~(q)~~ "Evaluation" means a valuation permitted by any
9811 federal financial institutions regulatory agency appraisal
9812 regulations for transactions that do not require an appraisal,
9813 as such valuations qualify for an applicable exemption under
9814 federal law. The department ~~board~~ shall adopt rules, as
9815 necessary, to define the term "evaluation" and the applicable
9816 exemptions under federal law.

9817 (y)~~(z)~~ "Supervisory appraiser" means a certified
9818 residential appraiser or a certified general appraiser
9819 responsible for the direct supervision of one or more registered
9820 trainee appraisers and fully responsible for appraisals and
9821 appraisal reports prepared by those registered trainee
9822 appraisers. The department ~~board~~, by rule, shall determine the
9823 responsibilities of a supervisory appraiser, the geographic
9824 proximity required, the minimum qualifications and standards
9825 required of a certified appraiser before she or he may act in

the capacity of a supervisory appraiser, and the maximum number of registered trainee appraisers to be supervised by an individual supervisory appraiser.

(z)~~(aa)~~ "Training" means the process of providing for and making available to a registered trainee appraiser, under direct supervision, a planned, prepared, and coordinated program, or routine of instruction and education, in appraisal professional and technical appraisal skills as determined by rule of the department ~~board~~.

(2) Wherever the word "operate" or "operating" appears in this part with respect to a registered trainee appraiser, registered appraisal management company, licensed appraiser, or certified appraiser; in any order, rule, or regulation of the department ~~board~~; in any pleading, indictment, or information under this part; in any court action or proceeding; or in any order or judgment of a court, it shall be deemed to mean the commission of one or more acts described in this part as constituting or defining a registered trainee appraiser, registered appraisal management company, licensed appraiser, or certified appraiser, not including, however, any of the exceptions stated therein. A single act is sufficient to bring a person within the meaning of this subsection, and each act, if prohibited herein, constitutes a separate offense.

Section 293. Subsection (7) of section 475.612, Florida Statutes, is amended to read:

475.612 Certification, licensure, or registration required.—

(7) Notwithstanding any other provision of law, an appraiser may perform an evaluation of real property in connection with a real estate-related financial transaction, as defined by rule of the department board, which is regulated by a federal financial institutions regulatory agency. The appraiser shall comply with the standards for evaluations imposed by the federal financial institutions regulatory agency and other standards as prescribed by the department board. However, an evaluation may not be referred to or construed as an appraisal.

Section 294. Section 475.614, Florida Statutes, is amended to read:

475.614 Power of department board to adopt rules and decide questions of practice; requirements for protection of appraiser's signature.—

(1) The department may board ~~has authority to~~ adopt rules ~~pursuant to ss. 120.536(1) and 120.54~~ to implement provisions of law conferring duties upon it. The board may decide questions of practice arising in the proceedings before it, having regard to this section and the rules then in force.

(2) The department board shall adopt rules specifying the means by which an appraiser's signature may be affixed to an appraisal report or other work performed by the appraiser. The rules shall include requirements for protecting the security of

an appraiser's signature and prohibiting practices that may discredit the use of an appraiser's signature to authenticate the work performed by the appraiser.

Section 295. Section 475.6145, Florida Statutes, is amended to read:

475.6145 Seal.—The department board shall adopt a seal by which it shall authenticate its proceedings, records, and acts. Copies of the proceedings, records, and acts of the board, and certificates purporting to relate the facts concerning such proceedings, records, and acts, which are signed by the board chair, the custodian of such records, or any other person authorized to make such certification and which are authenticated by such seal, shall be prima facie evidence of such proceedings, records, and acts in all courts of this state.

Section 296. Section 475.6147, Florida Statutes, is amended to read:

475.6147 Fees.—

(1)(a) The department board by rule may establish fees to be paid for application, licensing and renewal, certification and recertification, registration and reregistration, reinstatement, and recordmaking and recordkeeping.

(b) The fee for initial application of an appraiser may not exceed \$150, and the combined cost of the application and examination may not exceed \$300. The initial certification, registration, or license fee and the certification,

9901 registration, or license renewal fee may not exceed \$150 for
9902 each year of the duration of the certification, registration, or
9903 license.

9904 (c) The fee for initial application of an appraisal
9905 management company may not exceed \$150. The initial registration
9906 and registration renewal fee may not exceed \$150 for each year
9907 of the duration of the registration.

9908 (d) The department ~~board~~ may also establish by rule a late
9909 renewal penalty.

9910 (e) The department ~~board~~ shall establish fees which are
9911 adequate to ensure its continued operation. Fees shall be based
9912 on estimates made by the department of the revenue required to
9913 implement this part and other provisions of law relating to the
9914 regulation of real estate appraisers.

9915 (2) Application and certification, registration, and
9916 license fees shall be refunded upon a determination by the
9917 department ~~board~~ that the state is not entitled to the fees or
9918 that only a portion of the resources have been expended in the
9919 processing of the application or shall be refunded if for any
9920 other reason the application is not completely processed. The
9921 department ~~board~~ shall implement this subsection by rule.

9922 **Section 297. Section 475.615, Florida Statutes, is amended**
9923 **to read:**

9924 475.615 Qualifications for registration or certification.—

9925 (1) Any person desiring to act as a registered trainee

9926 appraiser or as a certified appraiser must make application in
9927 writing to the department in such form and detail as the
9928 department board shall prescribe. Each applicant must be at
9929 least 18 years of age and hold a high school diploma or its
9930 equivalent.

9931 (2) The department board is authorized to waive or modify
9932 any education, experience, or examination requirements
9933 established in this part in order to conform with any such
9934 requirements established by the Appraiser Qualifications Board
9935 of the Appraisal Foundation or any successor body recognized by
9936 federal law, including any requirements adopted on December 9,
9937 2011. The department board shall implement this section by rule.

9938 (3) Appropriate fees, as set forth in the rules of the
9939 department board pursuant to s. 475.6147, and a set of
9940 fingerprints must accompany all applications for registration or
9941 certification. The fingerprints shall be forwarded to the
9942 Division of Criminal Justice Information Systems within the
9943 Department of Law Enforcement for processing to determine
9944 whether the applicant has a criminal history record. The
9945 fingerprints shall also be forwarded to the Federal Bureau of
9946 Investigation to determine whether the applicant has a criminal
9947 history record. The information obtained by the processing of
9948 the fingerprints by the Department of Law Enforcement and the
9949 Federal Bureau of Investigation shall be sent to the department
9950 to determine whether the applicant is statutorily qualified for

9951 registration or certification.

9952 (4) In the event that the applicant is currently a
9953 registered trainee appraiser or a licensed or certified
9954 appraiser and is making application to obtain a different status
9955 of appraisal credential, should such application be received by
9956 the department within 180 days prior to through 180 days after
9957 the applicant's scheduled renewal, the charge for the
9958 application shall be established by the rules of the department
9959 ~~board~~ pursuant to s. 475.6147.

9960 (5) At the time of filing an application for registration
9961 or certification, the applicant must sign a pledge indicating
9962 that upon becoming registered or certified, she or he will
9963 comply with the standards of professional practice established
9964 by rule of the department ~~board~~, including standards for the
9965 development or communication of a real estate appraisal, and
9966 must indicate in writing that she or he understands the types of
9967 misconduct for which disciplinary proceedings may be initiated.
9968 The application expires 1 year after the date received by the
9969 department.

9970 (6) All applicants must be competent and qualified to make
9971 real estate appraisals with safety to those with whom they may
9972 undertake a relationship of trust and confidence and the general
9973 public. If any applicant has been denied registration,
9974 licensure, or certification, or has been disbarred, or the
9975 applicant's registration, license, or certificate to practice or

9976 | conduct any regulated profession, business, or vocation has been
9977 | revoked or suspended by this or any other state, any nation, or
9978 | any possession or district of the United States, or any court or
9979 | lawful agency thereof, because of any conduct or practices which
9980 | would have warranted a like result under this part, or if the
9981 | applicant has been guilty of conduct or practices in this state
9982 | or elsewhere which would have been grounds for disciplining her
9983 | or his registration, license, or certification under this part
9984 | had the applicant then been a registered trainee appraiser or a
9985 | licensed or certified appraiser, the applicant is deemed not to
9986 | be qualified unless the applicant has met the conditions adopted
9987 | by the Appraiser Qualifications Board of the Appraisal
9988 | Foundation on December 9, 2011, as prescribed by rule of the
9989 | department board and it appears to the department board that the
9990 | interest of the public is not likely to be endangered by the
9991 | granting of registration or certification.

9992 | (7) No applicant seeking to become registered or certified
9993 | under this part may be rejected solely by virtue of membership
9994 | or lack of membership in any particular appraisal organization.

9995 | **Section 298. Section 475.617, Florida Statutes, is amended**
9996 | **to read:**

9997 | 475.617 Education and experience requirements.—

9998 | (1) To be registered as a trainee appraiser, an applicant
9999 | must present evidence satisfactory to the department board that
10000 | she or he has successfully completed at least 100 hours of

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approved qualifying education courses in subjects related to real estate appraisal, which must include coverage of the Uniform Standards of Professional Appraisal Practice, or its equivalent, as established by rule of the department board, from a nationally recognized or state-recognized appraisal organization, career center, accredited community college, college, or university, state or federal agency or commission, or proprietary real estate school that holds a permit pursuant to s. 475.451. The department board may increase the required number of hours to not more than 125 hours. All qualifying education courses may be completed through in-person classroom instruction or distance learning. A classroom hour is defined as 50 minutes out of each 60-minute segment. Past courses may be approved on an hour-for-hour basis.

(2) To be certified as a residential appraiser, an applicant must present satisfactory evidence to the department board that she or he has met the minimum education and experience requirements prescribed by rule of the department board. The department board shall prescribe by rule education and experience requirements that meet or exceed the following real property appraiser qualification criteria adopted on December 9, 2011, by the Appraiser Qualifications Board of the Appraisal Foundation:

(a) Has at least 2,500 hours of experience obtained over a 24-month period in real property appraisal as defined by rule.

(b) Has successfully completed at least 200 classroom hours, inclusive of examination, of approved qualifying education courses in subjects related to real estate appraisal, which must include a 15-hour National Uniform Standards of Professional Appraisal Practice course, or its equivalent, as established by rule of the department ~~board~~, from a nationally recognized or state-recognized appraisal organization, career center, accredited community college, college, or university, state or federal agency or commission, or proprietary real estate school that holds a permit pursuant to s. 475.451. All qualifying education courses may be completed through in-person classroom instruction or distance learning. A classroom hour is defined as 50 minutes out of each 60-minute segment. Past courses may be approved by the department ~~board~~ and substituted on an hour-for-hour basis.

(3) To be certified as a general appraiser, an applicant must present evidence satisfactory to the department ~~board~~ that she or he has met the minimum education and experience requirements prescribed by rule of the department ~~board~~. The department ~~board~~ shall prescribe education and experience requirements that meet or exceed the following real property appraiser qualification criteria adopted on December 9, 2011, by the Appraiser Qualifications Board of the Appraisal Foundation:

(a) Has at least 3,000 hours of experience obtained over a 30-month period in real property appraisal as defined by rule.

(b) Has successfully completed at least 300 classroom hours, inclusive of examination, of approved qualifying education courses in subjects related to real estate appraisal, which must include a 15-hour National Uniform Standards of Professional Appraisal Practice course, or its equivalent, as established by rule of the department ~~board~~, from a nationally recognized or state-recognized appraisal organization, career center, accredited community college, college, or university, state or federal agency or commission, or proprietary real estate school that holds a permit pursuant to s. 475.451. All qualifying education courses may be completed through in-person classroom instruction or distance learning. A classroom hour is defined as 50 minutes out of each 60-minute segment. Past courses may be approved by the department ~~board~~ and substituted on an hour-for-hour basis.

(4) A distance learning course may be approved by the department ~~board~~ as an option to classroom hours for satisfactory completion of the academic courses required under this section. The schools authorized by this section have the option of providing classroom courses, distance learning courses, or both.

(a) A distance learning course must use a delivery method that is certified or approved by a department-authorized ~~board-authorized~~ independent certifying organization.

(b) A distance learning course intended for use as

academic education must include a written, closed-book final examination. As used in this paragraph, the term "written" refers to an exam that might be written on paper or administered electronically on a computer workstation or other device. Oral exams are not acceptable.

(5) Each applicant must furnish, under oath, a detailed statement of the experience for each year of experience she or he claims. Upon request, the applicant shall furnish to the department board, for its examination, copies of appraisal reports or file memoranda to support the claim for experience. Any appraisal report or file memoranda used to support a claim for experience must be maintained by the applicant for no less than 5 years after the date of certification.

(6) The department board may implement the provisions of this section by rule.

Section 299. Section 475.6171, Florida Statutes, is amended to read:

475.6171 Issuance of registration or certification.—The registration or certification of an applicant may be issued upon receipt by the department board of the following:

(1) A complete application indicating compliance with qualifications as specified in s. 475.615.

(2) Proof of successful course completion as specified in s. 475.617.

(3) Proof of experience for certification as specified in

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s. 475.617.

(4) If required, proof of passing a written examination as specified in s. 475.616.

(5) The department ~~board~~ shall implement this section by rule.

Section 300. Subsection (1) of section 475.618, Florida Statutes, is amended to read:

475.618 Renewal of registration, license, certification, or instructor permit; continuing education.—

(1)(a) The department shall renew a registration, license, certification, or instructor permit upon receipt of the renewal application and proper fee. Such application shall include proof satisfactory to the department ~~board~~ that the individual has satisfactorily completed any continuing education that has been prescribed by the department ~~board~~.

(b) A distance learning course or courses shall be approved by the department ~~board~~ as an option to classroom hours as satisfactory completion of the course or courses as required by this section. The schools authorized by this section have the option of providing classroom courses, distance learning courses, or both.

(c) The department ~~board~~ may authorize independent certification organizations to certify or approve the delivery method of distance learning courses. Certification from such authorized organizations must be provided at the time a distance

learning course is submitted to the department ~~board~~ by an accredited college, university, community college, career center, proprietary real estate school, or department-approved ~~board-approved~~ sponsor for content approval.

Section 301. Section 475.619, Florida Statutes, is amended to read:

475.619 Inactive status.—

(1) A registration, license, or certification which has become inactive may be renewed upon application to the department. The department ~~board~~ shall prescribe by rule continuing education requirements for each year the registration, license, or certification was inactive, as a condition of renewing an inactive registration, license, or certification.

(2) Any registration, license, or certification which has been inactive for more than 4 years shall automatically expire. Once a registration, license, or certification expires, it becomes null and void without any further action by the ~~board or~~ department. Two years prior to the expiration of the registration, license, or certification, the department shall give notice by mail to the registered trainee, licensee, or certificateholder at her or his last known address. The department ~~board~~ shall prescribe by rule a fee not to exceed \$100 for the late renewal of an inactive registration, license, or certification. The department shall collect the current

10151 renewal fee for each renewal period in which the registration,
10152 license, or certification was inactive, in addition to any
10153 applicable late renewal fee.

10154 (3) The department ~~board~~ shall adopt rules relating to
10155 inactive registrations, licenses, and certifications and for the
10156 renewal of such registrations, licenses, and certifications.

10157 **Section 302. Subsections (2) and (3) of section 475.621,**
10158 **Florida Statutes, are amended to read:**

10159 475.621 Registry of licensed and certified appraisers;
10160 registry of appraisal management companies.—

10161 (2) The department shall collect from such individuals who
10162 perform or seek to perform appraisals in federally related
10163 transactions an annual fee as set by rule of, and transmitted
10164 to, the appraisal subcommittee. The department shall collect
10165 from such appraisal management companies that perform or seek to
10166 perform appraisal management services in covered transactions an
10167 annual fee set by rule of the department ~~board~~ and transmitted
10168 to the appraisal subcommittee.

10169 (3) Notwithstanding the prohibition against requiring
10170 registration of a federally regulated appraisal management
10171 company as provided in s. 475.6235(8)(b), the department ~~board~~
10172 shall establish a procedure to collect from a federally
10173 regulated appraisal management company an annual fee as set by
10174 rule of the department ~~board~~ and transmitted to the appraisal
10175 subcommittee.

10176 **Section 303. Section 475.6222, Florida Statutes, is**
10177 **amended to read:**

10178 475.6222 Supervision and training of registered trainee
10179 appraisers.—The primary or secondary supervisory appraiser of a
10180 registered trainee appraiser shall provide direct supervision
10181 and training to the registered trainee appraiser. The role and
10182 responsibility of the supervisory appraiser is determined by
10183 rule of the department ~~board~~.

10184 **Section 304. Subsections (3) and (4) of section 475.6235,**
10185 **Florida Statutes, are amended to read:**

10186 475.6235 Registration of appraisal management companies
10187 required; exemptions.—

10188 (3) Appropriate fees, as set forth in the rules of the
10189 department ~~board~~ pursuant to s. 475.6147, and a complete set of
10190 fingerprints for each person listed in paragraph (2)(f) must
10191 accompany all applications for registration. The fingerprints
10192 shall be forwarded to the Division of Criminal Justice
10193 Information Systems within the Department of Law Enforcement for
10194 purposes of processing the fingerprints to determine whether the
10195 person has a criminal history record. The fingerprints shall
10196 also be forwarded to the Federal Bureau of Investigation for
10197 purposes of processing the fingerprints to determine whether the
10198 person has a criminal history record. The information obtained
10199 by the processing of fingerprints by the Department of Law
10200 Enforcement and the Federal Bureau of Investigation shall be

sent to the department for the purpose of determining whether the appraisal management company is statutorily qualified for registration.

(4) At the time of filing an application for registration of an appraisal management company, each person listed in paragraph (2)(f) must sign a pledge to comply with applicable standards of professional practice established by rule of the department board, including standards for the development or communication of a real estate appraisal, and must indicate in writing that she or he understands the types of misconduct for which disciplinary proceedings may be initiated. The application expires 1 year after the date received.

Section 305. Section 475.624, Florida Statutes, is amended to read:

475.624 Discipline of appraisers.—The department board may deny an application for registration or certification of an appraiser; may investigate the actions of any appraiser registered, licensed, or certified under this part; may reprimand or impose an administrative fine not to exceed \$5,000 for each count or separate offense against any such appraiser; and may revoke or suspend, for a period not to exceed 10 years, the registration, license, or certification of any such appraiser, or place any such appraiser on probation, if the department board finds that the registered trainee, licensee, or certificateholder:

(1) Has violated any provision of this part or s. 455.227(1); however, any appraiser registered, licensed, or certified under this part is exempt from s. 455.227(1)(i).

(2) Has been guilty of fraud, misrepresentation, concealment, false promises, false pretenses, dishonest conduct, culpable negligence, or breach of trust in any business transaction in this state or any other state, nation, or territory; has violated a duty imposed upon her or him by law or by the terms of a contract, whether written, oral, express, or implied, in an appraisal assignment; has aided, assisted, or conspired with any other person engaged in any such misconduct and in furtherance thereof; or has formed an intent, design, or scheme to engage in such misconduct and committed an overt act in furtherance of such intent, design, or scheme. It is immaterial to the guilt of the registered trainee appraiser or licensed or certified appraiser that the victim or intended victim of the misconduct has sustained no damage or loss; that the damage or loss has been settled and paid after discovery of the misconduct; or that such victim or intended victim was a customer or a person in confidential relation with the registered trainee appraiser or licensed or certified appraiser, or was an identified member of the general public.

(3) Has advertised services in a manner that is fraudulent, false, deceptive, or misleading in form or content.

(4) Has violated any provision of this part or any lawful

order or rule issued under this part or chapter 455.

(5) Has been convicted or found guilty of, or entered a plea of nolo contendere to, regardless of adjudication, a crime in any jurisdiction that directly relates to the activities of a registered trainee appraiser or licensed or certified appraiser or that involves moral turpitude or fraudulent or dishonest conduct. The record of a conviction certified or authenticated in such form as admissible in evidence under the laws of the state shall be admissible as prima facie evidence of such guilt.

(6) Has had a registration, license, or certification as an appraiser revoked, suspended, or otherwise acted against; has been disbarred; has had her or his registration, license, or certificate to practice or conduct any regulated profession, business, or vocation revoked or suspended by this or any other state, any nation, or any possession or district of the United States; or has had an application for such registration, licensure, or certification to practice or conduct any regulated profession, business, or vocation denied by this or any other state, any nation, or any possession or district of the United States.

(7) Has become temporarily incapacitated from acting as an appraiser with safety to those in a fiduciary relationship with her or him because of drunkenness, use of drugs, or temporary mental derangement; however, suspension of a license, certification, or registration in such cases shall only be for

the period of such incapacity.

(8) Is confined in any county jail, postadjudication; is confined in any state or federal prison or mental institution; or, through mental disease or deterioration, can no longer safely be entrusted to deal with the public or in a confidential capacity.

(9) Has failed to inform the department ~~board~~ in writing within 30 days after pleading guilty or nolo contendere to, or being convicted or found guilty of, any felony.

(10) Has been found guilty, for a second time, of any misconduct that warrants disciplinary action, or has been found guilty of a course of conduct or practice that shows that she or he is incompetent, negligent, dishonest, or untruthful to an extent that those with whom she or he may sustain a confidential relationship may not safely do so.

(11) Has made or filed a report or record, either written or oral, that the registered trainee appraiser or licensed or certified appraiser knows to be false; has willfully failed to file a report or record required by state or federal law; has willfully impeded or obstructed such filing; or has induced another person to impede or obstruct such filing. However, such reports or records shall include only those that are signed or presented in the capacity of a registered trainee appraiser or licensed or certified appraiser.

(12) Has obtained or attempted to obtain a registration,

license, or certification by means of knowingly making a false statement, submitting false information, refusing to provide complete information in response to an application question, or engaging in fraud, misrepresentation, or concealment.

(13) Has paid money or other valuable consideration, except as required by this section, to any member or employee of the department ~~board~~ to obtain a registration, license, or certification under this section.

(14) Has violated any standard of professional practice established by rule of the department ~~board~~, including standards for the development or communication of a real estate appraisal.

(15) Has failed or refused to exercise reasonable diligence in developing an appraisal or preparing an appraisal report.

(16) Has failed to communicate an appraisal without good cause.

(17) Has accepted an appraisal assignment if the employment itself is contingent upon the appraiser reporting a predetermined result, analysis, or opinion or if the fee to be paid for the performance of the appraisal assignment is contingent upon the opinion, conclusion, or valuation reached upon the consequences resulting from the appraisal assignment.

(18) Has failed to timely notify the department of any change in business location, or has failed to fully disclose all business locations from which she or he operates as a registered

trainee appraiser or licensed or certified appraiser.

Section 306. Section 475.6245, Florida Statutes, is amended to read:

475.6245 Discipline of appraisal management companies.—

(1) The department ~~board~~ may deny an application for registration or renewal registration of an appraisal management company; may investigate the actions of any appraisal management company registered under this part; may reprimand or impose an administrative fine not to exceed \$5,000 for each count or separate offense against any such appraisal management company; and may revoke or suspend, for a period not to exceed 10 years, the registration of any such appraisal management company, or place any such appraisal management company on probation, if the department ~~board~~ finds that the appraisal management company or any person listed in s. 475.6235(2) (f):

(a) Has violated any provision of this part or s. 455.227(1); however, any appraisal management company registered under this part is exempt from s. 455.227(1) (i).

(b) Has been guilty of fraud, misrepresentation, concealment, false promises, false pretenses, dishonest conduct, culpable negligence, or breach of trust in any business transaction in this state or any other state, nation, or territory; has violated a duty imposed upon her or him by law or by the terms of a contract, whether written, oral, express, or implied, in an appraisal assignment; has aided, assisted, or

10351 conspired with any other person engaged in any such misconduct
10352 and in furtherance thereof; or has formed an intent, design, or
10353 scheme to engage in such misconduct and committed an overt act
10354 in furtherance of such intent, design, or scheme. It is
10355 immaterial to the guilt of the appraisal management company that
10356 the victim or intended victim of the misconduct has sustained no
10357 damage or loss; that the damage or loss has been settled and
10358 paid after discovery of the misconduct; or that such victim or
10359 intended victim was a customer or a person in confidential
10360 relation with the appraisal management company or was an
10361 identified member of the general public.

10362 (c) Has advertised services in a manner that is
10363 fraudulent, false, deceptive, or misleading in form or content.

10364 (d) Has violated any provision of this part or any lawful
10365 order or rule issued under this part or chapter 455.

10366 (e) Has been convicted or found guilty of, or entered a
10367 plea of nolo contendere to, regardless of adjudication, a crime
10368 in any jurisdiction that directly relates to the activities of
10369 an appraisal management company or that involves moral turpitude
10370 or fraudulent or dishonest conduct. The record of a conviction
10371 certified or authenticated in such form as admissible in
10372 evidence under the laws of the state shall be admissible as
10373 prima facie evidence of such guilt.

10374 (f) Has had a registration, license, or certification as
10375 an appraiser or a registration as an appraisal management

company revoked, suspended, or otherwise acted against; has been
disbarred; has had her or his registration, license, or
certificate to practice or conduct any regulated profession,
business, or vocation revoked or suspended by this or any other
state, any nation, or any possession or district of the United
States; or has had an application for such registration,
licensure, or certification to practice or conduct any regulated
profession, business, or vocation denied by this or any other
state, any nation, or any possession or district of the United
States.

(g) Has become temporarily incapacitated from acting as an
appraisal management company with safety to those in a fiduciary
relationship with her or him because of drunkenness, use of
drugs, or temporary mental derangement; however, suspension of a
registration in such cases shall only be for the period of such
incapacity.

(h) Is confined in any county jail, postadjudication; is
confined in any state or federal prison or mental institution;
or, through mental disease or deterioration, can no longer
safely be entrusted to deal with the public or in a confidential
capacity.

(i) Has failed to inform the department ~~board~~ in writing
within 30 days after pleading guilty or nolo contendere to, or
being convicted or found guilty of, any felony.

(j) Has been found guilty, for a second time, of any

misconduct that warrants disciplinary action, or has been found guilty of a course of conduct or practice that shows that she or he is incompetent, negligent, dishonest, or untruthful to an extent that those with whom she or he may sustain a confidential relationship may not safely do so.

(k) Has made or filed a report or record, either written or oral, that the appraisal management company knows to be false; has willfully failed to file a report or record required by state or federal law; has willfully impeded or obstructed such filing; or has induced another person to impede or obstruct such filing. However, such reports or records shall include only those that are signed or presented in the capacity of an appraisal management company.

(l) Has obtained or attempted to obtain a registration, license, or certification by means of knowingly making a false statement, submitting false information, refusing to provide complete information in response to an application question, or engaging in fraud, misrepresentation, or concealment.

(m) Has paid money or other valuable consideration, except as required by this section, to any member or employee of the department board to obtain a registration, license, or certification under this section.

(n) Has instructed an appraiser to violate any standard of professional practice established by rule of the department board, including standards for the development or communication

10426 of a real estate appraisal or other provision of the Uniform
10427 Standards of Professional Appraisal Practice.

10428 (o) Has engaged in the development of an appraisal or the
10429 preparation of an appraisal report, unless the appraisal
10430 management company is owned or controlled by certified
10431 appraisers.

10432 (p) Has failed to communicate an appraisal without good
10433 cause.

10434 (q) Has accepted an appraisal assignment if the employment
10435 itself is contingent upon the appraisal management company
10436 reporting a predetermined result, analysis, or opinion or if the
10437 fee to be paid for the performance of the appraisal assignment
10438 is contingent upon the opinion, conclusion, or valuation reached
10439 upon the consequences resulting from the appraisal assignment.

10440 (r) Has failed to timely notify the department of any
10441 change in principal business location as an appraisal management
10442 company.

10443 (s) Has influenced or attempted to influence the
10444 development, reporting, or review of an appraisal through
10445 coercion, extortion, collusion, compensation, inducement,
10446 intimidation, bribery, or any other means, including, but not
10447 limited to:

10448 1. Withholding or threatening to withhold timely payment
10449 for an appraisal, unless such nonpayment is based upon specific
10450 quality or other service issues that constitute noncompliance

10451 with the appraisal engagement agreement.

10452 2. Withholding or threatening to withhold future business
10453 from an appraiser.

10454 3. Promising future business, promotions, or increased
10455 compensation for an appraiser, whether the promise is express or
10456 implied.

10457 4. Conditioning a request for appraisal services or the
10458 payment of an appraisal fee, salary, or bonus upon the opinion,
10459 conclusion, or valuation to be reached or upon a preliminary
10460 estimate or opinion requested from an appraiser.

10461 5. Requesting that an appraiser provide an estimated,
10462 predetermined, or desired valuation in an appraisal report or
10463 provide estimated values or comparable sales at any time before
10464 the appraiser's completion of appraisal services.

10465 6. Providing to an appraiser an anticipated, estimated,
10466 encouraged, or desired value for a subject property or a
10467 proposed or target amount to be loaned to the borrower, except
10468 that a copy of the sales contract for purchase transactions may
10469 be provided.

10470 7. Providing to an appraiser, or any person related to the
10471 appraiser, stock or other financial or nonfinancial benefits.

10472 8. Allowing the removal of an appraiser from an appraiser
10473 panel without prior written notice to the appraiser.

10474 9. Obtaining, using, or paying for a second or subsequent
10475 appraisal or ordering an automated valuation model in connection

10476 with a mortgage financing transaction unless there is a
10477 reasonable basis to believe that the initial appraisal was
10478 flawed or tainted and such basis is clearly and appropriately
10479 noted in the loan file, or unless such appraisal or automated
10480 valuation model is issued pursuant to a bona fide prefunding or
10481 postfunding appraisal review or quality control process.

10482 10. Any other act or practice that impairs or attempts to
10483 impair an appraiser's independence, objectivity, or
10484 impartiality.

10485 (t) Has altered, modified, or otherwise changed a
10486 completed appraisal report submitted by an appraiser to an
10487 appraisal management company.

10488 (u) Has employed, contracted with, or otherwise retained
10489 an appraiser whose registration, license, or certification is
10490 suspended or revoked to perform appraisal services or appraisal
10491 management services.

10492 (v) Has required or attempted to require an appraiser to
10493 sign any indemnification agreement that would require the
10494 appraiser to hold harmless the appraisal management company or
10495 its owners, agents, employees, or independent contractors from
10496 any liability, damage, loss, or claim arising from the services
10497 performed by the appraisal management company or its owners,
10498 agents, employees, or independent contractors and not the
10499 services performed by the appraiser.

10500 (w) Has required or attempted to require a client to sign

any indemnification agreement that would require the client to hold harmless the appraisal management company or its owners, agents, or employees from any liability, damage, loss, or claim arising from the services performed by an appraiser.

(2) The department ~~board~~ may reprimand an appraisal management company, conditionally or unconditionally suspend or revoke any registration of an appraisal management company issued under this part, or impose administrative fines not to exceed \$5,000 for each count or separate offense against any such appraisal management company if the department ~~board~~ determines that the appraisal management company is attempting to perform, has performed, or has attempted to perform any of the following acts:

(a) Committing any act in violation of this part.

(b) Violating any rule adopted by the department ~~board~~ under this part.

(c) Obtaining a registration of an appraisal management company by fraud, misrepresentation, or deceit.

(3) This section does not prohibit an appraisal management company from requesting an appraiser to:

(a) Provide additional information about the basis of a valuation, including consideration of additional comparable data; or

(b) Correct objective factual errors in an appraisal report.

Section 307. Section 475.625, Florida Statutes, is amended to read:

475.625 Final orders.—The department ~~board~~ may publish and distribute, in such manner and form as it may prescribe, any of its final orders or decisions made under this section, after they become final by lapse of time or upon affirmance on appeal, or opinions of appellate courts for the guidance of appraisers, appraiser users, and the public. The department ~~board~~ may also publish or withhold from publication the names and addresses of any parties concerned. This section shall not be construed to affect compliance with chapter 119.

Section 308. Paragraphs (c), (d), and (e) of subsection (1) of section 475.626, Florida Statutes, are amended to read:

475.626 Violations and penalties.—

(1) A person may not:

(c) Make any false affidavit or affirmation intended for use as evidence by or before the department ~~board~~ or any member thereof, or by any of its authorized representatives, nor may any person give false testimony under oath or affirmation to or before the department ~~board~~ or any member thereof in any proceeding authorized by this section.

(d) Fail or refuse to appear at the time and place designated in a subpoena issued with respect to a violation of this section, unless such failure to appear is the result of facts or circumstances that are sufficient to excuse appearance

10551 in response to a subpoena from the circuit court; nor may a
10552 person who is present before the department ~~board or a member~~
10553 ~~thereof~~ or one of its authorized representatives acting under
10554 authority of this section refuse to be sworn or to affirm or
10555 fail or refuse to answer fully any question propounded by the
10556 department ~~board, the member,~~ or such representative, or by any
10557 person by the authority of such officer or appointee.

10558 (e) Obstruct or hinder in any manner the enforcement of
10559 this section or the performance of any lawful duty by any person
10560 acting under the authority of this section, or interfere with,
10561 intimidate, or offer any bribe to any employee ~~member~~ of the
10562 department ~~board or any of its employees~~ or any person who is,
10563 or is expected to be, a witness in any investigation or
10564 proceeding relating to a violation of this section.

10565 **Section 309. Section 475.627, Florida Statutes, is amended**
10566 **to read:**

10567 475.627 Appraisal course instructors.—

10568 (1) Where the course or courses to be taught are
10569 prescribed by the department ~~board~~ or approved precedent to
10570 registration, licensure, certification, or renewal as a
10571 registered trainee appraiser, licensed appraiser, or certified
10572 residential appraiser, before commencing to instruct noncredit
10573 college courses in a college, university, or community college,
10574 or courses in a career center or proprietary real estate school,
10575 a person must certify her or his competency by meeting one of

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the following requirements:

(a) Hold a valid certification as a residential real estate appraiser in this or any other state.

(b) Pass an appraiser instructor's examination which shall test knowledge of residential appraisal topics.

(2) Where the course or courses to be taught are prescribed by the department ~~board~~ or approved precedent to registration, licensure, certification, or renewal as a registered trainee appraiser, licensed appraiser, or certified appraiser, before commencing to instruct noncredit college courses in a college, university, or community college, or courses in a career center or proprietary real estate school, a person must certify her or his competency by meeting one of the following requirements:

(a) Hold a valid certification as a general real estate appraiser in this or any other state.

(b) Pass an appraiser instructor's examination which shall test knowledge of residential and nonresidential appraisal topics.

(3) Possession of a permit to teach prescribed or approved appraisal courses does not entitle the permitholder to teach any courses outside the scope of the permit.

Section 310. Section 475.628, Florida Statutes, is amended to read:

475.628 Professional standards for appraisers registered,

10601 licensed, or certified under this part.—

10602 (1) The department ~~board~~ shall adopt rules establishing
10603 standards of professional practice which meet or exceed
10604 nationally recognized standards of appraisal practice, including
10605 standards adopted by the Appraisal Standards Board of the
10606 Appraisal Foundation. Each appraiser registered, licensed, or
10607 certified under this part must comply with the rules. Statements
10608 on appraisal standards which may be issued for the purpose of
10609 clarification, interpretation, explanation, or elaboration
10610 through the Appraisal Foundation are binding on any appraiser
10611 registered, licensed, or certified under this part, upon
10612 adoption by rule of the department ~~board~~.

10613 (2) The department ~~board~~ may adopt rules establishing
10614 standards of professional practice other than standards adopted
10615 by the Appraisal Standards Board of the Appraisal Foundation for
10616 nonfederally related transactions. The department ~~board~~ shall
10617 require that when performing an appraisal or appraisal service
10618 for any purpose other than a federally related transaction, an
10619 appraiser must comply with the Ethics and Competency Rules of
10620 the standards adopted by the Appraisal Standards Board of the
10621 Appraisal Foundation, and other requirements as determined by
10622 rule of the department ~~board~~. An assignment completed using
10623 alternate standards does not satisfy the experience requirements
10624 under s. 475.617 unless the assignment complies with the
10625 standards adopted by the Appraisal Standards Board of the

Appraisal Foundation.

Section 311. Section 475.629, Florida Statutes, is amended to read:

475.629 Retention of records.—An appraiser registered, licensed, or certified under this part shall prepare and retain a work file for each appraisal, appraisal review, or appraisal consulting assignment. An appraisal management company registered under this part shall prepare and retain an order file for each appraisal, appraisal review, or appraisal consulting assignment. The work file and the order file shall be retained for 5 years or the period specified in the Uniform Standards of Professional Appraisal Practice, whichever is greater. The work file must contain original or true copies of any contracts engaging the appraiser's or appraisal management company's services, appraisal reports, and supporting data assembled and formulated by the appraiser or company in preparing appraisal reports or engaging in appraisal management services and all other data, information, and documentation required by the standards for the development or communication of a real estate appraisal as approved and adopted by the Appraisal Standards Board of The Appraisal Foundation, as established by rule of the department ~~board~~. The order file must contain original or true copies of any contracts engaging the appraiser's services, the appraisal reports, any engagement materials or instructions from the client, and all other

documents required by the standards for the development or communication of a real estate appraisal as approved and adopted by the Appraisal Standards Board of The Appraisal Foundation, as established by rule of the department ~~board~~. Notwithstanding the foregoing, while general contracts and materials pertaining to impaneling of an appraiser by an appraisal management company shall be retained under this section, such contracts and materials are not required to be maintained within the order file. Except as otherwise specified in the Uniform Standards of Professional Appraisal Practice, the period for retention of the records applicable to each engagement of the services of the appraiser or appraisal management company runs from the date of the submission of the appraisal report to the client. Appraisal management companies shall also retain the company accounts, correspondence, memoranda, papers, books, and other records in accordance with administrative rules adopted by the department ~~board~~. These records must be made available by the appraiser or appraisal management company for inspection and copying by the department upon reasonable notice to the appraiser or company. If an appraisal has been the subject of or has served as evidence for litigation, reports and records must be retained for at least 2 years after the trial or the period specified in the Uniform Standards of Professional Appraisal Practice, whichever is greater.

Section 312. Section 475.630, Florida Statutes, is amended

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10676 **to read:**

10677 475.630 Temporary practice.—

10678 (1) The department ~~board~~ shall recognize, on a temporary
10679 basis, the license or certification of an appraiser issued by
10680 another state, if:

10681 (a) The property to be appraised is part of a federally
10682 related transaction.

10683 (b) The appraiser's business is of a temporary nature.

10684 (c) The appraiser registers with the department ~~board~~.

10685 (d) The person requesting recognition of a license or
10686 certification as an appraiser issued by another state is a
10687 nonresident of Florida.

10688 (2) In order to register with the department ~~board~~, the
10689 appraiser must:

10690 (a) Pay any required fee as established by rule.

10691 (b) Provide, or cause the state where the applicant may be
10692 licensed or certified to furnish, proof of licensure or
10693 certification along with the copies of the records of any
10694 disciplinary actions taken against the applicant's license or
10695 certification in that or other jurisdictions.

10696 (c) Agree in writing to cooperate with any investigation
10697 initiated under this part by promptly supplying such documents
10698 that any authorized representative of the department may
10699 request. If the department sends a notice by certified mail to
10700 the last known address of a nonresident appraiser to produce

documents or to appear in conjunction with an investigation and the nonresident appraiser fails to comply with that request, the department board ~~board~~ may impose on that nonresident appraiser any disciplinary action or penalty authorized under this part.

(d) Sign a notarized statement that the applicant has read this section and all applicable rules and agrees to abide by these provisions in all appraisal activities.

Section 313. Section 475.631, Florida Statutes, is amended to read:

475.631 Nonresident licenses and certifications.—

(1) Any resident state-certified appraiser who becomes a nonresident shall, within 60 days, notify the department board ~~board~~ of the change in residency and comply with nonresident requirements. Failure to notify and comply is a violation of the license law, subject to the penalties in s. 475.624.

(2) All nonresident applicants, certified appraisers, and licensees shall comply with all requirements of department board ~~board~~ rules and this part.

Section 314. Section 475.613, Florida Statutes, is amended to read:

475.613 Authority of the department ~~Florida Real Estate Appraisal Board.~~—

~~(1) There is created the Florida Real Estate Appraisal Board, which shall consist of nine members appointed by the Governor, subject to confirmation by the Senate. Four members of~~

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~~the board must be real estate appraisers who have been engaged in the general practice of appraising real property in this state for at least 5 years immediately preceding appointment. In appointing real estate appraisers to the board, while not excluding other appraisers, the Governor shall give preference to real estate appraisers who are not primarily engaged in real estate brokerage or mortgage lending activities. One member of the board must represent the appraisal management industry. One member of the board must represent organizations that use appraisals for the purpose of eminent domain proceedings, financial transactions, or mortgage insurance. Three members of the board must represent the general public and may not be connected in any way with the practice of real estate appraisal. The appraiser members shall be as representative of the entire industry as possible, and membership in a nationally recognized or state-recognized appraisal organization may not be a prerequisite to membership on the board. To the extent possible, no more than two members of the board shall be primarily affiliated with any one particular national or state appraisal association. Two of the members must be licensed or certified residential real estate appraisers and two of the members must be certified general real estate appraisers at the time of their appointment.~~

~~(a) Members of the board shall be appointed for 4-year terms. Any vacancy occurring in the membership of the board~~

10751 ~~shall be filled by appointment by the Governor for the unexpired~~
10752 ~~term. Upon expiration of her or his term, a member of the board~~
10753 ~~shall continue to hold office until the appointment and~~
10754 ~~qualification of the member's successor. A member may not be~~
10755 ~~appointed for more than two consecutive terms. The Governor may~~
10756 ~~remove any member for cause.~~

10757 ~~(b) The headquarters for the board shall be in Orlando.~~

10758 ~~(c) The board shall meet at least once each calendar~~
10759 ~~quarter to conduct its business.~~

10760 ~~(d) The members of the board shall elect a chairperson at~~
10761 ~~the first meeting each year.~~

10762 ~~(e) Each member of the board is entitled to per diem and~~
10763 ~~travel expenses as set by legislative appropriation for each day~~
10764 ~~that the member engages in the business of the board.~~

10765 ~~(2)~~ The department board shall have, through its rules,
10766 full power to regulate the issuance of licenses, certifications,
10767 registrations, and permits; to discipline appraisers in any
10768 manner permitted under this section; to establish qualifications
10769 for licenses, certifications, registrations, and permits
10770 consistent with this section; to regulate approved courses; to
10771 establish standards for real estate appraisals; and to establish
10772 standards for and regulate supervisory appraisers.

10773 ~~(3) Notwithstanding s. 112.313, any member of the board~~
10774 ~~who is a licensed or certified real estate appraiser and who~~
10775 ~~holds an active appraiser instructor permit issued by the~~

department, to the extent authorized pursuant to such permit,
may offer, conduct, or teach any course prescribed or approved
by the board or the department.

**Section 315. Subsections (2), (8), and (9) of section
476.184, Florida Statutes, are amended, and subsection (11) is
added to that section, to read:**

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

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

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

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

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

(b) Each mobile barbershop must comply with all licensure

10801 and operating requirements specified in this chapter, chapter
10802 455, or rules of the department that apply to barbershops at
10803 fixed locations, except to the extent that such requirements
10804 conflict with this subsection or rules adopted pursuant to this
10805 subsection.

10806 (c) A mobile barbershop must maintain a permanent business
10807 address, located in the inspection area of the local department
10808 office, at which records of appointments, itineraries, license
10809 numbers of employees, and vehicle identification numbers of the
10810 licenseholder's mobile barbershop shall be kept and made
10811 available for verification purposes by department personnel, and
10812 at which correspondence from the department can be received.

10813 (d) To facilitate periodic inspections of a mobile
10814 barbershop, before the beginning of each month each mobile
10815 barbershop licenseholder must file with the department a written
10816 monthly itinerary listing the locations where and the dates and
10817 hours when the mobile barbershop will be operating.

10818 (e) The licenseholder must comply with all local laws and
10819 ordinances regulating business establishments, with all
10820 applicable requirements of the Americans with Disabilities Act
10821 relating to accommodations for persons with disabilities, and
10822 with all applicable requirements of the Occupational Safety and
10823 Health Administration.

10824 **Section 316. Section 476.188, Florida Statutes, is amended**
10825 **to read:**

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10826 476.188 Barber services to be performed in a licensed
10827 ~~registered~~ barbershop; exception.—

10828 (1) Barber services shall be performed only by licensed
10829 barbers in licensed ~~registered~~ barbershops, except as otherwise
10830 provided in this section.

10831 (2) Pursuant to rules established by the department ~~board~~,
10832 barber services may be performed by a licensed barber in a
10833 location other than a licensed ~~registered~~ barbershop, including,
10834 but not limited to, a nursing home, hospital, or residence, when
10835 a client for reasons of ill health is unable to go to a licensed
10836 ~~registered~~ barbershop. Arrangements for the performance of
10837 barber services in a location other than a licensed ~~registered~~
10838 barbershop may ~~shall~~ be made only through a licensed ~~registered~~
10839 barbershop. However, a barber may shampoo, cut, or arrange hair
10840 in a location other than a licensed ~~registered~~ barbershop
10841 without such arrangements.

10842 (3) Any person who holds a valid barber's license in any
10843 state or who is authorized to practice barbering in any country,
10844 territory, or jurisdiction of the United States may perform
10845 barber services in a location other than a licensed ~~registered~~
10846 barbershop when such services are performed in connection with
10847 the motion picture, fashion photography, theatrical, or
10848 television industry; a manufacturer trade show demonstration; or
10849 an educational seminar.

10850 (4) Pursuant to rules adopted by the department, the

10851 practice of barbering may be performed in a location other than
10852 a licensed barbershop when performed in connection with a
10853 special event and by a person who holds the proper license.

10854 **Section 317. Section 481.213, Florida Statutes, is amended**
10855 **to read:**

10856 481.213 Licensure and registration.—

10857 (1) The department shall license or register any applicant
10858 who ~~the board certifies~~ is qualified for licensure or
10859 registration and who has paid the initial licensure or
10860 registration fee. Licensure as an architect under this section
10861 shall be deemed to include all the rights and privileges of
10862 registration as an interior designer under this section.

10863 (2) The department ~~board~~ shall certify for licensure ~~or~~
10864 ~~registration~~ by examination any applicant who passes the
10865 prescribed licensure or registration examination and satisfies
10866 the requirements of ss. 481.209 and 481.211, for architects, or
10867 the requirements of s. 481.209, for interior designers.

10868 (3) The department ~~board~~ shall certify as qualified for a
10869 license by endorsement as an architect or registration as a
10870 registered interior designer an applicant who:

10871 (a) Qualifies to take the prescribed licensure or
10872 registration examination, and has passed the prescribed
10873 licensure or registration examination or a substantially
10874 equivalent examination in another jurisdiction, as set forth in
10875 s. 481.209 for architects or registered interior designers, as

applicable, and has satisfied the internship requirements set forth in s. 481.211 for architects;

(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 or a foreign jurisdiction, 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 or jurisdiction of the United States or a foreign jurisdiction.

An architect who is licensed in another state, another jurisdiction of the United States, or a foreign jurisdiction, 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, 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 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 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.

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

Section 318. Subsections (1), (2), and (4) of section

481.321, Florida Statutes, are amended to read:

481.321 Seals; display of certificate number.—

(1) The department ~~board~~ shall prescribe, by rule, one or more forms of seals for use by a registered landscape architect who holds a valid certificate of registration. Each registered landscape architect shall obtain one seal in a form approved by rule of the department ~~board~~ and may, in addition, register her or his seal electronically in accordance with ss. 668.001-668.006. All final plans, specifications, or reports prepared or issued by the registered landscape architect and filed for public record shall be signed by the registered landscape architect, dated, and stamped or sealed electronically with her or his seal. The signature, date, and seal constitute evidence of the authenticity of that to which they are affixed. Final plans, specifications, or reports prepared or issued by a registered landscape architect may be transmitted electronically and may be signed by the registered landscape architect, dated, and sealed electronically with the seal in accordance with ss. 668.001-668.006.

(2) It is unlawful for any person to sign and seal by any means any final plan, specification, or report after her or his certificate of registration is expired, suspended, or revoked. A registered landscape architect whose certificate of registration is suspended or revoked shall, within 30 days after the effective date of the suspension or revocation, surrender her or

10951 his seal to the department ~~executive director of the board~~ and
10952 confirm in writing to the department ~~executive director~~ the
10953 cancellation of the landscape architect's electronic signature
10954 in accordance with ss. 668.001-668.006. When a landscape
10955 architect's certificate of registration is suspended for a
10956 period of time, her or his seal shall be returned upon
10957 expiration of the period of suspension.

10958 (4) ~~Nothing in~~ This part does not ~~shall~~ prohibit a
10959 registered landscape architect from filing plans of work defined
10960 under this part. A state agency or local government may not
10961 refuse to accept the seal of a landscape architect for any of
10962 the professional services delineated in s. 481.303(4),
10963 including, but not limited to, grading and drainage.

10964 **Section 319. Paragraph (b) of subsection (6), paragraph**
10965 **(1) of subsection (8), paragraphs (a) and (d) of subsection (9),**
10966 **and subsections (15) and (16) of section 499.012, Florida**
10967 **Statutes, are amended, to read:**

10968 499.012 Permit application requirements.—

10969 (6) A permit issued by the department is nontransferable.
10970 Each permit is valid only for the person or governmental unit to
10971 which it is issued and is not subject to sale, assignment, or
10972 other transfer, voluntarily or involuntarily; nor is a permit
10973 valid for any establishment other than the establishment for
10974 which it was originally issued.

10975 (b)1. An application for a new permit is required when a
10976 majority of the ownership or controlling interest of a permitted
10977 establishment is transferred or assigned or when a lessee agrees
10978 to undertake or provide services to the extent that legal
10979 liability for operation of the establishment will rest with the
10980 lessee. The application for the new permit must be made within
10981 30 days after ~~before~~ the date of the sale, transfer, assignment,
10982 or lease.

10983 2. A permittee that is authorized to distribute
10984 prescription drugs may transfer such drugs to the new owner or
10985 lessee under subparagraph 1. only after the new owner or lessee
10986 has been approved for a permit to distribute prescription drugs.

10987
10988 The department may revoke the permit of any person that fails to
10989 comply with the requirements of this subsection.

10990 (8) An application for a permit or to renew a permit for a
10991 prescription drug wholesale distributor or an out-of-state
10992 prescription drug wholesale distributor submitted to the
10993 department must include:

10994 (1) ~~The name of each of the applicant's designated~~
10995 ~~representatives as required by subsection (15), together with~~
10996 The personal information statement and fingerprints required
10997 pursuant to subsection (9) for each such person.

10998 (9) (a) Each person required by subsection (8) ~~or~~
10999 ~~subsection (15)~~ to provide a personal information statement and

11000 fingerprints shall provide the following information to the
11001 department on forms prescribed by the department:

11002 1. The person's places of residence for the past 7 years.
11003 2. The person's date and place of birth.
11004 3. The person's occupations, positions of employment, and
11005 offices held during the past 7 years.
11006 4. The principal business and address of any business,
11007 corporation, or other organization in which each such office of
11008 the person was held or in which each such occupation or position
11009 of employment was carried on.
11010 5. Whether the person has been, during the past 7 years,
11011 the subject of any proceeding for the revocation of any license
11012 and, if so, the nature of the proceeding and the disposition of
11013 the proceeding.
11014 6. Whether, during the past 7 years, the person has been
11015 enjoined, temporarily or permanently, by a court of competent
11016 jurisdiction from violating any federal or state law regulating
11017 the possession, control, or distribution of prescription drugs,
11018 together with details concerning any such event.
11019 7. A description of any involvement by the person with any
11020 business, including any investments, other than the ownership of
11021 stock in a publicly traded company or mutual fund, during the
11022 past 4 years, which manufactured, administered, prescribed,
11023 distributed, or stored pharmaceutical products and any lawsuits
11024 in which such businesses were named as a party.

11025 8. A description of any felony criminal offense of which
11026 the person, as an adult, was found guilty, regardless of whether
11027 adjudication of guilt was withheld or whether the person pled
11028 guilty or nolo contendere. A criminal offense committed in
11029 another jurisdiction which would have been a felony in this
11030 state must be reported. If the person indicates that a criminal
11031 conviction is under appeal and submits a copy of the notice of
11032 appeal of that criminal offense, the applicant must, within 15
11033 days after the disposition of the appeal, submit to the
11034 department a copy of the final written order of disposition.

11035 9. A photograph of the person taken in the previous 180
11036 days.

11037 10. A set of fingerprints for the person on a form and
11038 under procedures specified by the department, together with
11039 payment of an amount equal to the costs incurred by the
11040 department for the criminal record check of the person.

11041 11. The name, address, occupation, and date and place of
11042 birth for each member of the person's immediate family who is 18
11043 years of age or older. As used in this subparagraph, the term
11044 "member of the person's immediate family" includes the person's
11045 spouse, children, parents, siblings, the spouses of the person's
11046 children, and the spouses of the person's siblings.

11047 12. Any other relevant information that the department
11048 requires.

11049 (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:~~

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~~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;~~

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

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

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

~~4. Receive a passing score of at least 75 percent on an examination given by the department regarding federal laws governing distribution of prescription drugs and this part and the rules adopted by the department governing the wholesale~~

~~distribution of prescription drugs. This requirement shall be effective 1 year after the results of the initial examination are mailed to the persons that took the examination. The department shall offer such examinations at least four times each calendar year.~~

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

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

~~(d) A designated representative:~~

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

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

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

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

~~(e) A wholesale distributor must notify the department when a designated representative leaves the employ of the wholesale distributor. Such notice must be provided to the~~

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department within 10 business days after the last day of
designated representative's employment with the wholesale
distributor.

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

(15)~~(16)~~ A permit for a prescription drug manufacturer or
a nonresident prescription drug manufacturer is subject to the
requirements of s. 499.026.

**Section 320. Subsection (9) of section 499.0121, Florida
Statutes, is amended, and subsection (16) is added to that
section, to read:**

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

(9) RESPONSIBLE PERSONS.—Wholesale distributors must

11150 establish and maintain lists of officers, directors, managers,
11151 ~~designated representatives~~, and other persons in charge of
11152 wholesale drug distribution, storage, and handling, including a
11153 description of their duties and a summary of their
11154 qualifications.

11155 (16) APPLICABILITY TO PRESCRIPTION DRUGS NOT LISTED AS A
11156 CONTROLLED SUBSTANCE.—

11157 (a) An establishment at which prescription drugs not
11158 listed as a controlled substance, as defined in s. 893.03, are
11159 stored, warehoused, or held, solely for the purpose of arranging
11160 for their destruction, is not required to comply with paragraph
11161 (1)(c); subsections (3)-(6); paragraphs (8)(a), (b), and (d);
11162 and subsection (13).

11163 (b) Notwithstanding paragraph (a), an establishment at
11164 which prescription drugs not listed as a controlled substance,
11165 as defined in s. 893.03, are stored, warehoused, or held, solely
11166 for the purpose of arranging for their destruction must maintain
11167 the following records:

11168 1. The business name and address from which the
11169 prescription drugs were collected.

11170 2. A list of the prescription drugs.

11171 3. The amount, or, if adulterated or altered prior to
11172 collection, an estimate of the amount, of the prescription drugs
11173 collected.

11174 4. The manner, date, and location of destruction of the

11175 prescription drugs.

11176 (c) Records required to be kept pursuant to paragraph (b),
11177 which are kept at the establishment or can be immediately
11178 retrieved by computer or other electronic means, must be readily
11179 available for authorized inspection pursuant to this section. If
11180 such records are not available upon request, the records must be
11181 made available for authorized inspection within 2 business days
11182 after the request. Records kept at a central location outside of
11183 this state which are not electronically retrievable must be made
11184 available for inspection within 5 business days after a request.

11185 (d) Records required to be kept pursuant to paragraph (b)
11186 must be maintained for a period of not less than 5 years from
11187 the date of destruction of the prescription drugs.

11188 **Section 321. Subsection (9) of section 499.041, Florida**
11189 **Statutes, is amended to read:**

11190 499.041 Schedule of fees for drug, device, and cosmetic
11191 applications and permits, product registrations, and free-sale
11192 certificates.—

11193 ~~(9) The department shall assess each person applying for~~
11194 ~~certification as a designated representative a fee of \$150, plus~~
11195 ~~the cost of processing the criminal history record check.~~

11196 **Section 322. Section 624.341, Florida Statutes, is created**
11197 **to read:**

11198 624.341 Authority of Department of Law Enforcement to
11199 accept fingerprints of, and exchange criminal history records

11200 with respect to, certain persons applying to the Office of
11201 Insurance Regulation.—

11202 (1) The Legislature finds that criminal activity of
11203 insurers poses a particular danger to the residents of this
11204 state. Floridians rely, in good faith, on the honest conduct of
11205 those who issue and manage insurance policies and other
11206 insurance instruments in this state. To safeguard this state's
11207 residents, the Legislature finds it necessary to ensure that
11208 incorporators, subscribers, officers, employees, contractors,
11209 stockholders, directors, owners, members, managers, or
11210 volunteers involved in the organization, operation, or
11211 management of any insurer that is authorized to sell insurance
11212 do not have a criminal background.

11213 (2) The Department of Law Enforcement shall accept and
11214 process fingerprints of incorporators, subscribers, officers,
11215 employees, contractors, stockholders, directors, owners,
11216 members, managers, or volunteers involved in the organization,
11217 operation, or management of:

11218 (a) Any insurer or proposed insurer transaction or
11219 proposing to transact insurance in this state.

11220 (b) Any entity that is eligible to be examined or
11221 investigated under s. 624.316.

11222 (3) Each person required to submit fingerprints to the
11223 office must provide a full set of fingerprints to the office or
11224 to a vendor, entity, or agency authorized under s. 943.053(13).

11225 The office, vendor, entity, or agency shall forward the
11226 fingerprints to the Department of Law Enforcement for state
11227 processing, and the Department of Law Enforcement shall forward
11228 the fingerprints to the Federal Bureau of Investigation for
11229 national processing as provided in s. 624.34. Fees for state and
11230 federal fingerprint processing must be borne by the person
11231 submitting the fingerprints. The state cost for fingerprint
11232 processing is as provided ins s. 943.053(3)(e).

11233 (4) The Department of Law Enforcement may, to the extent
11234 authorized by federal law, exchange any state or federal
11235 criminal history records with the office for the purpose of
11236 issuance or continuation of a certificate of authority,
11237 certification, or license to operate in this state.

11238 (5) Fingerprints must be submitted in accordance with
11239 rules adopted by the commission.

11240 (a) Fingerprints may be submitted through a third-party
11241 vendor authorized by the Department of Law Enforcement.

11242 (b) The Department of Law Enforcement shall conduct the
11243 state criminal history background check, and a federal criminal
11244 history background check shall be conducted through the Federal
11245 Bureau of Investigation.

11246 (c) All fingerprints submitted to the Department of Law
11247 Enforcement must be submitted and entered into the statewide
11248 automated biometric identification system established in s.
11249 943.05(2)(b) and available for use in accordance with s.

11250 943.05(2)(g) and (h).

11251 (d) The costs of fingerprint processing, including the
11252 cost of retaining the fingerprints, must be borne by the person
11253 subject to the background checks.

11254 (e) The office shall review the results of the state and
11255 federal criminal history background checks and determine whether
11256 the applicant meets the requirements for the certificate of
11257 authority, certification, or license to operate in this state.

11258 (6) State criminal history records obtained through the
11259 Department of Law Enforcement, federal criminal history records
11260 obtained through the Federal Bureau of Investigation, and local
11261 criminal history records obtained through local law enforcement
11262 agencies must be used by the office for the purpose of issuance,
11263 denial, suspension, or revocation of certificates of authority,
11264 certifications, or licenses issued to operate in this state.

11265 **Section 323.** Except as otherwise expressly provided in
11266 this act, this act shall take effect July 1, 2026.