



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

51 Construction Industry Licensing Board; the Electrical  
 52 Contractors' Licensing Board; the Board of  
 53 Professional Geologists; the Drug Wholesale  
 54 Distributor Advisory Council; the Motor Vehicle Repair  
 55 Advisory Council; and the Agricultural Economic  
 56 Development Project Review Committee, respectively;  
 57 amending ss. 120.54, 212.08, 215.5586, 215.55871,  
 58 309.01, 310.0015, 310.002, 310.051, 310.061, 310.071,  
 59 310.073, 310.075, 310.081, 310.101, 310.102, 310.111,  
 60 310.121, 310.131, 310.142, 310.151, 310.183, 310.185,  
 61 326.002, 326.006, 376.303, 381.0065, 403.868,  
 62 403.9329, 440.02, 448.26, 455.203, 455.271, 468.382,  
 63 468.385, 468.3851, 468.3852, 468.3855, 468.386,  
 64 468.387, 468.388, 468.389, 468.392, 468.393, 468.395,  
 65 468.396, 468.397, 468.398, 468.404, 468.407, 468.431,  
 66 468.433, 468.4336, 468.435, 468.436, 468.520, 468.522,  
 67 468.524, 468.5245, 468.525, 468.526, 468.527,  
 68 468.5275, 468.529, 468.530, 468.531, 468.532, 468.603,  
 69 468.606, 468.607, 468.613, 468.619, 468.621, 468.627,  
 70 468.629, 468.631, 468.8312, 468.8315, 468.8412,  
 71 468.8415, 468.8417, 468.8419, 469.004, 469.012,  
 72 469.013, 471.011, 471.017, 471.019, 471.045, 472.003,  
 73 472.005, 472.006, 472.011, 472.0202, 472.0203,  
 74 473.302, 473.3035, 473.304, 473.305, 473.306, 473.309,  
 75 473.3101, 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,

101 493.6203, 493.6301, 493.6302, 493.6303, 493.6304,  
 102 493.631, 493.6401, 493.6402, 493.6403, 493.6406,  
 103 499.067, 501.015, 501,609, 507.03, 514.0315, 514.075,  
 104 527,03, 539.001, 553.79, 553.791, 553.998, 559.904,  
 105 559.928, 627.192, 633.216, and 713.01, F.S.; providing  
 106 licensing authority to the department rather than  
 107 licensing boards; removing continuing education  
 108 requirements; revising licensure renewal periods;  
 109 conforming provisions to changes made by the act;  
 110 amending s. 259.1053, F.S.; removing the Babcock Ranch  
 111 Advisory Group; amending s. 339.035, F.S.; revising  
 112 the requirements for accessibility of elevators for  
 113 the physically handicapped; amending s. 455.02, F.S.;  
 114 specifying that certain license application  
 115 requirements apply only to certain professions;  
 116 amending s. 468.609, F.S.; revising the standards for  
 117 certification as a building code inspector or plans  
 118 examiner; amending s. 471.007, F.S.; providing for  
 119 abolishment of the Board of Professional Engineers;  
 120 amending s. 471.015, F.S.; revising who the department  
 121 must certify as qualified for a license by endorsement  
 122 for the practice of engineering; amending s. 473.308,  
 123 F.S.; revising the education and work experience  
 124 requirements for a certified public accountant  
 125 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

151 licensing boards; amending s. 475.17, F.S.; removing  
152 postlicensure education requirements for brokers,  
153 broker associates, and sales associates; amending ss.  
154 475.175 and 475.180, F.S.; conforming provisions to  
155 changes made by the act; amending s. 475.182, F.S.;  
156 removing continuing education requirements for  
157 licensure renewal as a broker, a broker associate, and  
158 a sales associate; amending s. 475.183, F.S.; removing  
159 continuing education requirements for licensure  
160 renewal due to inactive status; amending ss. 475.25,  
161 475.611, 475.612, 475.614, 475.6145, 475.6147,  
162 475.615, 475.617, 475.6171, 475.618, 475.619, 475.621,  
163 475.6222, 475.6235, 475.624, 475.6245, 475.625,  
164 475.626, 475.627, 475.628, 475.629, 475.630, 475.631,  
165 F.S.; revising provisions pertaining to the board to  
166 transfer powers, duties, and responsibilities of the  
167 board to the Department of Business and Professional  
168 Regulation; amending s. 475.613, F.S.; granting  
169 certain authority to the department, rather than the  
170 Florida Real Estate Appraisal Board; amending s.  
171 476.184, F.S.; requiring the department to adopt  
172 rules; requiring a mobile barbershop to comply with  
173 all licensure and operating requirements that apply to  
174 a barbershop at a fixed location; providing an  
175 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,

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

226 Bureau of Investigation; requiring that fingerprints  
227 be submitted and entered into a specified system;  
228 specifying who bears the costs of fingerprint  
229 processing; requiring the office to review certain  
230 background checks results and to make certain  
231 determinations; requiring that certain criminal  
232 history records be used by the office for certain  
233 purposes; amending s. 468.609, F.S.; revising the  
234 standards for certification as a building code  
235 inspector or plans examiner; amending s. 471.007,  
236 F.S.; providing for abolishment of the Board of  
237 Professional Engineers; amending s. 471.015, F.S.;  
238 revising who the department must certify as qualified  
239 for a license by endorsement for the practice of  
240 engineering; amending s. 473.308, F.S.; revising the  
241 education and work experience requirements for a  
242 certified public accountant license; directing the  
243 department to prescribe specified coursework for  
244 licensure; revising requirements for licensure by  
245 endorsement; removing provisions relating to licensure  
246 of applicants with work experience in foreign  
247 countries; providing applicability; creating s.  
248 473.3085, F.S.; requiring an international applicant  
249 who seeks licensure as a certified public accountant  
250 in this state to meet specified criteria prescribed by

251 the department; requiring such applicants to apply to  
252 the department; requiring such applicants to create  
253 and maintain an online account with the department;  
254 providing that the applicant's e-mail address serves  
255 as the primary means of communication from the  
256 department; requiring an applicant to submit any  
257 change in certain information within a specified  
258 timeframe through the department's online system;  
259 requiring the department to certify an applicant who  
260 meets certain requirements; requiring the department  
261 to adopt rules; amending s. 473.312, F.S.; conforming  
262 provisions to changes made by the act; amending s.  
263 473.3141, F.S.; revising requirements for certified  
264 public accountants licensed in another state or a  
265 territory of the United States to practice in this  
266 state without obtaining a license; amending s.  
267 474.2021, F.S.; revising requirements relating to  
268 prescriptions by veterinarians practicing telehealth;  
269 providing licensing authority to the department rather  
270 than licensing boards; amending s. 475.17, F.S.;  
271 removing postlicensure education requirements for  
272 brokers, broker associates, and sales associates;  
273 amending ss. 475.175 and 475.180, F.S.; conforming  
274 provisions to changes made by the act; amending s.  
275 475.182, F.S.; removing continuing education

276 requirements for licensure renewal as a broker, a  
277 broker associate, and a sales associate; amending s.  
278 475.183, F.S.; removing continuing education  
279 requirements for licensure renewal due to inactive  
280 status; amending ss. 475.25, 475.611, 475.612,  
281 475.614, 475.6145, 475.6147, 475.615, 475.617,  
282 475.6171, 475.618, 475.619, 475.621, 475.6222,  
283 475.6235, 475.624, 475.6245, 475.625, 475.626,  
284 475.627, 475.628, 475.629, 475.630, and 475.631, F.S.;  
285 revising provisions pertaining to the board to  
286 transfer powers, duties, and responsibilities of the  
287 board to the department; amending s. 475.613, F.S.;  
288 granting certain authority to the department, rather  
289 than the Florida Real Estate Appraisal Board; amending  
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291 rules; requiring a mobile barbershop to comply with  
292 all licensure and operating requirements that apply to  
293 a barbershop at a fixed location; providing an  
294 exception; requiring a mobile barbershop to have a  
295 permanent business address in a specified location;  
296 requiring that certain records be kept at the  
297 permanent business address; requiring a mobile  
298 barbershop licenseholder to file with the department a  
299 written monthly itinerary that provides certain  
300 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

326 fingerprints; specifying procedures for submitting and  
 327 processing fingerprints; providing fees for  
 328 fingerprinting; authorizing the department to exchange  
 329 certain records with the Office of Insurance  
 330 Regulation for certain purposes; specifying that  
 331 fingerprints must be submitted in accordance with  
 332 certain rules; authorizing fingerprints to be  
 333 submitted through a third-party vendor authorized by  
 334 the department; requiring the department to conduct  
 335 certain background checks; requiring certain  
 336 background checks to be conducted through the Federal  
 337 Bureau of Investigation; requiring that fingerprints  
 338 be submitted and entered into a specified system;  
 339 specifying who bears the costs of fingerprint  
 340 processing; requiring the office to review certain  
 341 background check results and to make certain  
 342 determinations; requiring that certain criminal  
 343 history records be used by the office for certain  
 344 purposes; providing effective dates.

345  
 346 Be It Enacted by the Legislature of the State of Florida:

347  
 348 **Section 1. Section 20.165, Florida Statutes, is amended to**  
 349 **read:**

350 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

501 | firearms, serve court process, and seize contraband and the  
502 | proceeds of illegal activities.

503 |       1. The primary responsibility of each officer appointed  
504 | under this section is to investigate, enforce, and prosecute,  
505 | throughout this ~~the~~ state, violations and violators of parts I  
506 | and II of chapter 210, part VII of chapter 559, and chapters  
507 | 561-569, and the rules adopted thereunder, as well as other  
508 | state laws that the division, all state law enforcement  
509 | officers, or beverage enforcement agents are specifically  
510 | authorized to enforce.

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

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

526           **Section 2.** Sections 310.011, 310.032, 310.042, 455.2124,  
 527 455.2228, 468.384, 468.399, 468.4315, 468.4337, 468.4338,  
 528 468.521, 468.522, 468.523, 468.605, 468.8316, 468.8416,  
 529 471.0195, 472.007, 472.008, 472.009, 472.017, 472.018, 472.019,  
 530 473.303, 474.204, 474.205, 474.206, 475.02, 475.03, 475.04,  
 531 475.045, 475.05, 475.10, 476.054, 476.064, 477.015, 481.205,  
 532 481.2055, 481.305, 482.243, 489.107, 489.507, 492.103,  
 533 499.01211, 559.9221, and 570.81, Florida Statutes, are repealed.

534           **Section 3. Paragraph (c) of subsection (3) of section**  
 535 **120.54, Florida Statutes, is amended to read:**

536           120.54 Rulemaking.—

537           (3) ADOPTION PROCEDURES.—

538           (c) Hearings.—

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

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

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

575 **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.

601 (ttt) *Small private investigative agencies.*—

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

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

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

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

610 ~~468.520(4)~~, in total; and

611 (II) During the previous calendar year, performed private  
612 investigation services otherwise taxable under this chapter in  
613 which the charges for the services performed were less than  
614 \$150,000 for all its businesses related through common  
615 ownership.

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

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

623 **Section 5. Paragraph (f) of subsection (1) of section**  
624 **215.5586, Florida Statutes, is amended to read:**

625 215.5586 My Safe Florida Home Program.—There is

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

648 (1) HURRICANE MITIGATION INSPECTIONS.—

649 (f) To qualify for selection by the department as a wind  
650 certification entity to provide hurricane mitigation

651 inspections, the entity must, at a minimum, meet the following  
652 requirements:

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

655 a. A building inspector under s. 468.607;

656 b. A general, building, or residential contractor under s.  
657 489.111;

658 c. A professional engineer under s. 471.015;

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

660 e. A home inspector under s. 468.8314 and who have  
661 completed at least 3 hours of hurricane mitigation training  
662 approved by the department ~~Construction Industry Licensing~~  
663 ~~Board~~, which training must include hurricane mitigation  
664 techniques, compliance with the uniform mitigation verification  
665 form, and completion of a proficiency exam.

666 2. Use hurricane mitigation inspectors who also have  
667 undergone drug testing and a background screening. The  
668 department may conduct criminal record checks of inspectors used  
669 by wind certification entities. Inspectors must submit a set of  
670 fingerprints to the department for state and national criminal  
671 history checks and must pay the fingerprint processing fee set  
672 forth in s. 624.501. The fingerprints must be sent by the  
673 department to the Department of Law Enforcement and forwarded to  
674 the Federal Bureau of Investigation for processing. The results  
675 must be returned to the department for screening. The

676 fingerprints must be taken by a law enforcement agency,  
677 designated examination center, or other department-approved  
678 entity.

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

681 **Section 6. Paragraph (b) of subsection (3) of section**  
682 **215.55871, Florida Statutes, is amended to read:**

683 215.55871 My Safe Florida Condominium Pilot Program.—There  
684 is established within the Department of Financial Services the  
685 My Safe Florida Condominium Pilot Program to be implemented  
686 pursuant to appropriations. The department shall provide fiscal  
687 accountability, contract management, and strategic leadership  
688 for the pilot program, consistent with this section. This  
689 section does not create an entitlement for associations or unit  
690 owners or obligate the state in any way to fund the inspection  
691 or retrofitting of condominiums in the state. Implementation of  
692 this pilot program is subject to annual legislative  
693 appropriations. It is the intent of the Legislature that the My  
694 Safe Florida Condominium Pilot Program provide licensed  
695 inspectors to perform inspections for and grants to eligible  
696 associations as funding allows.

697 (3) HURRICANE MITIGATION INSPECTORS.—

698 (b) The department shall contract with wind certification  
699 entities to provide hurricane mitigation inspections. To qualify  
700 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.

726 Fees for state and federal fingerprint processing shall be borne  
 727 by the inspector. The state cost for fingerprint processing  
 728 shall be as provided in s. 943.053(3)(e). The results must be  
 729 returned to the department for screening. The fingerprints must  
 730 be taken by a law enforcement agency, designated examination  
 731 center, or other department-approved entity.

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

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

736 309.01 Deposit of material in tidewater regulated.—

737 (1) It is not lawful for any person to discharge or cause  
 738 to be discharged or deposit or cause to be deposited, in the  
 739 tide or salt waters of any bay, port, harbor, or river of this  
 740 state, any ballast or material of any kind other than clear  
 741 stone or rock, free from gravel or pebbles, which said clear  
 742 stone or rock shall be deposited or discharged only in the  
 743 construction of enclosures in connection with wharves, piers,  
 744 quays, jetties, or in the construction of permanent bulkheads  
 745 connecting the solid and permanent portion of wharves. It is  
 746 lawful to construct three characters of bulkheads for retention  
 747 of material in solid wharves. First, clear stone or rock  
 748 enclosures, or bulkheads, may be built upon all sides to a  
 749 height not less than 2 1/2 feet above high watermark; and after  
 750 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

776 constructed, any ballast or other material may be deposited. ~~No~~  
777 Such an enclosure, pier, quay, or jetty may not begin ~~shall be~~  
778 ~~begun~~ until the point at which ~~whereat~~ it is to be built shall  
779 have been connected by a substantial wharf with a shore or with  
780 a permanent wharf; except that the owners of wharves may at any  
781 time, with the consent of ~~the Board of Pilot Commissioners of~~  
782 ~~the Division of Professions of~~ the Department of Business and  
783 Professional Regulation, build wharves of clear stone or rock,  
784 or creosoted walls as hereinafter provided, on each side of  
785 their wharves from the shore to a point at which the water is  
786 not more than 15 feet deep, and when such walls have attained a  
787 height of 2 1/2 feet above high watermark and have been securely  
788 closed at the deepwater end by stone or creosoted walls of the  
789 same height, any kind of ballast may be deposited in them.  
790 Nothing contained in this section shall interfere with any  
791 rights or privileges now enjoyed by riparian owners. While this  
792 section empowers those who desire to construct the several  
793 characters of wharves, piers, quays, jetties, and bulkheads  
794 provided for and described herein, nothing in this section shall  
795 be so construed as to require any person not desiring to  
796 construct a permanent wharf by filling up with ballast, stone,  
797 or other material to construct under the specifications  
798 contained herein; and nothing in this chapter shall be so  
799 construed as to prevent any person from constructing any wharf  
800 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,

851 tangible or intangible, in which an interest is being directly  
 852 or indirectly purchased or for which the licensee payor is being  
 853 granted an interest in return for such payment or transfer of  
 854 funds or such contractual obligation. This paragraph does not  
 855 apply to either payments or transfers of funds if their  
 856 aggregate amounts are less than \$1,000. As used in this  
 857 paragraph, "licensee payor" means any current or prospective  
 858 state pilot or deputy pilot.

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

861 310.002 Definitions.—As used in this chapter, except where  
 862 the context clearly indicates otherwise:

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

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

866 310.051 Personnel; employment.—

867 (1) The department may appoint or employ such personnel as  
 868 may be necessary to assist the department ~~and the board~~ in doing  
 869 and performing any and all of the powers, duties, and  
 870 obligations set forth in this chapter. Such personnel need not  
 871 be licensed state pilots or members of the department ~~board~~.  
 872 Such personnel shall be authorized to do and perform such duties  
 873 and work as may be assigned by the department. Except as  
 874 otherwise provided in this chapter, the department shall provide  
 875 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.

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

904           310.071 Deputy pilot certification.—

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

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

912           (c) Be in good physical and mental health, as evidenced by  
913 documentary proof of having satisfactorily passed a complete  
914 physical examination administered by a licensed physician within  
915 the preceding 6 months. The department ~~board~~ shall adopt rules  
916 to establish requirements for passing the physical examination,  
917 which rules shall establish minimum standards for the physical  
918 or mental capabilities necessary to carry out the professional  
919 duties of a certificated deputy pilot. Such standards shall  
920 include zero tolerance for any controlled substance regulated  
921 under chapter 893 unless that individual is under the care of a  
922 physician, an advanced practice registered nurse, or a physician  
923 assistant and that controlled substance was prescribed by that  
924 physician, advanced practice registered nurse, or physician  
925 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

1051 specifications established by the licensed state pilots of the  
1052 port.

1053 (2) Upon completion of the observer-trainee period, the  
1054 deputy pilot must submit to the department ~~board~~ a deputy pilot  
1055 vessel handling form for each vessel upon which he or she has  
1056 accompanied a licensed state pilot. Each such form must be  
1057 signed by the pilot in charge who accompanied the deputy pilot  
1058 and must accurately recite:

1059 (a) The vessel's registry, length, gross tonnage, and  
1060 draft;

1061 (b) The name of the berth from which or to which the  
1062 vessel was piloted;

1063 (c) The weather and sea conditions encountered;

1064 (d) The time of day;

1065 (e) Any marine incidents required to be reported under s.  
1066 310.111; and

1067 (f) The comments of the pilot in charge, including  
1068 whether, under his or her supervision, the pilot in charge  
1069 turned the navigation of the vessel over to the deputy pilot.

1070 (3) Each request to increase the limits and specifications  
1071 under which a deputy pilot is authorized to pilot must be  
1072 submitted to the department ~~board~~ and must be accompanied by a  
1073 deputy pilot vessel handling form as provided in subsection (2)  
1074 for each vessel the deputy pilot has piloted since his or her  
1075 limits and specifications were last increased by the department

1076 ~~board.~~

1077 (4) For successful completion of the deputy pilot training  
 1078 program, a deputy pilot must have gradually been increased in  
 1079 his or her authorized limits and specifications until the deputy  
 1080 pilot has been authorized by the department ~~board~~ to pilot  
 1081 vessels with a maximum draft of not more than 3 feet less than  
 1082 the normal maximum draft allowable in the port in which the  
 1083 deputy pilot is authorized to pilot, as proposed by the licensed  
 1084 state pilots in that port and approved by the department ~~board~~.

1085 **Section 15. Section 310.081, Florida Statutes, is amended**  
 1086 **to read:**

1087 310.081 Department to examine and license state pilots and  
 1088 certificate deputy pilots; vacancies.-

1089 (1) The department shall examine persons who file  
 1090 application as state pilot in all matters pertaining to the  
 1091 management of vessels and in regard to their knowledge of the  
 1092 channels, waters, harbors, and port where they wish to serve,  
 1093 and, if upon examination to determine proficiency the department  
 1094 finds them qualified to pilot all classes of vessels liable to  
 1095 enter that port and thoroughly familiar with the waters, the  
 1096 channels, the harbor, and the port, the department shall appoint  
 1097 and license as state pilots such number of pilots as in the  
 1098 discretion of the department ~~board~~ are required to act in the  
 1099 ports of the state. However, the number of pilots appointed and  
 1100 licensed by the department may ~~shall~~ not exceed the number

1101 provided for in s. 310.061.

1102 (2) The department shall similarly examine persons who  
1103 file applications for certificate as deputy pilot, and, if upon  
1104 examination to determine proficiency the department finds them  
1105 qualified, the department must certify as qualified all  
1106 applicants who pass the examination, provided that not more than  
1107 five persons who passed the examination are certified for each  
1108 declared opening. If more than five applicants per opening pass  
1109 the examination, the persons having the highest scores must be  
1110 certified as qualified up to the number of openings times five.  
1111 The department shall appoint and certificate such number of  
1112 deputy pilots from those applicants deemed qualified as in the  
1113 discretion of the department ~~board~~ are required in the  
1114 respective ports of the state. A deputy pilot shall be  
1115 authorized by the department to pilot vessels within the limits  
1116 and specifications established by the licensed state pilots at  
1117 the port where the deputy is appointed to serve.

1118 (3) Pilots shall hold their licenses or certificates  
1119 pursuant to the requirements of this chapter so long as they:

1120 (a) Possess the qualifications set out in this chapter.

1121 (b) Are in good physical and mental health as evidenced by  
1122 documentary proof of having satisfactorily passed a physical  
1123 examination administered by a licensed physician or physician  
1124 assistant within each calendar year. The department ~~board~~ shall  
1125 adopt rules to establish requirements for passing the physical

1126 examination, which rules shall establish minimum standards for  
 1127 the physical or mental capabilities necessary to carry out the  
 1128 professional duties of a licensed state pilot or a certificated  
 1129 deputy pilot. Such standards shall include zero tolerance for  
 1130 any controlled substance regulated under chapter 893 unless that  
 1131 individual is under the care of a physician, an advanced  
 1132 practice registered nurse, or a physician assistant and that  
 1133 controlled substance was prescribed by that physician, advanced  
 1134 practice registered nurse, or physician assistant. To maintain  
 1135 eligibility as a certificated deputy pilot or licensed state  
 1136 pilot, each certificated deputy pilot or licensed state pilot  
 1137 must annually provide documentary proof of having satisfactorily  
 1138 passed a complete physical examination administered by a  
 1139 licensed physician. The physician must know the minimum  
 1140 standards and certify that the certificateholder or licensee  
 1141 satisfactorily meets the standards. The standards for  
 1142 certificateholders and for licensees shall include a drug test.

1143 (c) Are subject to a substance abuse program that has been  
 1144 approved by the department board, which includes provisions for  
 1145 drug testing.

1146 ~~(d) Attend a board-approved seminar for continuing~~  
 1147 ~~education which includes radar certification.~~

1148 (d)(e) Remain in active service in the ports for which  
 1149 they are appointed.

1150

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.

1226 (4) In any foreign vessel or foreign trading vessel  
 1227 movement that an individual holding a state pilot license or  
 1228 deputy pilot certificate is engaged in directing, whether  
 1229 movement of the vessel in or out of the port or movement in  
 1230 close proximity to a dock or any other movement undertaken in  
 1231 furtherance of his or her piloting duties, such individual is  
 1232 operating under the authority of his or her state license or  
 1233 certificate and is accountable to the department ~~board~~ for his  
 1234 or her actions.

1235 **Section 17. Subsections (4) and (6) of section 310.102,**  
 1236 **Florida Statutes, are amended to read:**

1237 310.102 Treatment programs for impaired pilots and deputy  
 1238 pilots.—

1239 (4) In any disciplinary action for a violation other than  
 1240 impairment, if a pilot or deputy pilot establishes that the  
 1241 violation for which the pilot or deputy pilot is being  
 1242 prosecuted was due to or connected with impairment and further  
 1243 establishes that the pilot or deputy pilot is satisfactorily  
 1244 progressing through or has successfully completed an approved  
 1245 treatment program pursuant to this section, such information may  
 1246 be considered by the department ~~board~~ as a mitigating factor in  
 1247 determining the appropriate penalty. This subsection does not  
 1248 limit mitigating factors the department ~~board~~ may consider.

1249 (6) A consultant, licensee, or approved treatment provider  
 1250 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:

1276 (a) A fee not to exceed \$300 for each application for  
 1277 licensure as a state pilot or certification as a deputy pilot.  
 1278 This fee shall be nonrefundable.

1279 (b) A fee not to exceed \$300 for each examination for  
 1280 licensure as a state pilot or certification as a deputy pilot.

1281 (c) A fee not to exceed \$300 for each examination review.

1282 (2) The department shall assess and collect biennially  
 1283 from each licensed state pilot and each certificated deputy  
 1284 pilot a fee, not to exceed \$200 in the case of a licensed state  
 1285 pilot or \$100 in the case of a certificated deputy pilot, such  
 1286 fees to be set by the department ~~board~~.

1287 **Section 20. Section 310.131, Florida Statutes, is amended**  
 1288 **to read:**

1289 310.131 Assessment of percentage of gross pilotage.—The  
 1290 department shall assess the licensed state pilots in the  
 1291 respective ports of the state a percentage of the gross amount  
 1292 of pilotage earned by such pilots during each year, which  
 1293 percentage will be established by the department ~~board~~ not to  
 1294 exceed 2 percent, to be paid into the Professional Regulation  
 1295 Trust Fund by such pilots at such time and in such manner as the  
 1296 department ~~board~~ prescribes or as is set forth in the General  
 1297 Appropriations Act. The financial records of all pilots and  
 1298 deputy pilots relating to pilotage are subject to audit by the  
 1299 department and the Auditor General. The department shall by rule  
 1300 set a procedure for verifying the amount of pilotage at each

1301 port and may charge costs to the appropriate port if the port  
 1302 does not comply with such procedure.

1303 **Section 21. Section 310.142, Florida Statutes, is amended**  
 1304 **to read:**

1305 310.142 Pilotage at St. Marys Entrance.—The department may  
 1306 exercise board is authorized to enter into an agreement with the  
 1307 Board of Pilotage Commissioners for the corporate authority of  
 1308 St. Marys, Georgia, for reciprocal pilotage of vessels in the  
 1309 boundary waters and tributaries of St. Marys Entrance.

1310 **Section 22. Subsections (1) and (7) of section 310.151,**  
 1311 **Florida Statutes, are amended to read:**

1312 310.151 Rates of pilotage; Pilotage Rate Review  
 1313 Committee.—

1314 (1) (a) As used in this section, the term:

1315 ~~1.~~ "committee" means the Pilotage Rate Review Committee  
 1316 established under this section ~~as part of the Board of Pilot~~  
 1317 ~~Commissioners.~~

1318 ~~2.~~ "Board" means the Board of Pilot Commissioners.

1319 (b) To carry out ~~the provisions of~~ this section, the  
 1320 Pilotage Rate Review Committee is established as part of the  
 1321 ~~Board of Pilot Commissioners within the department of Business~~  
 1322 ~~and Professional Regulation.~~ The committee shall consist of the  
 1323 following seven members ~~of the board:~~ two ~~board~~ members who are  
 1324 licensed state pilots actively practicing their profession, ~~who~~  
 1325 ~~shall be appointed by majority vote of the licensed state pilots~~

1326 ~~serv~~ing 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

1351 order placing on inactive status, for a period not to exceed 15  
 1352 days, the license of any pilot or certificate of any deputy  
 1353 pilot who, while providing piloting services, is involved in a  
 1354 marine incident that results in the death of a human or, as  
 1355 determined by rule ~~of the board~~, substantial physical injury to  
 1356 a human or significant property or environmental damage, unless  
 1357 the department determines that the incident is clearly not the  
 1358 result of the actions of the pilot or deputy pilot.

1359 **Section 24. Subsection (1) of section 310.185, Florida**  
 1360 **Statutes, is amended to read:**

1361 310.185 Rulemaking.—

1362 (1) The department may ~~board has authority to~~ adopt rules  
 1363 ~~pursuant to ss. 120.536(1) and 120.54~~ to implement the  
 1364 ~~provisions of~~ this chapter.

1365 **Section 25. Subsection (2) of section 326.002, Florida**  
 1366 **Statutes, is amended to read:**

1367 326.002 Definitions.—As used in ss. 326.001-326.006, the  
 1368 term:

1369 (2) "Division" means the Division of Professions Florida  
 1370 ~~Condominiums, Timeshares, and Mobile Homes~~ of the Department of  
 1371 Business and Professional Regulation.

1372 **Section 26. Subsection (3) of section 326.006, Florida**  
 1373 **Statutes, is amended to read:**

1374 326.006 Powers and duties ~~of division~~.—

1375 (3) All fees must be deposited in the Professional

1376 ~~Regulation Division of Florida Condominiums, Timeshares, and~~  
 1377 ~~Mobile Homes~~ Trust Fund as provided by law.

1378 **Section 27. Paragraph (a) of subsection (3) of section**  
 1379 **376.303, Florida Statutes, is amended to read:**

1380 376.303 Powers and duties of the Department of  
 1381 Environmental Protection.—

1382 (3) INSPECTION OF POLLUTANT STORAGE TANKS.—

1383 (a) The department may inspect the installation of any  
 1384 pollutant storage tank. Any person installing a pollutant  
 1385 storage tank, as defined in s. 489.105(16) ~~s. 489.105(17)~~, shall  
 1386 certify that such installation is in accordance with the  
 1387 standards adopted pursuant to this section. The department shall  
 1388 promulgate a form for such certification which shall at a  
 1389 minimum include:

1390 1. A signed statement by the certified pollutant storage  
 1391 systems contractor, as defined in s. 489.105(2)(p) ~~s.~~  
 1392 ~~489.105(3)(p)~~, that such installation is in accordance with  
 1393 standards adopted pursuant to this section; and

1394 2. Signed statements by the onsite persons performing or  
 1395 supervising the installation of a pollutant storage tank, which  
 1396 statements shall be required of tasks that are necessary for the  
 1397 proper installation of such tank.

1398 **Section 28. Paragraph (n) of subsection (3) of section**  
 1399 **381.0065, Florida Statutes, is amended to read:**

1400 381.0065 Onsite sewage treatment and disposal systems;

1401 regulation.—

1402 (3) DUTIES AND POWERS OF THE DEPARTMENT OF ENVIRONMENTAL  
 1403 PROTECTION.—The department shall:

1404 (n) Regulate and permit maintenance entities for  
 1405 performance-based treatment systems and aerobic treatment unit  
 1406 systems. To ensure systems are maintained and operated according  
 1407 to manufacturer's specifications and designs, the department  
 1408 shall establish by rule minimum qualifying criteria for  
 1409 maintenance entities. The criteria shall include training,  
 1410 access to approved spare parts and components, access to  
 1411 manufacturer's maintenance and operation manuals, and service  
 1412 response time. The maintenance entity shall employ a contractor  
 1413 licensed under s. 489.105(2)(m) ~~s. 489.105(3)(m)~~, or part III of  
 1414 chapter 489, or a state-licensed wastewater plant operator, who  
 1415 is responsible for maintenance and repair of all systems under  
 1416 contract.

1417 **Section 29. Section 403.868, Florida Statutes, is amended**  
 1418 **to read:**

1419 403.868 Requirements by a utility.—A utility may have more  
 1420 stringent requirements than set by law, including certification  
 1421 requirements for water distribution systems and domestic  
 1422 wastewater collection systems operations, except that a utility  
 1423 may not require a licensed contractor, as defined in s.  
 1424 489.105(2) ~~s. 489.105(3)~~ to have any additional license for work  
 1425 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:

1451 (19) (a) "Employer" means the state and all political  
1452 subdivisions thereof, all public and quasi-public corporations  
1453 therein, every person carrying on any employment, and the legal  
1454 representative of a deceased person or the receiver or trustees  
1455 of any person. The term also includes employee leasing  
1456 companies, as defined in s. 468.520(4) ~~s. 468.520(5)~~, and  
1457 employment agencies that provide their own employees to other  
1458 persons. If the employer is a corporation, parties in actual  
1459 control of the corporation, including, but not limited to, the  
1460 president, officers who exercise broad corporate powers,  
1461 directors, and all shareholders who directly or indirectly own a  
1462 controlling interest in the corporation, are considered the  
1463 employer for the purposes of ss. 440.105, 440.106, and 440.107.

1464 **Section 32. Section 448.26, Florida Statutes, is amended**  
1465 **to read:**

1466 448.26 Application.—Nothing in this part shall exempt any  
1467 client of any labor pool or temporary help arrangement entity as  
1468 defined in s. 468.520(3)(a) ~~s. 468.520(4)(a)~~ or any assigned  
1469 employee from any other license requirements of state, local, or  
1470 federal law. Any employee assigned to a client who is licensed,  
1471 registered, or certified pursuant to law shall be deemed an  
1472 employee of the client for such licensure purposes but shall  
1473 remain an employee of the labor pool or temporary help  
1474 arrangement entity for purposes of chapters 440 and 443.

1475 **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

1526 the terms of the support order. The department shall not be held  
 1527 liable for any license denial or suspension resulting from the  
 1528 discharge of its duties under this subsection.

1529 (10) Have authority to:

1530 (a) Close and terminate deficient license application  
 1531 files 2 years after the board or the department notifies the  
 1532 applicant of the deficiency; and

1533 (b) Approve applications for professional licenses that  
 1534 meet all statutory and rule requirements for licensure.

1535 **Section 34. Subsections (8) and (9) of section 455.271,**  
 1536 **Florida Statutes, are amended to read:**

1537 455.271 Inactive and delinquent status.—

1538 (8) Each board, or the department when there is no board,  
 1539 shall, by rule, impose an additional fee, not to exceed the  
 1540 ~~biennial~~ renewal fee for an active status license, for  
 1541 processing a licensee's request to change licensure status at  
 1542 any time other than at the beginning of a licensure cycle.

1543 (9) Each board, or the department when there is no board,  
 1544 may, by rule, impose reasonable conditions, excluding full  
 1545 reexamination but including part of a national examination or a  
 1546 special purpose examination to assess current competency,  
 1547 necessary to ensure that a licensee who has been on inactive  
 1548 status for more than one ~~two consecutive biennial~~ licensure  
 1549 cycle ~~cycles~~ and who applies for active status can practice with  
 1550 the care and skill sufficient to protect the health, safety, and

1551 welfare of the public. Reactivation requirements may differ  
 1552 depending on the length of time licensees are inactive. The  
 1553 costs to meet reactivation requirements shall be borne by  
 1554 licensees requesting reactivation.

1555 **Section 35. Subsection (4) of section 468.382, Florida**  
 1556 **Statutes, is amended to read:**

1557 468.382 Definitions.—As used in this act, the term:

1558 ~~(4) "Board" means the Florida Board of Auctioneers.~~

1559 **Section 36. Subsections (1) and (3) through (7) of section**  
 1560 **468.385, Florida Statutes, are amended to read:**

1561 468.385 Licenses required; qualifications; examination.—

1562 (1) The department shall license any applicant who ~~the~~  
 1563 ~~board certifies~~ is qualified to practice auctioneering.

1564 (3) A ~~No~~ person may not ~~shall~~ be licensed as an auctioneer  
 1565 or apprentice if he or she:

1566 (a) Is under 18 years of age; or

1567 (b) Has committed any act or offense in this state or any  
 1568 other jurisdiction which would constitute a basis for  
 1569 disciplinary action under s. 468.389.

1570 (4) A ~~Any~~ person seeking a license as an auctioneer must  
 1571 pass a written examination approved by the department ~~board~~  
 1572 which tests his or her general knowledge of the laws of this  
 1573 state relating to provisions of the Uniform Commercial Code that  
 1574 are relevant to auctions, the laws of agency, and ~~the provisions~~  
 1575 ~~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

1601 ~~shall~~ include the names of the owner and the business, the  
1602 business mailing address and location, and any other information  
1603 which the department ~~board~~ may require. The owner of an auction  
1604 business shall report to the department ~~board~~ within 30 days  
1605 after ~~of~~ any change in this required information.

1606 **Section 37. Subsection (2) of section 468.3851, Florida**  
1607 **Statutes, is amended to read:**

1608 468.3851 Renewal of license.—

1609 (2) The department shall adopt a procedure for the  
1610 ~~biennial~~ renewal of licenses every 4 years.

1611 **Section 38. Section 468.3852, Florida Statutes, is amended**  
1612 **to read:**

1613 468.3852 Reactivation of license; fee.—The department  
1614 ~~board~~ shall prescribe a fee not to exceed \$250 for the  
1615 reactivation of an inactive license. The fee shall be in  
1616 addition to the current ~~biennial~~ renewal fee.

1617 **Section 39. Subsections (2) through (5) and (8) of section**  
1618 **468.3855, Florida Statutes, are amended to read:**

1619 468.3855 Apprenticeship training requirements.—

1620 (2) Any auctioneer who undertakes the sponsorship of an  
1621 apprentice shall ensure that the apprentice receives training as  
1622 required by department ~~board~~ rule.

1623 (3) An apprentice must actively participate in auction  
1624 sales as required by department ~~board~~ rule, and a record of each  
1625 auction for which participation credit is claimed must be made

1626 as required by department ~~board~~ rule.

1627 (4) Apprentices are prohibited from conducting any auction  
1628 without the prior express written consent of the sponsor. The  
1629 apprentice's sponsor must be present at the auction site at any  
1630 time the apprentice is actively participating in the conduct of  
1631 the auction. If the apprentice's sponsor cannot attend a  
1632 particular auction, the sponsor may appoint a qualified  
1633 auctioneer who meets the requirements of department ~~board~~ rule  
1634 to attend the auction in his or her place. Prior written consent  
1635 must be given by the apprentice's sponsor for each substitution.

1636 (5) Each apprentice and sponsor shall file reports as  
1637 required by department ~~board~~ rule.

1638 (8) All apprentice applications shall be valid for a  
1639 period of 6 months after department ~~board~~ approval. Any  
1640 applicant who fails to complete the licensure process within  
1641 that time shall be required to make application as a new  
1642 applicant.

1643 **Section 40. Subsection (1) of section 468.386, Florida**  
1644 **Statutes, is amended to read:**

1645 468.386 Fees; local licensing requirements.—

1646 (1) The department ~~board~~ by rule may establish  
1647 application, examination, licensure, renewal, and other  
1648 reasonable and necessary fees, based upon the department's  
1649 estimate of the costs ~~to the board~~ in administering this act.

1650 **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:

1701 (a) Refusal to certify to the department an application  
 1702 for licensure.

1703 (b) Revocation or suspension of a license.

1704 (c) Imposition of an administrative fine not to exceed  
 1705 \$1,000 for each count or separate offense.

1706 (d) Issuance of a reprimand.

1707 (e) Placement of the auctioneer on probation for a period  
 1708 of time and subject to conditions as the department ~~board~~ may  
 1709 specify, including requiring the auctioneer to successfully  
 1710 complete the licensure examination.

1711 (f) Requirement that the person in violation make  
 1712 restitution to each consumer affected by that violation. Proof  
 1713 of such restitution shall be a signed and notarized release  
 1714 executed by the consumer or the consumer's estate.

1715 (3)(a) Failure to pay a fine within a reasonable time, as  
 1716 prescribed by department ~~board~~ rule, may be grounds for  
 1717 disciplinary action.

1718 **Section 44. Section 468.392, Florida Statutes, is amended**  
 1719 **to read:**

1720 468.392 Auctioneer Recovery Fund.—There is created the  
 1721 Auctioneer Recovery Fund as a separate account in the  
 1722 Professional Regulation Trust Fund. The fund shall be  
 1723 administered by the department ~~Florida Board of Auctioneers~~.

1724 (1) The Chief Financial Officer shall invest the money not  
 1725 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

1751 be retained in the fund and shall accrue for the benefit of  
1752 auctioneers and auction businesses. When the fund exceeds the  
1753 amount as set forth in s. 468.393(2), all surcharges shall be  
1754 suspended until such time as the fund is reduced below the  
1755 amount as set forth in s. 468.393(3).

1756 **Section 45. Subsections (1), (3), and (4) of section**  
1757 **468.393, Florida Statutes, are amended to read:**

1758 468.393 Surcharge to license fee; assessments.—

1759 (1) At the time of licensure under s. 468.385, s.  
1760 468.3851, or s. 468.3852, each licensee shall pay, in addition  
1761 to an application and license fee, a surcharge in an amount to  
1762 be determined by the department ~~board~~, not to exceed \$300, which  
1763 shall be deposited in the Auctioneer Recovery Fund.

1764 (3) After October 1, 1995, if the total amount in the  
1765 Auctioneer Recovery Fund, including principal and interest, is  
1766 less than \$200,000 at the end of the fiscal year after the  
1767 payment of all claims and expenses, the department ~~board~~ shall  
1768 assess, in addition to any other fees under s. 468.3852, a  
1769 surcharge against a licensee at the time of initial licensure or  
1770 at the time of license renewal, according to the following  
1771 formula in order to maintain the fund at \$500,000:

1772 (a) Determine the amount remaining in the fund at the end  
1773 of the state fiscal year after all expenses and claims have been  
1774 paid.

1775 (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

1801 any court against any licensee to recover damages for any actual  
 1802 loss that results from the violation, within this state, by a  
 1803 licensee of any provision of s. 468.389 or any rule adopted by  
 1804 the department ~~board~~ may, upon termination of all proceedings,  
 1805 including appeals and proceedings supplemental to judgment for  
 1806 collection purposes, file a verified application to the  
 1807 department ~~board~~ for an order directing payment out of the  
 1808 Auctioneer Recovery Fund of the amount of actual loss in the  
 1809 transaction that remains unpaid upon the judgment. The amount of  
 1810 actual loss may include court costs, but may ~~shall~~ not include  
 1811 attorney ~~attorney's~~ fees or punitive damages awarded.

1812 (4) The department ~~may board~~ ~~shall~~ not issue an order for  
 1813 payment of a claim from the Auctioneer Recovery Fund unless the  
 1814 claimant has reasonably established to the department ~~board~~ that  
 1815 she or he has taken proper and reasonable action to collect the  
 1816 amount of her or his claim from the licensee responsible for the  
 1817 loss and that any recovery made has been applied to reduce the  
 1818 amount of the claim on the Auctioneer Recovery Fund.

1819 **Section 47. Subsections (2) and (3) of section 468.396,**  
 1820 **Florida Statutes, are amended to read:**

1821 468.396 Claims against a single licensee in excess of  
 1822 dollar limitation; joinder of claims, payment; insufficient  
 1823 funds.—

1824 (2) Upon petition of the department ~~board~~, the court may  
 1825 require all claimants and prospective claimants against one

1826 licensee to be joined in one action, to the end that the  
1827 respective rights of all the claimants to the department ~~board~~  
1828 may be equitably adjudicated and settled.

1829 (3) On June 30 and December 31 of each year, the  
1830 department ~~board~~ shall identify each claim that the court orders  
1831 to be paid during the 6-month period that ended on that day. The  
1832 department ~~board~~ shall pay the part of each claim that is so  
1833 identified within 15 days after the end of the 6-month period in  
1834 which the claim is ordered paid. However, if the balance in the  
1835 fund is insufficient to pay the full payable amount of each  
1836 claim that is ordered to be paid during a 6-month period, the  
1837 department ~~board~~ shall pay a prorated portion of each claim that  
1838 is ordered to be paid during the period. Any part of the payable  
1839 amount of a claim left unpaid due to the prorating of payments  
1840 under this subsection shall be paid, subject to the \$50,000  
1841 limit described in s. 468.395, before the payment of claims  
1842 ordered to be paid during the following 6 months.

1843 **Section 48. Section 468.397, Florida Statutes, is amended**  
1844 **to read:**

1845 468.397 Payment of claim.—Upon a final order of the court  
1846 directing that payment be made out of the Auctioneer Recovery  
1847 Fund, the department ~~board~~ shall, subject to the provisions of  
1848 this part, make the payment out of the Auctioneer Recovery Fund  
1849 as provided in s. 468.395.

1850 **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~~

1901 ~~considered continuing education providers for purposes of~~  
 1902 ~~establishing provider approval fees. A licensee shall not be~~  
 1903 ~~required to comply with the continuing education requirements of~~  
 1904 ~~s. 468.4337 prior to the first license renewal.~~ The department  
 1905 shall, by rule, set standards for exceptions to the requirement  
 1906 of in-person instruction in cases of hardship or disability.

1907 (3) The department ~~council~~ shall approve an examination  
 1908 for licensure. The examination must demonstrate that the  
 1909 applicant has a fundamental knowledge of state and federal laws  
 1910 relating to the operation of all types of community associations  
 1911 and state laws relating to corporations and nonprofit  
 1912 corporations, proper preparation of community association  
 1913 budgets, proper procedures for noticing and conducting community  
 1914 association meetings, insurance matters relating to community  
 1915 associations, and management skills.

1916 **Section 54. Subsection (1) of section 468.4336, Florida**  
 1917 **Statutes, is amended to read:**

1918 468.4336 Renewal of license.—

1919 (1) The department shall renew a license upon receipt of  
 1920 the renewal application and fee ~~and upon proof of compliance~~  
 1921 ~~with the continuing education requirements of s. 468.4337.~~

1922 **Section 55. Section 468.435, Florida Statutes, is amended**  
 1923 **to read:**

1924 468.435 Fees; establishment; disposition.—

1925 (1) The department ~~council~~ shall establish fees for the

1926 described purposes and within the ranges specified in this  
 1927 section:

1928 (a) Application fee: not less than \$25, or more than \$50.

1929 (b) Examination fee: not less than \$25, or more than \$100.

1930 (c) Initial license fee: not less than \$25, or more than  
 1931 \$100.

1932 (d) Renewal of license fee: not less than \$25, or more  
 1933 than \$100.

1934 (e) Delinquent license fee: not less than \$25, or more  
 1935 than \$50.

1936 (f) Inactive license fee: not less than \$10, or more than  
 1937 \$25.

1938 (2) Until the department ~~council~~ establishes fees under  
 1939 subsection (1), the lower amount in each range shall apply.

1940 (3) Fees collected under this section shall be deposited  
 1941 to the credit of the Professional Regulation Trust Fund.

1942 (4) The department ~~council~~ shall establish fees that are  
 1943 adequate to fund the cost to implement the provisions of this  
 1944 part. Fees shall be based on the department estimates of the  
 1945 revenue required to implement this part and the provisions of  
 1946 law with respect to the regulation of community association  
 1947 managers.

1948 **Section 56. Paragraph (b) of subsection (2) and subsection**  
 1949 **(3) of section 468.436, Florida Statutes, are amended to read:**

1950 468.436 Disciplinary proceedings.—

1951           (2) The following acts constitute grounds for which the  
 1952 disciplinary actions in subsection (4) may be taken:  
 1953           (b)1. Violation of this part.  
 1954           2. Violation of any lawful order or rule rendered or  
 1955 adopted by the department ~~or the council~~.  
 1956           3. Being convicted of or pleading nolo contendere to a  
 1957 felony in any court in the United States.  
 1958           4. Obtaining a license or certification or any other  
 1959 order, ruling, or authorization by means of fraud,  
 1960 misrepresentation, or concealment of material facts.  
 1961           5. Committing acts of gross misconduct or gross negligence  
 1962 in connection with the profession.  
 1963           6. Contracting, on behalf of an association, with any  
 1964 entity in which the licensee has a financial interest that is  
 1965 not disclosed.  
 1966           7. Failing to disclose any conflict of interest as  
 1967 required by s. 468.4335.  
 1968           8. Violating chapter 718, chapter 719, or chapter 720  
 1969 during the course of performing community association management  
 1970 services pursuant to a contract with a community association as  
 1971 defined in s. 468.431(1).  
 1972           (3) The department ~~council~~ shall specify by rule the acts  
 1973 or omissions that constitute a violation of subsection (2).  
 1974           **Section 57. Subsection (2) of section 468.520, Florida**  
 1975 **Statutes, is amended to read:**

1976 468.520 Definitions.—As used in this part:  
 1977 ~~(2) "Board" means the Board of Employee Leasing Companies.~~

1978 **Section 58. Section 468.522, Florida Statutes, is amended**  
 1979 **to read:**

1980 468.522 Rules of the department board.—The department may  
 1981 ~~board has authority to~~ adopt rules pursuant to ~~ss. 120.536(1)~~  
 1982 ~~and 120.54~~ to implement the provisions of this part. Every  
 1983 licensee shall be governed and controlled by this part and the  
 1984 rules adopted by the department board.

1985 **Section 59. Subsection (2) and paragraph (b) of subsection**  
 1986 **(4) of section 468.524, Florida Statutes, are amended to read:**

1987 468.524 Application for license.—

1988 (2) The department board may require information and  
 1989 certifications necessary to determine that the applicant is of  
 1990 good moral character and meets other licensure requirements of  
 1991 this part.

1992 (4) An applicant or licensee is ineligible to reapply for  
 1993 a license for a period of 1 year following final agency action  
 1994 on the denial or revocation of a license applied for or issued  
 1995 under this part. This time restriction does not apply to  
 1996 administrative denials or revocations entered because:

1997 (b) The experience documented to the department board was  
 1998 insufficient at the time of the previous application;

1999 **Section 60. Section 468.5245, Florida Statutes, is amended**  
 2000 **to read:**

2001 468.5245 Change of ownership.—

2002 (1) A license or registration issued to any entity under  
 2003 this part may not be transferred or assigned. The department  
 2004 ~~board~~ shall adopt rules to provide for a licensee's or  
 2005 registrant's change of name or location.

2006 (2) A person or entity that seeks to purchase or acquire  
 2007 control of an employee leasing company or group licensed or  
 2008 registered under this part must first apply to the department  
 2009 ~~board~~ for a certificate of approval for the proposed change of  
 2010 ownership. However, prior approval is not required if, at the  
 2011 time the purchase or acquisition occurs, a controlling person of  
 2012 the employee leasing company or group maintains a controlling  
 2013 person license under this part. Notification must be provided to  
 2014 the department ~~board~~ within 30 days after the purchase or  
 2015 acquisition of such company in the manner prescribed by the  
 2016 department ~~board~~.

2017 (3) Any application that is submitted to the department  
 2018 ~~board~~ under this section shall be deemed approved if the  
 2019 department ~~board~~ has not approved the application or rejected  
 2020 the application, and provided the applicant with the basis for a  
 2021 rejection, within 90 days after the receipt of the completed  
 2022 application.

2023 (4) The department ~~board~~ shall establish filing fees for a  
 2024 change-of-ownership application in accordance with s.  
 2025 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

2076 plans of self-insurance or partial self-insurance for claims  
2077 incurred but not paid and for claims incurred but not reported.  
2078 Compliance with ~~the requirements of~~ this paragraph is subject to  
2079 verification by department ~~or board~~ audit.

2080 (e) Each employee leasing company or employee leasing  
2081 company group shall submit annual financial statements audited  
2082 by an independent certified public accountant, with the  
2083 application and within 120 days after the end of each fiscal  
2084 year, in a manner and time prescribed by the department ~~board~~,  
2085 provided, however, that any employee leasing company or employee  
2086 leasing company group with gross Florida payroll of less than  
2087 \$2.5 million during any fiscal year may submit financial  
2088 statements reviewed by an independent certified public  
2089 accountant for that year.

2090 (f) The licensee shall notify the department ~~or board~~ in  
2091 writing within 30 days after any change in the application or  
2092 status of the license.

2093 **Section 62. Subsections (3) and (5) of section 468.526,**  
2094 **Florida Statutes, are amended to read:**

2095 468.526 License required; fees.—

2096 (3) Each employee leasing company and employee leasing  
2097 company group licensee shall pay to the department upon the  
2098 initial issuance of a license and upon each renewal thereafter a  
2099 license fee not to exceed \$2,500 to be established by the  
2100 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

2151 each client company.

2152 (b) A listing of all covered employees provided to each  
2153 client company, by classification code.

2154 (c) The total eligible wages by classification code and  
2155 the premiums due to the carrier for the employees provided to  
2156 each client company.

2157 (4) An initial or renewal license may not be issued to any  
2158 employee leasing company unless the employee leasing company  
2159 first provides evidence to the department ~~board~~, as required by  
2160 department ~~board~~ rule, that the employee leasing company has  
2161 paid all of the employee leasing company's obligations for  
2162 payroll, payroll-related taxes, workers' compensation insurance,  
2163 and employee benefits. All disputed amounts must be disclosed in  
2164 the application.

2165 (5) The provisions of this section are subject to  
2166 verification by department ~~or board~~ audit.

2167 **Section 66. Subsections (3) and (4) of section 468.530,**  
2168 **Florida Statutes, are amended to read:**

2169 468.530 License, contents; posting.—

2170 (3) A ~~no~~ license is not ~~shall be~~ valid for any person or  
2171 entity who engages in the business under any name other than  
2172 that specified in the license. A license issued under this part  
2173 is ~~shall~~ not be assignable, and a ~~no~~ licensee may not conduct a  
2174 business under a fictitious name without prior written  
2175 authorization of the department ~~board~~ to do so. The department

2176 ~~board~~ may not authorize the use of a name which is so similar to  
2177 that of a public officer or agency, or of that used by another  
2178 licensee, that the public may be confused or misled thereby. A  
2179 ~~No~~ licensee may not ~~shall~~ be permitted to conduct business under  
2180 more than one name unless it has obtained a separate license. A  
2181 licensee desiring to change its licensed name at any time except  
2182 upon license renewal shall notify the department ~~board~~ and pay a  
2183 fee not to exceed \$50 for each authorized change of name.

2184 (4) Each employee leasing company or employee leasing  
2185 company group licensed under this part shall be properly  
2186 identified in all advertisements, which must include the license  
2187 number, licensed business name, and other appropriate  
2188 information in accordance with rules established by the  
2189 department ~~board~~.

2190 **Section 67. Paragraph (e) of subsection (1) of section**  
2191 **468.531, Florida Statutes, is amended to read:**

2192 468.531 Prohibitions; penalties.—

2193 (1) No person or entity shall:

2194 (e) Knowingly give false or forged evidence to the  
2195 department ~~board~~ or a member thereof; or

2196 **Section 68. Section 468.532, Florida Statutes, is amended**  
2197 **to read:**

2198 468.532 Discipline.—

2199 (1) The following constitute grounds for which  
2200 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

2226 | required in s. 468.529.

2227 |       (h) Transferring or attempting to transfer a license  
2228 | issued pursuant to this part.

2229 |       (i) Violating any provision of this part or any lawful  
2230 | order or rule issued under the provisions of this part or  
2231 | chapter 455.

2232 |       (j) Failing to notify the department ~~board~~, in writing, of  
2233 | any change of the primary business address or the addresses of  
2234 | any of the licensee's offices in the state.

2235 |       (k) Having been confined in any county jail,  
2236 | postadjudication, or being confined in any state or federal  
2237 | prison or mental institution, or when through mental disease or  
2238 | deterioration, the licensee can no longer safely be entrusted to  
2239 | deal with the public or in a confidential capacity.

2240 |       (l) Having been found guilty for a second time of any  
2241 | misconduct that warrants suspension or being found guilty of a  
2242 | course of conduct or practices which shows that the licensee is  
2243 | so incompetent, negligent, dishonest, or untruthful that the  
2244 | money, property, transactions, and rights of investors, or those  
2245 | with whom the licensee may sustain a confidential relationship,  
2246 | may not safely be entrusted to the licensee.

2247 |       (m) Failing to inform the department ~~board~~ in writing  
2248 | within 30 days after being convicted or found guilty of, or  
2249 | entering a plea of nolo contendere to, any felony, regardless of  
2250 | adjudication.

- 2251 (n) Failing to conform to any lawful order of the  
 2252 department board.
- 2253 (o) Being determined liable for civil fraud by a court in  
 2254 any jurisdiction.
- 2255 (p) Having adverse material final action taken by any  
 2256 state or federal regulatory agency for violations within the  
 2257 scope of control of the licensee.
- 2258 (q) Failing to inform the department board in writing  
 2259 within 30 days after any adverse material final action by a  
 2260 state or federal regulatory agency.
- 2261 (r) Failing to meet or maintain the requirements for  
 2262 licensure as an employee leasing company or controlling person.
- 2263 (s) Engaging as a controlling person any person who is not  
 2264 licensed as a controlling person by the department board.
- 2265 (t) Attempting to obtain, obtaining, or renewing a license  
 2266 to practice employee leasing by bribery, misrepresentation, or  
 2267 fraud.
- 2268 (2) When the department board finds any violation of  
 2269 subsection (1), it may do one or more of the following:
- 2270 (a) Deny an application for licensure.
- 2271 (b) Permanently revoke, suspend, restrict, or not renew a  
 2272 license.
- 2273 (c) Impose an administrative fine not to exceed \$5,000 for  
 2274 every count or separate offense.
- 2275 (d) Issue a reprimand.

2276 (e) Place the licensee on probation for a period of time  
 2277 and subject to such conditions as the department ~~board~~ may  
 2278 specify.

2279 (f) Assess costs associated with investigation and  
 2280 prosecution.

2281 (3) Upon revocation or suspension of a license, the  
 2282 licensee must immediately return to the department the license  
 2283 that was revoked or suspended.

2284 (4) The department ~~board~~ shall specify the penalties for  
 2285 any violation of this part.

2286 **Section 69. Subsection (1) of section 468.603, Florida**  
 2287 **Statutes, is amended to read:**

2288 468.603 Definitions.—As used in this part:

2289 ~~(1) "Board" means the Florida Building Code Administrators~~  
 2290 ~~and Inspectors Board.~~

2291 **Section 70. Section 468.606, Florida Statutes, is amended**  
 2292 **to read:**

2293 468.606 Authority of the department ~~board~~.—The department  
 2294 ~~may board is authorized to:~~

2295 (1) Adopt rules pursuant to ~~ss. 120.536(1) and 120.54~~ to  
 2296 implement ~~the provisions of~~ this part.

2297 (2) Certify individuals as being qualified under ~~the~~  
 2298 ~~provisions of~~ this part to be building code administrators,  
 2299 plans examiners, and building code inspectors.

2300 **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.

2351 (7) If any action taken against the enforcement official  
 2352 by the department ~~or the board~~ is found to be without merit by a  
 2353 court of competent jurisdiction, or if judgment in such an  
 2354 action is awarded to the enforcement official, the department ~~or~~  
 2355 ~~the board~~, or the assignee of the department ~~or board~~, shall  
 2356 reimburse the enforcement official or his or her employer, as  
 2357 appropriate, for reasonable legal costs and reasonable attorney  
 2358 ~~attorney's~~ fees incurred. The amount awarded may ~~shall~~ not  
 2359 exceed the limit provided in s. 120.595.

2360 **Section 74. Paragraph (a) of subsection (1) and**  
 2361 **subsections (2), (3), and (4) of section 468.621, Florida**  
 2362 **Statutes, are amended to read:**

2363 468.621 Disciplinary proceedings.—

2364 (1) The following acts constitute grounds for which the  
 2365 disciplinary actions in subsection (2) may be taken:

2366 (a) Violating or failing to comply with any provision of  
 2367 this part, or a valid rule or lawful order of the ~~board or~~  
 2368 department pursuant thereto.

2369 (2) When the department ~~board~~ finds any person guilty of  
 2370 any of the grounds set forth in subsection (1), it may enter an  
 2371 order imposing one or more of the following penalties:

- 2372 (a) Denial of an application for certification.
- 2373 (b) Permanent revocation.
- 2374 (c) Suspension of a certificate.
- 2375 (d) Imposition of an administrative fine not to exceed

2376 \$5,000 for each separate offense. Such fine must be rationally  
 2377 related to the gravity of the violation.

2378 (e) Issuance of a reprimand.

2379 (f) Placement of the certificateholder on probation for a  
 2380 period of time and subject to such conditions as the department  
 2381 ~~board~~ may impose, including alteration of performance level.

2382 (g) Satisfactory completion of continuing education.

2383 (h) Issuance of a citation.

2384 (3) Where a certificate is suspended, placed on probation,  
 2385 or has conditions imposed, the department ~~board~~ shall reinstate  
 2386 the certificate of a disciplined building code administrator,  
 2387 plans examiner, or building code inspector upon proof the  
 2388 disciplined individual has complied with all terms and  
 2389 conditions set forth in the final order.

2390 (4) A ~~No~~ person may not ~~be allowed to~~ apply for  
 2391 certification under this part for a minimum of 5 years after the  
 2392 date of revocation of any certificate issued pursuant to this  
 2393 part. The department ~~board~~ may by rule establish additional  
 2394 criteria for certification following revocation.

2395 **Section 75. Subsections (1) and (5) of section 468.627,**  
 2396 **Florida Statutes, are amended to read:**

2397 468.627 Application; examination; renewal; fees.—

2398 (1) The department ~~board~~ shall establish by rule fees to  
 2399 be paid for application, examination, reexamination,  
 2400 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:**

2426 468.629 Prohibitions; penalties.—

2427 (1) No person may:

2428 (d) Give false or forged evidence to the ~~board or the~~  
 2429 department, or a member, an employee, or an officer thereof, for  
 2430 the purpose of obtaining a certificate.

2431 **Section 77. Subsection (1) of section 468.631, Florida**  
 2432 **Statutes, is amended to read:**

2433 468.631 Building Code Administrators and Inspectors Fund.—

2434 (1) This part shall be funded through a surcharge, to be  
 2435 assessed pursuant to s. 125.56(4) or s. 166.201 at the rate of  
 2436 1.5 percent of all permit fees associated with enforcement of  
 2437 the Florida Building Code as defined by the uniform account  
 2438 criteria and specifically the uniform account code for building  
 2439 permits adopted for local government financial reporting  
 2440 pursuant to s. 218.32. The minimum amount collected on any  
 2441 permit issued shall be \$2. The unit of government responsible  
 2442 for collecting permit fees pursuant to s. 125.56 or s. 166.201  
 2443 shall collect such surcharge and shall remit the funds to the  
 2444 department on a quarterly calendar basis beginning not later  
 2445 than December 31, 2010, for the preceding quarter, and  
 2446 continuing each third month thereafter; and such unit of  
 2447 government shall retain 10 percent of the surcharge collected to  
 2448 fund the participation of building departments in the national  
 2449 and state building code adoption processes and to provide  
 2450 education related to enforcement of the Florida Building Code.

2451 There is created within the Professional Regulation Trust Fund a  
 2452 separate account to be known as the Building Code Administrators  
 2453 and Inspectors Fund, which shall deposit and disburse funds as  
 2454 necessary for the implementation of this part. The proceeds from  
 2455 this surcharge shall be allocated equally to fund the Florida  
 2456 Homeowners' Construction Recovery Fund established by s. 489.140  
 2457 ~~and the functions of the Building Code Administrators and~~  
 2458 ~~Inspectors Board.~~ The department may transfer excess cash to the  
 2459 Florida Homeowners' Construction Recovery Fund that it  
 2460 determines is not required to fund the implementation of this  
 2461 part ~~board from the board's account within the Professional~~  
 2462 ~~Regulation Trust Fund.~~ However, the department may not transfer  
 2463 excess cash that would exceed the amount appropriated in the  
 2464 General Appropriations Act, and any amount approved by the  
 2465 Legislative Budget Commission pursuant to s. 216.181, to be used  
 2466 for the payment of claims from the Florida Homeowners'  
 2467 Construction Recovery Fund.

2468 **Section 78. Subsections (4) and (7) of section 468.8312,**  
 2469 **Florida Statutes, are amended to read:**

2470 468.8312 Fees.—

2471 (4) The ~~biennial~~ renewal fee shall not exceed \$200.

2472 ~~(7) The fee for applications from providers of continuing~~  
 2473 ~~education may not exceed \$500.~~

2474 **Section 79. Section 468.8315, Florida Statutes, is amended**  
 2475 **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

2501 upon application to the department. ~~The department may prescribe~~  
2502 ~~by rule continuing education requirements as a condition of~~  
2503 ~~reactivating a license. The rules may not require more than one~~  
2504 ~~renewal cycle of continuing education to reactivate a license.~~

2505 **Section 83. Paragraph (d) of subsection (1) and paragraph**  
2506 **(d) of subsection (2) of section 468.8419, Florida Statutes, are**  
2507 **amended to read:**

2508 468.8419 Prohibitions; penalties.—

2509 (1) A person may not:

2510 (d) Perform or offer to perform any mold remediation to a  
2511 structure on which the mold assessor or the mold assessor's  
2512 company provided a mold assessment within the last 12 months.  
2513 This paragraph does not apply to a certified contractor who is  
2514 classified in s. 489.105(2) ~~s. 489.105(3)~~ as a Division I  
2515 contractor. However, the department may adopt rules requiring  
2516 that, if such contractor performs the mold assessment and offers  
2517 to perform the mold remediation, the contract for mold  
2518 remediation provided to the homeowner discloses that he or she  
2519 has the right to request competitive bids.

2520 (2) A mold remediator, a company that employs a mold  
2521 remediator, or a company that is controlled by a company that  
2522 also has a financial interest in a company employing a mold  
2523 remediator may not:

2524 (d) Perform or offer to perform any mold assessment to a  
2525 structure on which the mold remediator or the mold remediator's

2526 company provided a mold remediation within the last 12 months.  
2527 This paragraph does not apply to a certified contractor who is  
2528 classified in s. 489.105(2) ~~s. 489.105(3)~~ as a Division I  
2529 contractor. However, the department may adopt rules requiring  
2530 that, if such contractor performs the mold remediation and  
2531 offers to perform the mold assessment, the contract for mold  
2532 assessment provided to the homeowner discloses that he or she  
2533 has the right to request competitive bids.

2534 **Section 84. Subsection (4) of section 469.004, Florida**  
2535 **Statutes, is amended to read:**

2536 469.004 License; asbestos consultant; asbestos  
2537 contractor.—

2538 (4) A license issued under this chapter must be renewed  
2539 every 4 ~~2~~ years. ~~Before an asbestos contractor's license may be~~  
2540 ~~renewed, the licensee must complete a 1-day course of continuing~~  
2541 ~~education during each of the preceding 2 years. Before an~~  
2542 ~~asbestos consultant's license may be renewed, the licensee must~~  
2543 ~~complete a 2-day course of continuing education during each of~~  
2544 ~~the preceding 2 years.~~

2545 **Section 85. Subsection (5) of section 469.012, Florida**  
2546 **Statutes, is renumbered as subsection (4), and subsection (1)**  
2547 **and present subsection (4) of that section are amended to read:**

2548 469.012 Course requirements for onsite supervisors and  
2549 asbestos abatement workers.—

2550 (1) Each asbestos contractor's onsite supervisor must

2551 complete an asbestos contractor/supervisor course of not less  
 2552 than 5 days before ~~prior to~~ engaging in onsite supervision. Such  
 2553 training shall cover the nature of the health risks, the medical  
 2554 effects of exposure, federal and state asbestos laws and  
 2555 regulations, worker protection, and work area protection. ~~Each~~  
 2556 ~~onsite supervisor must also complete a continuing education~~  
 2557 ~~course of not less than 1 day in length each year.~~

2558 ~~(4) All asbestos abatement workers, including onsite~~  
 2559 ~~supervisors, must complete, as a condition of renewal of~~  
 2560 ~~accreditation, such courses of continuing education each year as~~  
 2561 ~~are approved and required by the department.~~

2562 **Section 86. Subsection (1) of section 469.013, Florida**  
 2563 **Statutes, is amended to read:**

2564 469.013 Course requirements for asbestos surveyors,  
 2565 management planners, project monitors, and project designers.—

2566 (1) All asbestos surveyors, management planners, and  
 2567 project monitors must comply with the requirements under ~~set~~  
 2568 ~~forth in this section before~~ prior to commencing such activities  
 2569 ~~and must also complete the continuing education necessary to~~  
 2570 ~~maintain accreditation each year.~~

2571 (a) Management planners must complete all requirements of  
 2572 s. 469.005(2) (b) and (d).

2573 (b) Asbestos surveyors must complete all requirements of  
 2574 s. 469.005(2) (a).

2575 (c) Project monitors must complete all requirements of s.

2576 469.005(3)(a) and must also complete an asbestos sampling course  
2577 which is equivalent to NIOSH Course 582.

2578 (d) Project designers must complete all requirements of s.  
2579 469.005(2)(d).

2580 **Section 87. Subsection (5) of section 471.011, Florida**  
2581 **Statutes, is amended to read:**

2582 471.011 Fees.—

2583 (5) The ~~biennial~~ renewal fee shall not exceed \$125.

2584 **Section 88. Subsections (2) and (3) of section 471.017,**  
2585 **Florida Statutes, are amended to read:**

2586 471.017 Renewal of license.—

2587 (2) The board shall adopt rules establishing a procedure  
2588 for the ~~biennial~~ renewal of licenses every 4 years.

2589 ~~(3)(a) The board shall require a demonstration of~~  
2590 ~~continuing professional competency of engineers as a condition~~  
2591 ~~of license renewal or relicensure. Every licensee must complete~~  
2592 ~~9 continuing education hours for each year of the license~~  
2593 ~~renewal period, totaling 18 continuing education hours for the~~  
2594 ~~license renewal period. For each renewal period for such~~  
2595 ~~continuing education:~~

2596 ~~1. One hour must relate to this chapter and the rules~~  
2597 ~~adopted under this chapter.~~

2598 ~~2. One hour must relate to professional ethics.~~

2599 ~~3. Four hours must relate to the licensee's area of~~  
2600 ~~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~~

2626 ~~severely limit opportunities to obtain the required continuing~~  
2627 ~~education hours.~~

2628 **Section 89. Section 471.019, Florida Statutes, is amended**  
2629 **to read:**

2630 471.019 Reactivation.—The board shall establish by rule a  
2631 reinstatement process for void licenses. ~~The rule shall~~  
2632 ~~prescribe appropriate continuing education requirements for~~  
2633 ~~reactivating a license. The continuing education requirements~~  
2634 ~~for reactivating a license for a licensed engineer may not~~  
2635 ~~exceed the continuing education requirements prescribed pursuant~~  
2636 ~~to s. 471.017 for each year the license was inactive.~~

2637 **Section 90. Section 471.045, Florida Statutes, is amended**  
2638 **to read:**

2639 471.045 Professional engineers performing building code  
2640 inspector duties.—Notwithstanding any other provision of law, a  
2641 person who is currently licensed under this chapter to practice  
2642 as a professional engineer may provide building code inspection  
2643 services described in s. 468.603(4) and (7) ~~s. 468.603(5) and~~  
2644 ~~(8)~~ to a local government or state agency upon its request,  
2645 without being certified by the Florida Building Code  
2646 Administrators and Inspectors licensing program ~~Board~~ under part  
2647 XII of chapter 468. When performing these building code  
2648 inspection services, the professional engineer is subject to the  
2649 disciplinary guidelines of this chapter and s. 468.621(1)(c)-  
2650 (h). Any complaint processing, investigation, and discipline

2651 that arise out of a professional engineer's performing building  
 2652 code inspection services shall be conducted by the Board of  
 2653 Professional Engineers rather than the Florida Building Code  
 2654 Administrators and Inspectors licensing program ~~Board~~. A  
 2655 professional engineer may not perform plans review as an  
 2656 employee of a local government upon any job that the  
 2657 professional engineer or the professional engineer's company  
 2658 designed.

2659 **Section 91. Subsection (4) of section 472.003, Florida**  
 2660 **Statutes, is amended to read:**

2661 472.003 Persons not affected by ss. 472.001-472.037.—  
 2662 Sections 472.001-472.037 do not apply to:

2663 (4) Persons employed by county property appraisers, as  
 2664 defined at s. 192.001(3), and persons employed by the Department  
 2665 of Revenue, to prepare maps for property appraisal purposes  
 2666 only, but only to the extent that they perform mapping services  
 2667 which do not include any surveying activities as described in s.  
 2668 472.005(3)(a) and (b) ~~s. 472.005(4)(a) and (b)~~.

2669 **Section 92. Subsection (1) of section 472.005, Florida**  
 2670 **Statutes, is amended to read:**

2671 472.005 Definitions.—As used in ss. 472.001-472.037:  
 2672 ~~(1) "Board" means the Board of Professional Surveyors and~~  
 2673 ~~Mapers.~~

2674 **Section 93. Subsection (1) of section 472.006, Florida**  
 2675 **Statutes, is amended to read:**

2676 472.006 Department; powers and duties.—The department  
 2677 shall:

2678 (1) Adopt rules establishing a procedure for the ~~biennial~~  
 2679 renewal of licenses every 4 years. ~~However, the department may~~  
 2680 ~~issue up to a 4-year license to selected licensees~~  
 2681 ~~notwithstanding any other law to the contrary.~~ Fees for such  
 2682 renewal may not exceed the fee caps for individual professions  
 2683 on an annualized basis as authorized by law.

2684 **Section 94. Subsection (5) of section 472.011, Florida**  
 2685 **Statutes, is amended to read:**

2686 472.011 Fees.—

2687 (5) The ~~biennial~~ renewal fee shall not exceed \$500.

2688 **Section 95. Subsections (7) through (10) of section**  
 2689 **472.0202, Florida Statutes, are amended to read:**

2690 472.0202 Inactive and delinquent status.—

2691 (7) The board, by rule, shall impose an additional  
 2692 delinquency fee, not to exceed the ~~biennial~~ renewal fee for an  
 2693 active status license, on a delinquent status licensee when such  
 2694 licensee applies for active or inactive status.

2695 (8) The board, by rule, shall impose an additional fee,  
 2696 not to exceed the ~~biennial~~ renewal fee for an active status  
 2697 license, for processing a licensee's request to change licensure  
 2698 status at any time other than at the beginning of a licensure  
 2699 cycle.

2700 (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

2801 Florida Institute of Certified Public Accountants, or any full  
 2802 service association of certified public accounting firms whose  
 2803 plans of administration have been approved by the department  
 2804 ~~board~~, to their members or services performed by these entities  
 2805 in reviewing the services provided to the public by members of  
 2806 these entities.

2807 **Section 98. Section 473.3035, Florida Statutes, is amended**  
 2808 **to read:**

2809 473.3035 Division of Certified Public Accounting.—

2810 (1) All services concerning this chapter, including, but  
 2811 not limited to, recordkeeping services, examination services,  
 2812 legal services, and investigative services, and those services  
 2813 in chapter 455 necessary to perform the duties of this chapter  
 2814 shall be provided by the Division of Certified Public  
 2815 Accounting. The department ~~board~~ may, ~~by majority vote~~, delegate  
 2816 a duty or duties to the appropriate division within the  
 2817 department. The department ~~board~~ may, ~~by majority vote~~, rescind  
 2818 any such delegation of duties at any time.

2819 (2) The Division of Certified Public Accounting shall be  
 2820 funded by fees and assessments of the department ~~board~~, and  
 2821 funds collected by the department ~~board~~ shall be used only to  
 2822 fund public accounting regulation. Funding for the Division of  
 2823 Certified Public Accounting shall be governed by ss. 215.37 and  
 2824 455.219.

2825 **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.

2851 The fee for initial application is nonrefundable, and the  
2852 combined fees for application and examination may not exceed  
2853 \$250 plus the actual per applicant cost to the department for  
2854 purchase of the examination from the American Institute of  
2855 Certified Public Accountants or a similar national organization.  
2856 The ~~biennial~~ renewal fee may not exceed \$250. The department  
2857 ~~board~~ may also establish, by rule, a reactivation fee, and a  
2858 delinquency fee not to exceed \$50 for continuing professional  
2859 education reporting forms. The department ~~board~~ shall establish  
2860 fees which are adequate to ensure the continued operation of the  
2861 department ~~board~~ and to fund the proportionate expenses incurred  
2862 by the department which are allocated to the regulation of  
2863 public accountants. Fees shall be based on department estimates  
2864 of the revenue required to implement this chapter and the  
2865 provisions of law with respect to the regulation of certified  
2866 public accountants.

2867 **Section 101. Paragraph (b) of subsection (3) and**  
2868 **subsections (4), (5), and (6) of section 473.306, Florida**  
2869 **Statutes, are amended to read:**

2870 473.306 Examinations.—

2871 (3) An applicant is entitled to take the licensure  
2872 examination to practice in this state as a certified public  
2873 accountant if:

2874 (b) The applicant shows that she or he has good moral  
2875 character. For purposes of this paragraph, the term "good moral

2876 character" has the same meaning as provided in s. 473.308(6)(a)  
2877 ~~s. 473.308(7)(a)~~. The department board may refuse to allow an  
2878 applicant to take the licensure examination for failure to  
2879 satisfy this requirement if:

2880 1. The department board finds a reasonable relationship  
2881 between the lack of good moral character of the applicant and  
2882 the professional responsibilities of a certified public  
2883 accountant; and

2884 2. The finding by the department board of lack of good  
2885 moral character is supported by competent substantial evidence.

2886

2887 If an applicant is found pursuant to this paragraph to be  
2888 unqualified to take the licensure examination because of a lack  
2889 of good moral character, the department board shall furnish to  
2890 the applicant a statement containing the findings of the  
2891 department board, a complete record of the evidence upon which  
2892 the determination was based, and a notice of the rights of the  
2893 applicant to a rehearing and appeal.

2894 (4) The department board shall have the authority to  
2895 establish the standards for determining and shall determine:

2896 (a) What constitutes a passing grade for each subject or  
2897 part of the licensure examination;

2898 (b) Which educational institutions, in addition to the  
2899 universities in the State University System of Florida, shall be  
2900 deemed to be accredited colleges or universities;

2901 (c) What courses and number of hours constitute a major in  
 2902 accounting; and

2903 (d) What courses and number of hours constitute additional  
 2904 accounting courses acceptable under s. 473.308(4).

2905 (5) The department ~~board~~ may adopt an alternative  
 2906 licensure examination for persons who have been licensed to  
 2907 practice public accountancy or its equivalent in a foreign  
 2908 country so long as the International Qualifications Appraisal  
 2909 Board of the National Association of State Boards of Accountancy  
 2910 has ratified an agreement with that country for reciprocal  
 2911 licensure.

2912 (6) For the purposes of maintaining the proper educational  
 2913 qualifications for licensure under this chapter, the department  
 2914 ~~board~~ may appoint an Educational Advisory Committee, which shall  
 2915 be composed of one member of the department ~~board~~, two persons  
 2916 in public practice who are licensed under this chapter, and four  
 2917 academicians on faculties of universities in this state.

2918 **Section 102. Subsections (1), (2), and (3) of section**  
 2919 **473.309, Florida Statutes, are amended to read:**

2920 473.309 Practice requirements for partnerships,  
 2921 corporations, and limited liability companies; business entities  
 2922 practicing public accounting.—

2923 (1) A partnership may not engage in the practice of public  
 2924 accounting, as defined in s. 473.302(7)(a) ~~s. 473.302(8)(a)~~, or  
 2925 meet the requirements of s. 473.3101(1)(b), unless:

2926 (a) It is a form of partnership recognized by Florida law.

2927 (b) Partners owning at least 51 percent of the financial  
 2928 interest and voting rights of the partnership are certified  
 2929 public accountants in some state. However, each partner who is a  
 2930 certified public accountant in another state and is domiciled in  
 2931 this state must be a certified public accountant of this state  
 2932 and hold an active license.

2933 (c) At least one general partner is a certified public  
 2934 accountant of this state and holds an active license or, in the  
 2935 case of a firm that must have a license pursuant to s.  
 2936 473.3101(1)(c), at least one general partner is a certified  
 2937 public accountant in some state and meets the requirements of s.  
 2938 473.3141(1) ~~s. 473.3141(1)(a) or (b)~~.

2939 (d) All partners who are not certified public accountants  
 2940 in any state are engaged in the business of the partnership as  
 2941 their principal occupation.

2942 (e) It is in compliance with rules adopted by the  
 2943 department board ~~board~~ pertaining to minimum capitalization, letters  
 2944 of credit, and adequate public liability insurance.

2945 (2) A corporation may not engage in the practice of public  
 2946 accounting, as defined in s. 473.302(7)(a) ~~s. 473.302(8)(a)~~, or  
 2947 meet the requirements of s. 473.3101(1)(b), unless:

2948 (a) It is a corporation duly organized in this or some  
 2949 other state.

2950 (b) Shareholders of the corporation owning at least 51

2951 percent of the financial interest and voting rights of the  
 2952 corporation are certified public accountants in some state and  
 2953 are principally engaged in the business of the corporation.  
 2954 However, each shareholder who is a certified public accountant  
 2955 in another state and is domiciled in this state must be a  
 2956 certified public accountant of this state and hold an active  
 2957 license.

2958 (c) The principal officer of the corporation is a  
 2959 certified public accountant in some state.

2960 (d) At least one shareholder of the corporation is a  
 2961 certified public accountant and holds an active license in this  
 2962 state or, in the case of a firm that must have a license  
 2963 pursuant to s. 473.3101(1)(c), at least one shareholder is a  
 2964 certified public accountant in some state and meets the  
 2965 requirements of s. 473.3141(1) ~~s. 473.3141(1)(a) or (b)~~.

2966 (e) All shareholders who are not certified public  
 2967 accountants in any state are engaged in the business of the  
 2968 corporation as their principal occupation.

2969 (f) It is in compliance with rules adopted by the  
 2970 department ~~board~~ pertaining to minimum capitalization, letters  
 2971 of credit, and adequate public liability insurance.

2972 (3) A limited liability company may not engage in the  
 2973 practice of public accounting, as defined in s. 473.302(7)(a) ~~s.~~  
 2974 ~~473.302(8)(a)~~, or meet the requirements of s. 473.3101(1)(b),  
 2975 unless:

2976 (a) It is a limited liability company duly organized in  
 2977 this or some other state.

2978 (b) Members of the limited liability company owning at  
 2979 least 51 percent of the financial interest and voting rights of  
 2980 the company are certified public accountants in some state.  
 2981 However, each member who is a certified public accountant in  
 2982 some state and is domiciled in this state must be a certified  
 2983 public accountant of this state and hold an active license.

2984 (c) At least one member of the limited liability company  
 2985 is a certified public accountant and holds an active license in  
 2986 this state or, in the case of a firm that must have a license  
 2987 pursuant to s. 473.3101(1)(c), at least one member is a  
 2988 certified public accountant in some state and meets the  
 2989 requirements of s. 473.3141(1) ~~s. 473.3141(1)(a) or (b)~~.

2990 (d) All members who are not certified public accountants  
 2991 in any state are engaged in the business of the company as their  
 2992 principal occupation.

2993 (e) It is in compliance with rules adopted by the  
 2994 department board ~~board~~ pertaining to minimum capitalization, letters  
 2995 of credit, and adequate public liability insurance.

2996 (f) It is currently licensed as required by s. 473.3101.

2997 **Section 103. Subsections (1) and (4) of section 473.3101,**  
 2998 **Florida Statutes, are amended to read:**

2999 473.3101 Licensure of firms or public accounting firms.—

3000 (1) The following must hold a license issued under this

3001 section:

3002 (a) Any firm with an office in this state which performs  
 3003 services as defined in s. 473.302(7)(a) ~~s. 473.302(8)(a)~~;

3004 (b) Any firm with an office in this state which uses the  
 3005 title "CPA," "CPA firm," or any other title, designation, words,  
 3006 letters, abbreviations, or device tending to indicate that it is  
 3007 a CPA firm. The department ~~board~~ shall define by rule what  
 3008 constitutes a CPA firm; or

3009 (c)1. Any firm that does not have an office in this state  
 3010 but performs the services described in s. 473.3141(4) for a  
 3011 client having its home office in this state, unless it:

3012 a. Complies with the qualifications described in s.  
 3013 473.309.

3014 b. Is enrolled in a peer review program pursuant to s.  
 3015 473.3125(4).

3016 c. Performs services through an individual with practice  
 3017 privileges under s. 473.3141.

3018 d. Lawfully performs services in a state where an  
 3019 individual with practice privileges granted under s. 473.3141  
 3020 has his or her principal place of business.

3021 2. The department ~~board~~ shall define by rule what  
 3022 constitutes an office.

3023 (4) The department ~~board~~ shall determine whether the firm  
 3024 or public accounting firm meets the requirements for practice  
 3025 and, pending that determination, may certify ~~to the department~~

3026 the firm or public accounting firm for provisional licensure.

3027 **Section 104. Subsection (2) of section 473.311, Florida**  
 3028 **Statutes, is amended to read:**

3029 473.311 Renewal of license.—

3030 (2) The department shall adopt rules establishing a  
 3031 procedure for the ~~biennial~~ renewal of licenses issued pursuant  
 3032 to this section every 4 years.

3033 **Section 105. Paragraph (a) of subsection (1) and**  
 3034 **subsections (2), (3), and (4) of section 473.3125, Florida**  
 3035 **Statutes, are amended to read:**

3036 473.3125 Peer review.—

3037 (1) As used in this section, the term:

3038 (a) "Licensee" means a licensed firm or public accounting  
 3039 firm as defined in s. 473.302 ~~s. 473.302(7)~~ and engaged in the  
 3040 practice of public accounting as defined in s. 473.302(7)(a) ~~s.~~  
 3041 ~~473.302(8)(a)~~ that is required to be licensed under s. 473.3101.

3042 (2) The department ~~board~~ shall adopt rules establishing  
 3043 minimum standards for peer review programs, including, but not  
 3044 limited to, standards for administering, performing, and  
 3045 reporting peer reviews. The department ~~board~~ shall also adopt  
 3046 rules establishing minimum criteria for the department's ~~board's~~  
 3047 approval of one or more organizations that facilitate and  
 3048 administer peer review programs.

3049 (3) For the purposes of maintaining oversight of the  
 3050 license renewal requirements of s. 473.311(2), the department

3051 ~~board~~ may establish a peer review oversight committee, which  
3052 shall be composed of at least three, but no more than five,  
3053 members who are licensed under this chapter and whose firms are  
3054 subject to s. 473.311(2) and have received a review rating of  
3055 "pass" on the most recent peer review.

3056 (4) Effective January 1, 2015, a licensed firm or public  
3057 accounting firm as defined in s. 473.302 ~~s. 473.302(7)~~ and  
3058 licensed under s. 473.3101 and engaged in the practice of public  
3059 accounting as defined in s. 473.302(7)(a) ~~s. 473.302(8)(a)~~,  
3060 except for the performance of compilations and reviews as those  
3061 terms are defined by the department ~~board~~, must be enrolled in a  
3062 peer review program.

3063 **Section 106. Section 473.313, Florida Statutes, is amended**  
3064 **to read:**

3065 473.313 Inactive status; retired status.—

3066 (1) A Florida certified public accountant may request that  
3067 her or his license be placed in an inactive status by making  
3068 application to the department. The department ~~board~~ may  
3069 prescribe by rule fees for placing a license on inactive status,  
3070 renewal of inactive status, and reactivation of an inactive  
3071 license.

3072 (a) A license that has become inactive under this  
3073 subsection or for failure to complete the requirements in s.  
3074 473.312 may be reactivated under s. 473.311 upon application to  
3075 the department. The department ~~board~~ may prescribe by rule

3076 continuing education requirements as a condition of reactivating  
3077 a license. The maximum continuing education requirements for  
3078 reactivating a license are 120 hours, including at least 30  
3079 hours in accounting-related and auditing-related subjects, not  
3080 more than 30 hours in behavioral subjects, and a minimum of 8  
3081 hours in ethics subjects approved by the department board, for  
3082 the reactivation of a license that is inactive or delinquent.

3083 (b) A license that is delinquent for failure to report  
3084 completion of the requirements in s. 473.312 may be reactivated  
3085 under s. 473.311 upon application to the department.

3086 Reactivation requires the payment of an application fee as  
3087 determined by the department board and certification by the  
3088 Florida certified public accountant that the applicant  
3089 satisfactorily completed the continuing education requirements  
3090 set forth under s. 473.311. If the license is delinquent on  
3091 January 1 because of failure to report completed continuing  
3092 education requirements, the applicant must submit a complete  
3093 application to the department board by March 15 immediately  
3094 after the delinquent period.

3095 (c) Any Florida certified public accountant holding an  
3096 inactive license may be permitted to reactivate such license in  
3097 a conditional manner. The conditions of reactivation shall  
3098 require the payment of fees and the completion of required  
3099 continuing education.

3100 (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.

3151 (e) A retired licensee is not required to maintain the  
3152 continuing education requirements under s. 473.312.

3153 (f) A retired licensee may not offer or render  
3154 professional services that require her or his signature and the  
3155 use of the CPA title, regardless of whether "retired" is  
3156 attached to such title.

3157 (g) A retired licensee may be permitted to reactivate her  
3158 or his license in a conditional manner as determined by the  
3159 department ~~board~~. The conditions of reactivation must require  
3160 the payment of fees and the completion of required continuing  
3161 education. The department ~~board~~ may prescribe by rule an  
3162 application for reactivating a license placed on retired status  
3163 and continuing education requirements as a condition of  
3164 reactivating a license placed on retired status. The minimum  
3165 continuing education requirements for reactivating a license  
3166 placed on retired status are those of the most recent biennium  
3167 plus one-half of the requirements in s. 473.312 for each  
3168 biennium or part thereof during which the license was on retired  
3169 status.

3170  
3171 For the purposes of this subsection, the term "retired licensee"  
3172 means a licensee whose license has been placed in retired status  
3173 by the department.

3174 **Section 107. Subsections (1), (2), and (4) of section**  
3175 **473.314, Florida Statutes, are amended to read:**

3176 473.314 Temporary license.—

3177 (1) The department ~~board~~ shall adopt rules providing for  
 3178 the issuance of temporary licenses to certified public  
 3179 accountants or firms of other states who do not meet the  
 3180 requirements of s. 473.3141, for the purpose of enabling them or  
 3181 their employees to perform specific engagements involving the  
 3182 practice of public accountancy in this state. No temporary  
 3183 license shall be valid for more than 90 days after its issuance,  
 3184 and no license shall cover more than one engagement. After the  
 3185 expiration of 90 days, a new license shall be required.

3186 (2) Each application for a temporary license shall state  
 3187 the names of all persons who are to enter this state and shall  
 3188 be accompanied by a fee in an amount established by the  
 3189 department ~~board~~ not to exceed \$400.

3190 (4) Upon certification of the applicant ~~by the board~~, the  
 3191 department shall issue a temporary license to the applicant.

3192 **Section 108. Subsections (3) and (4) of section 473.315,**  
 3193 **Florida Statutes, are amended to read:**

3194 473.315 Independence, technical standards.—

3195 (3) The department ~~board~~ shall adopt rules establishing  
 3196 the standards of practice of public accounting, including, but  
 3197 not limited to, independence, competence, and technical  
 3198 standards.

3199 (4) Attorneys who are admitted to practice law by the  
 3200 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 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 and records of the department 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

3251 accounting service is undertaken, may ~~shall~~ not be regarded as  
 3252 contingent fees for purposes of this section.

3253 **Section 111. Section 473.3205, Florida Statutes, is**  
 3254 **amended to read:**

3255 473.3205 Commissions or referral fees.—A certified public  
 3256 accountant or firm may not accept or pay a commission or  
 3257 referral fee in connection with the sale or referral of public  
 3258 accounting services as defined in s. 473.302(7)(a) and (c) ~~s.~~  
 3259 ~~473.302(8)(a) and (e)~~. Any certified public accountant or firm  
 3260 that is engaged in the practice of public accounting and that  
 3261 accepts a commission for the sale of a product or service to a  
 3262 client must disclose that fact to the client in writing in  
 3263 accordance with rules adopted by the department ~~board~~. However,  
 3264 this section may ~~shall~~ not prohibit:

- 3265 (1) Payments for the purchase of an accounting practice;
- 3266 (2) Retirement payments to individuals formerly engaged in  
 3267 the practice of public accounting or payments to their heirs or  
 3268 estates; or
- 3269 (3) Payment of fees to a referring certified public  
 3270 accountant or firm for public accounting services to the  
 3271 successor certified public accountant or firm or the client in  
 3272 connection with an engagement.

3273 **Section 112. Subsection (3) of section 473.321, Florida**  
 3274 **Statutes, is amended to read:**

3275 473.321 Fictitious names.—

3276 (3) The department board shall adopt rules for  
 3277 interpretation of this section.

3278 **Section 113. Paragraphs (c) and (e) of subsection (1) of**  
 3279 **section 473.322, Florida Statutes, are amended to read:**

3280 473.322 Prohibitions; penalties.—

3281 (1) A person may not knowingly:

3282 (c) Perform or offer to perform any services described in  
 3283 s. 473.302(7)(a) or (d) ~~s. 473.302(8)(a) or (d)~~ unless such  
 3284 person holds an active license under this chapter and is a  
 3285 licensed firm, provides such services through a licensed firm,  
 3286 or complies with ss. 473.3101 and 473.3141. This paragraph does  
 3287 not prohibit the performance by persons other than certified  
 3288 public accountants of other services involving the use of  
 3289 accounting skills, including the preparation of tax returns and  
 3290 the preparation of financial statements without expression of  
 3291 opinion thereon;

3292 (e) Give false or forged evidence to the department board  
 3293 ~~or a member thereof~~;

3294 **Section 114. Paragraph (m) of subsection (1) and**  
 3295 **subsections (2), (3), and (4) of section 473.323, Florida**  
 3296 **Statutes, are amended to read:**

3297 473.323 Disciplinary proceedings.—

3298 (1) The following acts constitute grounds for which the  
 3299 disciplinary actions in subsection (3) may be taken:

3300 (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

3326 conditions set forth in the final order.

3327 **Section 115. Subsection (2) of section 474.202, Florida**  
 3328 **Statutes, is amended to read:**

3329 474.202 Definitions.—As used in this chapter:

3330 ~~(2) "Board" means the Board of Veterinary Medicine.~~

3331 **Section 116. Section 474.2065, Florida Statutes, is**  
 3332 **amended to read:**

3333 474.2065 Fees.—The department board, by rule, shall  
 3334 establish fees for application and examination, reexamination,  
 3335 license renewal, inactive status, renewal of inactive status,  
 3336 license reactivation, periodic inspection of veterinary  
 3337 establishments, and duplicate copies of licenses, certificates,  
 3338 and permits. The fee for the initial application and examination  
 3339 may not exceed \$650 plus the actual per applicant cost to the  
 3340 department for purchase of portions of the examination from the  
 3341 Professional Examination Service for the American Veterinary  
 3342 Medical Association or a similar national organization. The fee  
 3343 for licensure by endorsement may not exceed \$500. The fee for  
 3344 temporary licensure may not exceed \$200. The department board  
 3345 shall establish fees that are adequate to ensure its continued  
 3346 operation and to fund the proportionate expenses incurred by the  
 3347 department which are allocated to the regulation of  
 3348 veterinarians. Fees shall be based on departmental estimates of  
 3349 the revenue required to administer this chapter and the  
 3350 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

3376 the practice of veterinary medicine in Florida in a manner  
3377 designated by rules of the department ~~board~~.

3378

3379 The department may ~~shall~~ not issue a license to any applicant  
3380 who is under investigation in any state or territory of the  
3381 United States or in the District of Columbia for an act which  
3382 would constitute a violation of this chapter until the  
3383 investigation is complete and disciplinary proceedings have been  
3384 terminated, at which time the provisions of s. 474.214 shall  
3385 apply.

3386 (3) Notwithstanding ~~the provisions of~~ paragraph (2) (b), an  
3387 applicant shall be deemed to have met the education requirements  
3388 for licensure upon submission of evidence that the applicant  
3389 meets one of the following:

3390 (a) The applicant was certified for examination before ~~by~~  
3391 ~~the board prior to~~ October 1, 1989; or

3392 (b) The applicant immigrated to the United States after  
3393 leaving her or his home country because of political reasons,  
3394 provided such country is located in the Western Hemisphere and  
3395 lacks diplomatic relations with the United States; and

3396 1. Was a Florida resident immediately preceding her or his  
3397 application for licensure;

3398 2. Demonstrates to the department ~~board~~, through  
3399 submission of documentation verified by the applicant's  
3400 respective professional association in exile, that she or he

3401 received a professional degree in veterinary medicine from a  
3402 college or university located in the country from which she or  
3403 he emigrated. However, the department ~~board~~ may not require  
3404 receipt transcripts from the Republic of Cuba as a condition of  
3405 eligibility under this section; and

3406 3. Lawfully practiced her or his profession for at least 3  
3407 years.

3408 (4) Applicants certified for examination or reexamination  
3409 under subsection (3) who fail the examination three times  
3410 subsequent to October 1, 1989, shall be required to demonstrate  
3411 to the department ~~board~~ that they meet the requirements of  
3412 paragraph (2) (b) before ~~prior to~~ any further reexamination or  
3413 certification for licensure.

3414 **Section 118. Section 474.211, Florida Statutes, is amended**  
3415 **to read:**

3416 474.211 Renewal of license.—

3417 (1) The department shall renew a license upon receipt of  
3418 the renewal application and fee ~~and an affidavit of compliance~~  
3419 ~~with continuing education requirements set by rule of the board.~~

3420 (2) The department shall adopt rules establishing a  
3421 procedure for the ~~biennial~~ renewal of licenses every 4 years.

3422 ~~(3) The board may by rule prescribe continuing education,~~  
3423 ~~not to exceed 30 hours biennially, as a condition for renewal of~~  
3424 ~~a license or certificate. The criteria for such programs,~~  
3425 ~~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:

3451 (d) Give false or forged evidence to the department board  
 3452 or a member thereof for the purpose of obtaining a license;

3453 **Section 121. Paragraphs (a), (f), (h), (j), (v), (aa),**  
 3454 **(ee), (jj), and (nn) of subsection (1) and subsections (2) and**  
 3455 **(3) of section 474.214, Florida Statutes, are amended to read:**

3456 474.214 Disciplinary proceedings.—

3457 (1) The following acts shall constitute grounds for which  
 3458 the disciplinary actions in subsection (2) may be taken:

3459 (a) Attempting to procure a license to practice veterinary  
 3460 medicine by bribery, by fraudulent representations, or through  
 3461 an error of the department ~~or the board~~.

3462 (f) Violating any provision of this chapter or chapter  
 3463 455, a rule of the ~~board or~~ department, or a lawful order of the  
 3464 ~~board or~~ department previously entered in a disciplinary  
 3465 hearing, or failing to comply with a lawfully issued subpoena of  
 3466 the department.

3467 (h) Being unable to practice veterinary medicine with  
 3468 reasonable skill or safety to patients by reason of illness,  
 3469 drunkenness, use of drugs, narcotics, chemicals, or any other  
 3470 material or substance or as a result of any mental or physical  
 3471 condition. In enforcing this paragraph, upon a finding by the  
 3472 secretary, the secretary's designee, or the probable cause panel  
 3473 of the department board that probable cause exists to believe  
 3474 that the licensee is unable to practice the profession because  
 3475 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.

3501 (v) Failing to keep the equipment and premises of the  
 3502 business establishment in a clean and sanitary condition, having  
 3503 a premises permit suspended or revoked pursuant to s. 474.215,  
 3504 or operating or managing premises that do not comply with  
 3505 requirements established by rule of the department ~~board~~.

3506 (aa) Failing to report to the department any person the  
 3507 licensee knows to be in violation of this chapter or of the  
 3508 rules of the department ~~or board~~. However, if the licensee  
 3509 verifies that the person is actively participating in a  
 3510 department-approved ~~board-approved~~ program for the treatment of  
 3511 a physical or mental condition, the licensee is required only to  
 3512 report such person to the consultant.

3513 (ee) Failing to keep contemporaneously written medical  
 3514 records as required by rule of the department ~~board~~.

3515 (jj) Failing to report to the department ~~board~~ within 30  
 3516 days, in writing, any action set forth in paragraph (b) that has  
 3517 been taken against the practitioner's license to practice  
 3518 veterinary medicine by any jurisdiction, including any agency or  
 3519 subdivision thereof.

3520 (nn) Failing to report a change of address to the  
 3521 department ~~board~~ within 60 days thereafter ~~thereof~~.

3522 (2) When the department ~~board~~ finds any applicant or  
 3523 veterinarian guilty of any of the grounds set forth in  
 3524 subsection (1), regardless of whether the violation occurred  
 3525 before ~~prior to~~ licensure, it may enter an order imposing one or

3526 | more of the following penalties:

3527 |       (a) Denial of certification for examination or licensure.

3528 |       (b) Revocation or suspension of a license.

3529 |       (c) Imposition of an administrative fine not to exceed

3530 | \$5,000 for each count or separate offense.

3531 |       (d) Issuance of a reprimand.

3532 |       (e) Placement of the veterinarian on probation for a

3533 | period of time and subject to such conditions as the department

3534 | ~~board~~ may specify, including requiring the veterinarian to

3535 | attend continuing education courses or to work under the

3536 | supervision of another veterinarian.

3537 |       (f) Restricting the authorized scope of practice.

3538 |       (g) Imposition of costs of the investigation and

3539 | prosecution.

3540 |       (h) Requiring the veterinarian to undergo remedial

3541 | education.

3542 |

3543 | In determining appropriate action, the department ~~board~~ must

3544 | first consider those sanctions necessary to protect the public.

3545 | Only after those sanctions have been imposed may the

3546 | disciplining authority consider and include in its order

3547 | requirements designed to rehabilitate the veterinarian. All

3548 | costs associated with compliance with any order issued under

3549 | this subsection are the obligation of the veterinarian.

3550 |       (3) The department shall reissue the license of a

3551 | disciplined veterinarian upon certification ~~by the board~~ that  
3552 | the disciplined veterinarian has complied with all of the terms  
3553 | and conditions set forth in the final order and is capable of  
3554 | competently and safely engaging in the practice of veterinary  
3555 | medicine.

3556 | **Section 122. Subsections (1), (5), (7), (8), and (9) of**  
3557 | **section 474.215, Florida Statutes, are amended to read:**

3558 | 474.215 Premises permits.—

3559 | (1) Any establishment, permanent or mobile, where a  
3560 | licensed veterinarian practices must have a premises permit  
3561 | issued by the department. Upon application and payment of a fee  
3562 | not to exceed \$250, as set by rule of the department ~~board~~, the  
3563 | department shall cause such establishment to be inspected. A  
3564 | premises permit shall be issued if the establishment meets  
3565 | minimum standards, to be adopted by rule of the department  
3566 | ~~board~~, as to sanitary conditions, recordkeeping, equipment,  
3567 | radiation monitoring, services required, and physical plant.

3568 | (5) The department may issue a temporary premises permit  
3569 | to a responsible veterinarian who has submitted the application  
3570 | fee and a completed application form affirming compliance with  
3571 | the standards set by rule of the department ~~board~~. If the  
3572 | department inspects the establishment and discovers that it is  
3573 | not in compliance with the department's standards, the  
3574 | department shall notify the veterinarian in writing of the  
3575 | 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

3601 with the State Veterinarian, is not subject to any  
3602 preregistration, time limitation, or fee requirements, but must  
3603 adhere to all other requirements for limited service veterinary  
3604 medical practice as prescribed by rule. The fee charged to the  
3605 public for a rabies vaccination administered during such  
3606 temporary rabies vaccination effort may not exceed the actual  
3607 cost of administering the rabies vaccine. Such rabies  
3608 vaccination efforts may not be used for any purpose other than  
3609 to address the public health consequences of the rabies  
3610 outbreak. The department ~~board~~ shall be immediately notified in  
3611 writing of any temporary rabies vaccination effort operated  
3612 under this paragraph.

3613 (8) Any person who is not a veterinarian licensed under  
3614 this chapter but who desires to own and operate a veterinary  
3615 medical establishment or limited service clinic shall apply to  
3616 the department ~~board~~ for a premises permit. If the department  
3617 ~~board~~ certifies that the applicant complies with the applicable  
3618 laws and rules of the department ~~board~~, the department shall  
3619 issue a premises permit. No permit shall be issued unless a  
3620 licensed veterinarian is designated to undertake the  
3621 professional supervision of the veterinary medical practice and  
3622 the minimum standards set by rule of the department ~~board~~ for  
3623 premises where veterinary medicine is practiced. Upon  
3624 application, the department shall submit the permittee's name  
3625 for a statewide criminal records correspondence check through

3626 the Department of Law Enforcement. The permittee shall notify  
3627 the department ~~board~~ within 10 days after any designation of a  
3628 new licensed veterinarian responsible for such duties. A  
3629 permittee under this subsection is subject to the provisions of  
3630 subsection (9) and s. 474.214.

3631 (9) (a) The department ~~or the board~~ may deny, revoke, or  
3632 suspend the permit of any permittee under this section and may  
3633 fine, place on probation, or otherwise discipline any such  
3634 permittee who has:

3635 1. Obtained a permit by misrepresentation or fraud or  
3636 through an error of the department ~~or board~~;

3637 2. Attempted to procure, or has procured, a permit for any  
3638 other person by making, or causing to be made, any false  
3639 representation;

3640 3. Violated any of the requirements of this chapter or any  
3641 rule of the department ~~board~~; or

3642 4. Been convicted or found guilty of, or entered a plea of  
3643 nolo contendere to, regardless of adjudication, a felony in any  
3644 court of this state, of any other state, or of the United  
3645 States.

3646 (b) If the permit is revoked or suspended, the owner,  
3647 manager, or proprietor shall cease to operate the premises as a  
3648 veterinary medical practice as of the effective date of the  
3649 suspension or revocation. In the event of such revocation or  
3650 suspension, the owner, manager, or proprietor shall remove from

3651 the premises all signs and symbols identifying the premises as a  
3652 veterinary medical practice. The period of any such suspension  
3653 shall be prescribed by rule of the department ~~board~~, but may not  
3654 exceed 1 year. If the permit is revoked, the person owning or  
3655 operating the establishment may not apply for a permit to  
3656 operate a premises for a period of 1 year after the effective  
3657 date of such revocation. Upon the effective date of such  
3658 revocation, the permittee must advise the department ~~board~~ of  
3659 the disposition of all medicinal drugs and must provide for  
3660 ensuring the security, confidentiality, and availability to  
3661 clients of all patient medical records.

3662 **Section 123. Section 474.216, Florida Statutes, is amended**  
3663 **to read:**

3664 474.216 License and premises permit to be displayed.—Each  
3665 person to whom a license or premises permit is issued shall keep  
3666 such document conspicuously displayed in her or his office,  
3667 place of business, or place of employment, whether a permanent  
3668 or mobile veterinary establishment or clinic, and shall,  
3669 whenever required, exhibit said document to any member or  
3670 authorized representative of the department ~~board~~.

3671 **Section 124. Subsections (6), (8), (10), and (11) of**  
3672 **section 474.2165, Florida Statutes, are amended to read:**

3673 474.2165 Ownership and control of veterinary medical  
3674 patient records; report or copies of records to be furnished.—

3675 (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

3726 shall be governed by the impaired practitioner program  
 3727 provisions of s. 456.076 as if they were under the jurisdiction  
 3728 of the Division of Medical Quality Assurance, except that for  
 3729 veterinarians the Department of Business and Professional  
 3730 Regulation shall, at its option, exercise any of the powers  
 3731 granted to the Department of Health by that section, ~~and "board"~~  
 3732 ~~shall mean board as defined in this chapter.~~

3733 **Section 127. Subsection (6) of section 475.451, Florida**  
 3734 **Statutes, is amended to read:**

3735 475.451 Schools teaching real estate practice.—

3736 (6) Any course prescribed by the commission as a condition  
 3737 precedent to a person's becoming initially licensed as a sales  
 3738 associate or broker may be taught by a real estate school in a  
 3739 classroom or via distance learning pursuant to s. 475.17(2) by a  
 3740 currently permitted instructor from any such school. All other  
 3741 prescribed courses, ~~except the continuing education course~~  
 3742 ~~required by s. 475.182,~~ shall be taught by a currently permitted  
 3743 school instructor personally in attendance at such course or by  
 3744 distance learning pursuant to s. 475.17. ~~The continuing~~  
 3745 ~~education course required by s. 475.182 may be taught by~~  
 3746 ~~distance learning pursuant to s. 475.17 or by an equivalent~~  
 3747 ~~correspondence course; however, any such correspondence course~~  
 3748 ~~shall be required to have a final examination, prepared and~~  
 3749 ~~administered by the school or course provider issuing the~~  
 3750 ~~correspondence course.~~ The continuing education requirements

3751 provided in this chapter do not apply to an attorney who is  
 3752 otherwise qualified under this chapter and who is a member in  
 3753 good standing of The Florida Bar.

3754 **Section 128. Subsection (4) of section 476.034, Florida**  
 3755 **Statutes, is amended to read:**

3756 476.034 Definitions.—As used in this act:

3757 ~~(4) "Board" means the Barbers' Board.~~

3758 **Section 129. Subsection (2) of section 476.074, Florida**  
 3759 **Statutes, is amended to read:**

3760 476.074 Legal, investigative, and inspection services.—

3761 (2) The department shall provide all investigative  
 3762 services required by the ~~board or the~~ department in carrying out  
 3763 ~~the provisions of~~ this act.

3764 **Section 130. Paragraph (c) of subsection (2) and**  
 3765 **subsection (3) of section 476.114, Florida Statutes, are amended**  
 3766 **to read:**

3767 476.114 Examination; prerequisites.—

3768 (2) An applicant is eligible for licensure by examination  
 3769 to practice barbering if the applicant:

3770 (c) Has received a minimum of 900 hours of training in  
 3771 sanitation, safety, and laws and rules, as established by the  
 3772 department ~~board~~, which must include, but is not limited to, the  
 3773 equivalent of completion of services directly related to the  
 3774 practice of barbering at one of the following:

3775 1. A school of barbering licensed pursuant to chapter

- 3776 1005;
- 3777 2. A barbering program within the public school system; or
- 3778 3. A government-operated barbering program in this state.

3779

3780 The department ~~board~~ shall establish by rule procedures whereby

3781 the school or program may certify that a person is qualified to

3782 take the required examination after the completion of a minimum

3783 of 600 actual school hours. If the person passes the

3784 examination, she or he has satisfied this requirement, ~~+~~ but if

3785 the person fails the examination, she or he may not be qualified

3786 to take the examination again until the completion of the full

3787 requirements provided by this section.

3788 (3) An applicant who meets the requirements set forth in

3789 paragraph (2)(c) who fails to pass the examination may take

3790 subsequent examinations as many times as necessary to pass,

3791 except that the department ~~board~~ may specify by rule reasonable

3792 timeframes for rescheduling the examination and additional

3793 training requirements for applicants who, after the third

3794 attempt, fail to pass the examination. Before ~~Prior to~~

3795 reexamination, the applicant must file the appropriate form and

3796 pay the reexamination fee as required by rule.

3797 **Section 131. Subsections (1) and (2) of section 476.134,**

3798 **Florida Statutes, are amended to read:**

3799 476.134 Examinations.—

- 3800 (1) Examinations of applicants for licenses as barbers

3801 shall be offered not less than four times each year. The  
3802 examination of applicants for licenses as barbers shall include  
3803 a written test. The department ~~may board shall have the~~  
3804 ~~authority to~~ adopt rules with respect to the examination of  
3805 applicants for licensure. The department ~~board~~ may provide rules  
3806 with respect to written examinations in such manner as the  
3807 department ~~board~~ may deem fit.

3808 (2) The department ~~board~~ shall adopt rules specifying the  
3809 areas of competency to be covered by the examination. Such rules  
3810 shall include the relative weight assigned in grading each area.  
3811 All areas tested shall be reasonably related to the protection  
3812 of the public and the applicant's competency to practice  
3813 barbering in a manner which will not endanger the public.

3814 **Section 132. Subsections (1), (2), (5), and (6) of section**  
3815 **476.144, Florida Statutes, are amended to read:**

3816 476.144 Licensure.—

3817 (1) The department shall license any applicant who the  
3818 department ~~board~~ certifies is qualified to practice barbering in  
3819 this state.

3820 (2) The department ~~board~~ shall certify for licensure any  
3821 applicant who satisfies the requirements of s. 476.114, and who  
3822 passes the required examination, achieving a passing grade as  
3823 established by department ~~board~~ rule.

3824 (5) The department ~~board~~ shall certify as qualified for  
3825 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

3851 governing the practice of barbering in Florida, as established  
3852 by the department ~~board~~.

3853

3854 The restricted license shall limit the licensee's practice to  
3855 those specific areas in which the applicant has demonstrated  
3856 competence pursuant to rules adopted by the department ~~board~~.

3857 **Section 133. Section 476.154, Florida Statutes, is amended**  
3858 **to read:**

3859 476.154 ~~Biennial~~ Renewal of licenses.—

3860 (1) Each licensed barber who continues in active practice  
3861 or service shall renew her or his license every 4 years  
3862 ~~biennially~~ and pay the required fee.

3863 (2) Any license or certificate of registration issued  
3864 pursuant to this act for a period less than the established  
3865 ~~biennial~~ issuance period may be issued for that lesser period of  
3866 time, and the department shall adjust the required fee  
3867 accordingly. The department ~~board~~ shall adopt rules providing  
3868 for such partial period fee adjustments.

3869 (3) (a) The department shall renew a license upon receipt  
3870 of the renewal application and fee.

3871 (b) The department shall adopt rules establishing a  
3872 procedure for the ~~biennial~~ renewal of licenses.

3873 **Section 134. Subsection (2) of section 476.155, Florida**  
3874 **Statutes, is amended to read:**

3875 476.155 Inactive status; reactivation of inactive

3876 license.—

3877 (2) The department ~~board~~ shall adopt ~~promulgate~~ rules  
3878 relating to licenses which have become inactive and for the  
3879 renewal of inactive licenses. The department ~~board~~ shall  
3880 prescribe by rule a fee not to exceed \$100 for the reactivation  
3881 of an inactive license and a fee not to exceed \$50 for the  
3882 renewal of an inactive license.

3883 **Section 135. Subsection (1) of section 476.192, Florida**  
3884 **Statutes, is amended to read:**

3885 476.192 Fees; disposition.—

3886 (1) The department ~~board~~ shall set by rule fees according  
3887 to the following schedule:

3888 (a) For barbers, fees for original licensing, license  
3889 renewal, and delinquent renewal may ~~shall~~ not exceed \$100.

3890 (b) For barbers, fees for endorsement application,  
3891 examination, and reexamination may ~~shall~~ not exceed \$150.

3892 (c) For barbershops, fees for license application,  
3893 original licensing, license renewal, and delinquent renewal may  
3894 ~~shall~~ not exceed \$150.

3895 (d) For duplicate licenses and certificates, fees may  
3896 ~~shall~~ not exceed \$25.

3897 **Section 136. Paragraph (i) of subsection (1) and**  
3898 **subsection (2) of section 476.204, Florida Statutes, are amended**  
3899 **to read:**

3900 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

3926 any holder of a license, registration card, or certificate of  
 3927 registration issued pursuant to this act, for any of the  
 3928 following causes:

3929 (a) Gross malpractice or gross incompetency in the  
 3930 practice of barbering;

3931 (b) Practice by a person knowingly having an infectious or  
 3932 contagious disease; or

3933 (c) Commission of any of the offenses described in s.  
 3934 476.194.

3935 (2) The department ~~board~~ shall keep a record of its  
 3936 disciplinary proceedings against holders of licenses or  
 3937 certificates of registration issued pursuant to this act.

3938 (3) The department may ~~shall~~ not issue or renew a license  
 3939 or certificate of registration under this chapter to any person  
 3940 against whom or barbershop against which the department ~~board~~  
 3941 has assessed a fine, interest, or costs associated with  
 3942 investigation and prosecution until the person or barbershop has  
 3943 paid in full such fine, interest, or costs associated with  
 3944 investigation and prosecution or until the person or barbershop  
 3945 complies with or satisfies all terms and conditions of the final  
 3946 order.

3947 **Section 138. Section 476.234, Florida Statutes, is amended**  
 3948 **to read:**

3949 476.234 Civil proceedings.—In addition to any other  
 3950 remedy, the department may file a proceeding in the name of the

3951 state seeking issuance of a restraining order, injunction, or  
 3952 writ of mandamus against any person who is or has been violating  
 3953 any of the provisions of this act or the lawful rules or orders  
 3954 of the ~~board,~~ ~~commission,~~ or department.

3955 **Section 139. Subsections (2) through (13) of section**  
 3956 **477.013, Florida Statutes, are renumbered as subsections (1)**  
 3957 **through (12), respectively, and present subsections (1) and (8)**  
 3958 **of that section are amended to read:**

3959 477.013 Definitions.—As used in this chapter:

3960 ~~(1) "Board" means the Board of Cosmetology.~~

3961 (7) ~~(8)~~ "Specialty salon" means any place of business  
 3962 wherein the practice of one or all of the specialties as defined  
 3963 in subsection (5) ~~(6)~~ are engaged in or carried on.

3964 **Section 140. Subsections (7), (8), and (9) of section**  
 3965 **477.0135, Florida Statutes, are amended to read:**

3966 477.0135 Exemptions.—

3967 (7) A license or registration is not required for a person  
 3968 whose occupation or practice is confined solely to hair braiding  
 3969 as defined in s. 477.013(8) ~~s. 477.013(9)~~.

3970 (8) A license or registration is not required for a person  
 3971 whose occupation or practice is confined solely to hair wrapping  
 3972 as defined in s. 477.013(9) ~~s. 477.013(10)~~.

3973 (9) A license or registration is not required for a person  
 3974 whose occupation or practice is confined solely to body wrapping  
 3975 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:

4001 (a) Is at least 16 years of age or has received a high  
 4002 school diploma;

4003 (b) Pays the required application fee, which is not  
 4004 refundable, and the required examination fee, which is  
 4005 refundable if the applicant is determined to not be eligible for  
 4006 licensure for any reason other than failure to successfully  
 4007 complete the licensure examination; and

4008 (c) Has received a minimum of 1,200 hours of training as  
 4009 established by the department ~~board~~, which must include, but is  
 4010 not limited to, the equivalent of completion of services  
 4011 directly related to the practice of cosmetology at one of the  
 4012 following:

- 4013 1. A school of cosmetology licensed pursuant to chapter  
 4014 1005.
- 4015 2. A cosmetology program within the public school system.
- 4016 3. The Cosmetology Division of the Florida School for the  
 4017 Deaf and the Blind, provided the division meets the standards of  
 4018 this chapter.
- 4019 4. A government-operated cosmetology program in this  
 4020 state.

4021  
 4022 The department ~~board~~ shall establish by rule procedures whereby  
 4023 the school or program may certify that a person is qualified to  
 4024 take the required examination after the completion of a minimum  
 4025 of 1,000 actual school hours. If the person then passes the

4026 examination, he or she has satisfied this requirement,<sup>1</sup> 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~~

4051 ~~cosmetologists, cosmetology, salons, specialists, specialty~~  
4052 ~~salons, and booth renters; chemical makeup as it pertains to~~  
4053 ~~hair, skin, and nails; and environmental issues. Courses given~~  
4054 ~~at cosmetology conferences may be counted toward the number of~~  
4055 ~~continuing education hours required if approved by the board.~~

4056 ~~(b) The board may, by rule, require any licensee in~~  
4057 ~~violation of a continuing education requirement to take a~~  
4058 ~~refresher course or refresher course and examination in addition~~  
4059 ~~to any other penalty. The number of hours for the refresher~~  
4060 ~~course may not exceed 48 hours.~~

4061 **Section 144. Paragraphs (b) and (c) of subsection (1) and**  
4062 **subsections (4) and (5) of section 477.0201, Florida Statutes,**  
4063 **are amended to read:**

4064 477.0201 Specialty registration; qualifications;  
4065 registration renewal; endorsement.—

4066 (1) Any person is qualified for registration as a  
4067 specialist in any specialty practice within the practice of  
4068 cosmetology under this chapter who:

4069 (b) Has received a certificate of completion for:

4070 1. One hundred and eighty hours of training, as  
4071 established by the department board, which shall focus primarily  
4072 on sanitation and safety, to practice specialties as defined in  
4073 s. 477.013(5)(a) and (b) ~~s. 477.013(6)(a) and (b)~~;

4074 2. Two hundred and twenty hours of training, as  
4075 established by the department board, which shall focus primarily

4076 on sanitation and safety, to practice the specialty as defined  
 4077 in s. 477.013(5)(c) ~~s. 477.013(6)(e)~~; or

4078 3. Four hundred hours of training or the number of hours  
 4079 of training required to maintain minimum Pell Grant  
 4080 requirements, as established by the department board, which  
 4081 shall focus primarily on sanitation and safety, to practice the  
 4082 specialties as defined in s. 477.013(5)(a)-(c) ~~s. 477.013(6)(a)-~~  
 4083 ~~(e)~~.

4084 (c) The certificate of completion specified in paragraph  
 4085 (b) must be from one of the following:

4086 1. A school licensed pursuant to s. 477.023.

4087 2. A school licensed pursuant to chapter 1005 or the  
 4088 equivalent licensing authority of another state.

4089 3. A specialty program within the public school system.

4090 4. A specialty division within the Cosmetology Division of  
 4091 the Florida School for the Deaf and the Blind, provided the  
 4092 training programs comply with minimum curriculum requirements  
 4093 established by the department board.

4094 (4) Renewal of registration shall be accomplished pursuant  
 4095 to rules adopted by the department board.

4096 (5) The department board shall adopt rules specifying  
 4097 procedures for the registration of specialty practitioners  
 4098 desiring to be registered in this state who have been registered  
 4099 or licensed and are practicing in states which have registering  
 4100 or licensing standards substantially similar to, equivalent to,

4101 or more stringent than the standards of this state.

4102 **Section 145. Subsection (2) of section 477.0212, Florida**  
4103 **Statutes, is amended to read:**

4104 477.0212 Inactive status.—

4105 (2) The department ~~board~~ shall adopt rules relating to  
4106 licenses that become inactive and for the renewal of inactive  
4107 licenses. ~~The rules may not require more than one renewal cycle~~  
4108 ~~of continuing education to reactivate a license.~~ The department  
4109 ~~board~~ shall prescribe by rule a fee not to exceed \$50 for the  
4110 reactivation of an inactive license and a fee not to exceed \$50  
4111 for the renewal of an inactive license.

4112 **Section 146. Subsections (1) and (2) of section 477.022,**  
4113 **Florida Statutes, are amended to read:**

4114 477.022 Examinations.—

4115 (1) The department ~~board~~ shall ensure that examinations  
4116 adequately measure both an applicant's competency and her or his  
4117 knowledge of related statutory requirements. Professional  
4118 testing services may be utilized to formulate the examinations.  
4119 The department ~~board~~ may offer a written clinical examination or  
4120 a performance examination, or both, in addition to a written  
4121 theory examination.

4122 (2) The department ~~board~~ shall ensure that examinations  
4123 comply with state and federal equal employment opportunity  
4124 guidelines.

4125 **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.

4151 (c) A mobile cosmetology salon must maintain a permanent  
 4152 business address, located in the inspection area of the local  
 4153 department office, at which records of appointments,  
 4154 itineraries, license numbers of employees, and vehicle  
 4155 identification numbers of the licenseholder's mobile salon shall  
 4156 be kept and made available for verification purposes by  
 4157 department personnel, and at which correspondence from the  
 4158 department can be received.

4159 (d) To facilitate periodic inspections of mobile  
 4160 cosmetology salons, before ~~prior to~~ the beginning of each month  
 4161 each mobile salon licenseholder must file with the department  
 4162 ~~board~~ a written monthly itinerary listing the locations where  
 4163 and the dates and hours when the mobile salon will be operating.

4164 (e) The department ~~board~~ shall establish fees for mobile  
 4165 cosmetology salons, not to exceed the fees for cosmetology  
 4166 salons at fixed locations.

4167 (f) The operation of mobile cosmetology salons must be in  
 4168 compliance with all local laws and ordinances regulating  
 4169 business establishments, with all applicable requirements of the  
 4170 Americans with Disabilities Act relating to accommodations for  
 4171 persons with disabilities, and with all applicable OSHA  
 4172 requirements.

4173 **Section 148. Section 477.026, Florida Statutes, is amended**  
 4174 **to read:**

4175 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:**

4201 477.0263 Cosmetology services to be performed in licensed  
 4202 salon; exceptions.—

4203 (2) Pursuant to rules established by the department board,  
 4204 cosmetology services may be performed by a licensed  
 4205 cosmetologist in a location other than a licensed salon,  
 4206 including, but not limited to, a nursing home, hospital, or  
 4207 residence, when a client for reasons of ill health is unable to  
 4208 go to a licensed salon. Arrangements for the performance of such  
 4209 cosmetology services in a location other than a licensed salon  
 4210 shall be made only through a licensed salon.

4211 (4) Pursuant to rules adopted by the department board, any  
 4212 cosmetology or specialty service may be performed in a location  
 4213 other than a licensed salon when the service is performed in  
 4214 connection with a special event and is performed by a person who  
 4215 holds the proper license or specialty registration.

4216 **Section 150. Section 477.028, Florida Statutes, is amended**  
 4217 **to read:**

4218 477.028 Disciplinary proceedings.—

4219 (1) The department may board ~~shall have the power to~~  
 4220 revoke or suspend the license of a cosmetologist licensed under  
 4221 this chapter, or the registration of a specialist registered  
 4222 under this chapter, and ~~to~~ reprimand, censure, deny subsequent  
 4223 licensure or registration of, or otherwise discipline a  
 4224 cosmetologist or a specialist licensed or registered under this  
 4225 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

4251 assessed a fine, interest, or costs associated with  
 4252 investigation and prosecution until the person or salon has paid  
 4253 in full such fine, interest, or costs associated with  
 4254 investigation and prosecution or until the person or salon  
 4255 complies with or satisfies all terms and conditions of the final  
 4256 order.

4257 **Section 151. Paragraph (i) of subsection (1) and**  
 4258 **subsection (2) of section 477.029, Florida Statutes, are amended**  
 4259 **to read:**

4260 477.029 Penalty.—

4261 (1) It is unlawful for any person to:

4262 (i) Violate or refuse to comply with any provision of this  
 4263 chapter or chapter 455 or a rule or final order of the ~~board or~~  
 4264 ~~the~~ department.

4265 (2) Any person who violates the provisions of this section  
 4266 shall be subject to one or more of the following penalties, as  
 4267 determined by the department ~~board~~:

4268 (a) Revocation or suspension of any license or  
 4269 registration issued pursuant to this chapter.

4270 (b) Issuance of a reprimand or censure.

4271 (c) Imposition of an administrative fine not to exceed  
 4272 \$500 for each count or separate offense.

4273 (d) Placement on probation for a period of time and  
 4274 subject to such reasonable conditions as the department ~~board~~  
 4275 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 ~~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

4301 department for purchase of the examination from the National  
4302 Council of Architectural Registration Boards or similar national  
4303 organizations. The initial nonrefundable fee for registered  
4304 interior designers may not exceed \$75. The ~~biennial~~ renewal fee  
4305 for architects may not exceed \$200. The ~~biennial~~ renewal fee for  
4306 registered interior designers may not exceed \$75. The  
4307 delinquency fee may not exceed the ~~biennial~~ renewal fee  
4308 established by the department ~~board~~ for an active license. The  
4309 department ~~board~~ shall establish fees that are adequate to  
4310 ensure the continued operation of the department ~~board~~ and to  
4311 fund the proportionate expenses incurred by the department which  
4312 are allocated to the regulation of architects and registered  
4313 interior designers. Fees shall be based on department estimates  
4314 of the revenue required to implement this part and the  
4315 provisions of law with respect to the regulation of architects  
4316 and interior designers.

4317 **Section 154. Subsection (1) of section 481.209, Florida**  
4318 **Statutes, is amended to read:**

4319 481.209 Examinations.—

4320 (1) A person desiring to be licensed as a registered  
4321 architect by initial examination shall apply to the department,  
4322 complete the application form, and remit a nonrefundable  
4323 application fee. The department shall license any applicant who  
4324 the department ~~board~~ certifies has passed the licensure  
4325 examination prescribed by department ~~board~~ rule and is a

4326 graduate of a school or college of architecture with a program  
 4327 accredited by the National Architectural Accreditation Board.

4328 **Section 155. Section 481.211, Florida Statutes, is amended**  
 4329 **to read:**

4330 481.211 Architecture internship required.—An applicant for  
 4331 licensure as a registered architect shall complete, before  
 4332 licensure, an internship of diversified architectural experience  
 4333 approved by the department board, which meets the requirements  
 4334 set forth by rule.

4335 **Section 156. Section 481.215, Florida Statutes, is amended**  
 4336 **to read:**

4337 481.215 Renewal of license or certificate of  
 4338 registration.—

4339 (1) ~~Subject to the requirement of subsection (3),~~ The  
 4340 department shall renew a license or certificate of registration  
 4341 upon receipt of the renewal application and renewal fee.

4342 (2) The department shall adopt rules establishing a  
 4343 procedure for the ~~biennial~~ renewal of licenses and certificates  
 4344 of registration every 4 years.

4345 ~~(3) A license or certificate of registration renewal may~~  
 4346 ~~not be issued to an architect or a registered interior designer~~  
 4347 ~~by the department until the licensee or registrant submits proof~~  
 4348 ~~satisfactory to the department that, during the 2 years before~~  
 4349 ~~application for renewal, the licensee or registrant participated~~  
 4350 ~~per biennium in not less than 20 hours of at least 50 minutes~~

4351 ~~each per biennium of continuing education approved by the board.~~  
4352 ~~The board shall approve only continuing education that builds~~  
4353 ~~upon the basic knowledge of architecture or interior design. The~~  
4354 ~~board may make exception from the requirements of continuing~~  
4355 ~~education in emergency or hardship cases.~~

4356 ~~(4) The board shall by rule establish criteria for the~~  
4357 ~~approval of continuing education courses and providers and shall~~  
4358 ~~by rule establish criteria for accepting alternative~~  
4359 ~~nonclassroom continuing education on an hour for hour basis.~~

4360 ~~(5) For a license or certificate of registration, the~~  
4361 ~~board shall require, by rule adopted pursuant to ss. 120.536(1)~~  
4362 ~~and 120.54, 2 hours in specialized or advanced courses on any~~  
4363 ~~portion of the Florida Building Code, adopted pursuant to part~~  
4364 ~~IV of chapter 553, relating to the licensee's respective area of~~  
4365 ~~practice. Such hours count toward the continuing education hours~~  
4366 ~~required under subsection (3). A licensee may complete the~~  
4367 ~~courses required under this subsection online.~~

4368 **Section 157. Section 481.217, Florida Statutes, is amended**  
4369 **to read:**

4370 481.217 Inactive status.—

4371 ~~(1) The board may prescribe by rule continuing education~~  
4372 ~~requirements as a condition of reactivating a license. The rules~~  
4373 ~~may not require more than one renewal cycle of continuing~~  
4374 ~~education to reactivate a license or registration for a~~  
4375 ~~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

4401 corporation or limited liability company, or one or more  
4402 partners of the partnership, and all personnel of the  
4403 corporation, limited liability company, or partnership who act  
4404 in its behalf in this state as architects, are registered as  
4405 provided by this part.

4406 **Section 159. Subsections (1), (2), (6), (11), and (12) of**  
4407 **section 481.221, Florida Statutes, are amended to read:**

4408 481.221 Seals; display of certificate number.—

4409 (1) The department ~~board~~ shall prescribe, by rule, one or  
4410 more forms of seals to be used by registered architects holding  
4411 valid certificates of registration.

4412 (2) Each registered architect shall obtain one seal in a  
4413 form approved by rule of the department ~~board~~ and may, in  
4414 addition, register her or his seal electronically in accordance  
4415 with ss. 668.001-668.006. All final construction documents and  
4416 instruments of service which include drawings, plans,  
4417 specifications, or reports prepared or issued by the registered  
4418 architect and being filed for public record shall bear the  
4419 signature and seal of the registered architect who prepared or  
4420 approved the document and the date on which they were sealed.  
4421 The signature, date, and seal shall be evidence of the  
4422 authenticity of that to which they are affixed. Final plans,  
4423 specifications, or reports prepared or issued by a registered  
4424 architect may be transmitted electronically and may be signed by  
4425 the registered architect, dated, and sealed electronically with

4426 | the seal in accordance with ss. 668.001-668.006.

4427 |       (6) A ~~No~~ registered architect may not ~~shall~~ affix her or  
4428 | his signature or seal to any final construction document or  
4429 | instrument of service which includes drawings, plans,  
4430 | specifications, or architectural documents which were not  
4431 | prepared by her or him or under her or his responsible  
4432 | supervising control or by another registered architect and  
4433 | reviewed, approved, or modified and adopted by her or him as her  
4434 | or his own work according to rules adopted by the department  
4435 | ~~board~~.

4436 |       (11) When the certificate of registration of a registered  
4437 | architect or interior designer has been revoked or suspended by  
4438 | the department ~~board~~, the registered architect or interior  
4439 | designer shall surrender her or his seal to the secretary of the  
4440 | department ~~board~~ within ~~a period of~~ 30 days after the revocation  
4441 | or suspension has become effective. If the certificate of the  
4442 | registered architect or interior designer has been suspended for  
4443 | a period of time, her or his seal shall be returned to her or  
4444 | him upon expiration of the suspension period.

4445 |       (12) A person may not sign and seal by any means any final  
4446 | plan, specification, or report after her or his certificate of  
4447 | registration has expired or is suspended or revoked. A  
4448 | registered architect or interior designer whose certificate of  
4449 | registration is suspended or revoked shall, within 30 days after  
4450 | the effective date of the suspension or revocation, surrender

4451 her or his seal to the secretary of the department ~~executive~~  
 4452 ~~director of the board~~ and confirm in writing to the secretary  
 4453 ~~executive director~~ the cancellation of the registered  
 4454 architect's or interior designer's electronic signature in  
 4455 accordance with ss. 668.001-668.006. When a registered  
 4456 architect's or interior designer's certificate of registration  
 4457 is suspended for a period of time, her or his seal shall be  
 4458 returned upon expiration of the period of suspension.

4459 **Section 160. Section 481.222, Florida Statutes, is amended**  
 4460 **to read:**

4461 481.222 Architects performing building code inspection  
 4462 services.—Notwithstanding any other provision of law, a person  
 4463 who is currently licensed to practice as an architect under this  
 4464 part may provide building code inspection services described in  
 4465 s. 468.603(4) and (7) ~~s. 468.603(5) and (8)~~ to a local  
 4466 government or state agency upon its request, without being  
 4467 certified by the Florida Building Code Administrators and  
 4468 Inspectors licensing program ~~Board~~ under part XII of chapter  
 4469 468. With respect to the performance of such building code  
 4470 inspection services, the architect is subject to the  
 4471 disciplinary guidelines of this part and s. 468.621(1)(c)-(h).  
 4472 Any complaint processing, investigation, and discipline that  
 4473 arise out of an architect's performance of building code  
 4474 inspection services shall be conducted by the department ~~Board~~  
 4475 ~~of Architecture and Interior Design~~ rather than the Florida

4476 ~~Building Code Administrators and Inspectors Board.~~ An architect  
4477 may not perform plans review as an employee of a local  
4478 government upon any job that the architect or the architect's  
4479 company designed.

4480 **Section 161. Paragraphs (a) and (d) of subsection (1) of**  
4481 **section 481.223, Florida Statutes, are amended to read:**

4482 481.223 Prohibitions; penalties; injunctive relief.—

4483 (1) A person may not knowingly:

4484 (a) Practice architecture unless the person is an  
4485 architect or a registered architect; however, a licensed  
4486 architect who has been licensed by the department ~~board~~ and who  
4487 chooses to relinquish or not to renew his or her license may use  
4488 the title "Architect, Retired" but may not otherwise render any  
4489 architectural services.

4490 (d) Give false or forged evidence to the department ~~board~~  
4491 ~~or a member thereof.~~

4492 **Section 162. Paragraphs (a), (g), and (i) of subsection**  
4493 **(1) and subsections (2), (3), and (4) of section 481.225,**  
4494 **Florida Statutes, are amended to read:**

4495 481.225 Disciplinary proceedings against registered  
4496 architects.—

4497 (1) The following acts constitute grounds for which the  
4498 disciplinary actions in subsection (3) may be taken:

4499 (a) Violating any provision of s. 455.227(1), s. 481.221,  
4500 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 ~~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 ~~board~~;

4547 (2) When the department board ~~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:

- 4551 (a) Refusal to register the applicant;
- 4552 (b) Refusal to renew an existing registration;
- 4553 (c) Removal from the state registry; or
- 4554 (d) Imposition of an administrative fine not to exceed
- 4555 \$500 for each violation or separate offense and a fine of up to
- 4556 \$2,500 for matters pertaining to a material violation of the
- 4557 Florida Building Code as reported by a local jurisdiction.

4558 **Section 164. Subsection (1) of section 481.303, Florida**  
 4559 **Statutes, is amended to read:**

4560 481.303 Definitions.—As used in this chapter, the term:  
 4561 ~~(1) "Board" means the Board of Landscape Architecture.~~

4562 **Section 165. Section 481.306, Florida Statutes, is amended**  
 4563 **to read:**

4564 481.306 Authority to make rules.—The department ~~may board~~  
 4565 ~~has authority to~~ adopt rules pursuant to ~~ss. 120.536(1) and~~  
 4566 ~~120.54~~ to implement the provisions of this chapter and chapter  
 4567 455 conferring duties upon it.

4568 **Section 166. Section 481.307, Florida Statutes, is amended**  
 4569 **to read:**

4570 481.307 Fees.—The department ~~board~~, by rule, may establish  
 4571 fees to be paid for applications, examination, reexamination,  
 4572 licensing and renewal, delinquency, reinstatement, and  
 4573 recordmaking and recordkeeping. The examination fee shall be in  
 4574 an amount that covers the costs of obtaining and administering  
 4575 the examination and shall be refunded if the applicant is found

4576 ineligible to sit for the examination. The application fee is  
4577 nonrefundable. The combined fees for initial application and  
4578 examination may not exceed \$800 plus the actual per applicant  
4579 cost to the department for purchase of portions of the  
4580 examination from the Council of Landscape Architectural  
4581 Registration Boards or a similar national organization. The  
4582 ~~biennial~~ renewal fee may not exceed \$600. The delinquency fee  
4583 may not exceed the ~~biennial~~ renewal fee established by the  
4584 department board for an active license. The department board  
4585 shall establish fees that are adequate to ensure the continued  
4586 operation of the department board and to fund the proportionate  
4587 expenses incurred by the department which are allocated to the  
4588 regulation of landscape architects. Fees shall be based on  
4589 department estimates of the revenue required to implement this  
4590 part and the provisions of law with respect to the regulation of  
4591 landscape architects.

4592 **Section 167. Subsection (1) of section 481.309, Florida**  
4593 **Statutes, is amended to read:**

4594 481.309 Examinations.—

4595 (1) A person desiring to be licensed as a registered  
4596 landscape architect shall apply to the department to take the  
4597 licensure examination. The department shall examine each  
4598 applicant who the department board certifies:

4599 (a) Has completed the application form and remitted a  
4600 nonrefundable application fee and an examination fee which is

4601 refundable if the applicant is found to be ineligible to take  
4602 the examination; and

4603 (b)1. Has completed a professional degree program in  
4604 landscape architecture as approved by the department ~~Landscape~~  
4605 ~~Architectural Accreditation Board~~; or

4606 2. Presents evidence of not less than 6 years of actual  
4607 practical experience in landscape architectural work of a grade  
4608 and character satisfactory to the department ~~board~~. Each year of  
4609 education completed in a recognized school shall be considered  
4610 to be equivalent to 1 year of experience, with a maximum credit  
4611 of 4 years.

4612 **Section 168. Section 481.310, Florida Statutes, is amended**  
4613 **to read:**

4614 481.310 Practical experience requirement.—Beginning  
4615 October 1, 1990, every applicant for licensure as a registered  
4616 landscape architect shall demonstrate, before ~~prior to~~  
4617 licensure, 1 year of practical experience in landscape  
4618 architectural work. An applicant who holds a master of landscape  
4619 architecture degree and a bachelor's degree in a related field  
4620 is not required to demonstrate 1 year of practical experience in  
4621 landscape architectural work to obtain licensure. The department  
4622 ~~board~~ shall adopt rules providing standards for the required  
4623 experience. An applicant who qualifies for examination pursuant  
4624 to s. 481.309(1)(b)1. may obtain the practical experience after  
4625 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~~7~~ 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

4651 architecture in another state or territory of the United States  
4652 for at least 10 years before the date of application and has  
4653 successfully completed a state, regional, national, or other  
4654 examination that is equivalent to or more stringent than the  
4655 examination required by the department board, subject to  
4656 subsection (5). An applicant who has met the requirements to be  
4657 qualified for a license by endorsement, except for successful  
4658 completion of an examination that is equivalent to or more  
4659 stringent than the examination required by the department board,  
4660 may take the examination required by the department board  
4661 without completing additional education requirements. Such  
4662 application must be submitted to the department board while the  
4663 applicant holds a valid license in another state or territory or  
4664 within 2 years after the expiration of such license.

4665 (4) The department board may refuse to certify any  
4666 applicant who is under investigation in any jurisdiction for any  
4667 act which would constitute a violation of this act or of chapter  
4668 455~~7~~ until the investigation is complete and disciplinary  
4669 proceedings have been terminated.

4670 (5) The department board may refuse to certify any  
4671 applicant who has violated any of the provisions of s. 481.325.

4672 **Section 170. Subsections (2) through (5) of section**  
4673 **481.313, Florida Statutes, are amended to read:**

4674 481.313 Renewal of license.—

4675 (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

4726 temporary certificate of registration for work on a specified  
4727 project in this state for a period not to exceed 1 year to an  
4728 applicant who is licensed in another state or territory to  
4729 practice landscape architecture.

4730 **Section 173. Paragraph (d) of subsection (1) of section**  
4731 **481.323, Florida Statutes, is amended to read:**

4732 481.323 Prohibitions; penalties.—

4733 (1) A person may not knowingly:

4734 (d) Give false or forged evidence to the department board  
4735 ~~or a member thereof~~;

4736 **Section 174. Subsections (2), (3), and (4) of section**  
4737 **481.325, Florida Statutes, are amended to read:**

4738 481.325 Disciplinary proceedings.—

4739 (2) The department board shall specify, by rule, what acts  
4740 or omissions constitute a violation of subsection (1).

4741 (3) When the department board finds any registered  
4742 landscape architect guilty of any of the grounds set forth in  
4743 subsection (1), it may enter an order imposing one or more of  
4744 the following penalties:

4745 (a) Denial of an application for licensure.

4746 (b) Revocation or suspension of a license.

4747 (c) Imposition of an administrative fine not to exceed  
4748 \$1,000 for each count or separate offense and a fine of up to  
4749 \$5,000 for matters pertaining to a material violation of the  
4750 Florida Building Code as reported by a local jurisdiction.

4751 (d) Issuance of a reprimand.

4752 (e) Placement of the registered landscape architect on  
 4753 probation for a period of time and subject to such conditions as  
 4754 the department board may specify, including requiring the  
 4755 registered landscape architect to ~~attend continuing education~~  
 4756 ~~courses or to~~ work under the supervision of another registered  
 4757 landscape architect.

4758 (f) Restriction of the authorized scope of practice by the  
 4759 registered landscape architect.

4760 (4) The department shall reissue the license of a  
 4761 disciplined registered landscape architect upon certification ~~by~~  
 4762 ~~the board~~ that she or he has complied with all of the terms and  
 4763 conditions set forth in the final order.

4764 **Section 175. Paragraph (c) of subsection (7) of section**  
 4765 **489.103, Florida Statutes, is amended to read:**

4766 489.103 Exemptions.—This part does not apply to:

4767 (7)

4768 (c) To qualify for exemption under this subsection, an  
 4769 owner must personally appear and sign the building permit  
 4770 application and must satisfy local permitting agency  
 4771 requirements, if any, proving that the owner has a complete  
 4772 understanding of the owner's obligations under the law as  
 4773 specified in the disclosure statement in this section. However,  
 4774 for purposes of implementing a "United States Department of  
 4775 Energy SunShot Initiative: Rooftop Solar Challenge" grant and

4776 the participation of county and municipal governments, including  
 4777 local permitting agencies under the jurisdiction of such county  
 4778 and municipal governments, an owner's notarized signature or  
 4779 personal appearance to sign the permit application is not  
 4780 required for a solar project, as described in subparagraph  
 4781 (a)3., if the building permit application is submitted  
 4782 electronically to the permitting agency and the owner certifies  
 4783 the application and disclosure statement using the permitting  
 4784 agency's electronic confirmation system. If any person violates  
 4785 the requirements of this subsection, the local permitting agency  
 4786 shall withhold final approval, revoke the permit, or pursue any  
 4787 action or remedy for unlicensed activity against the owner and  
 4788 any person performing work that requires licensure under the  
 4789 permit issued. The local permitting agency shall provide the  
 4790 person with a disclosure statement in substantially the  
 4791 following form:

4792 DISCLOSURE STATEMENT

- 4793 1. I understand that state law requires construction to be done  
 4794 by a licensed contractor and have applied for an owner-builder  
 4795 permit under an exemption from the law. The exemption specifies  
 4796 that I, as the owner of the property listed, may act as my own  
 4797 contractor with certain restrictions even though I do not have a  
 4798 license.
- 4799 2. I understand that building permits are not required to be  
 4800 signed by a property owner unless he or she is responsible for

4801 the construction and is not hiring a licensed contractor to  
4802 assume responsibility.

4803 3. I understand that, as an owner-builder, I am the responsible  
4804 party of record on a permit. I understand that I may protect  
4805 myself from potential financial risk by hiring a licensed  
4806 contractor and having the permit filed in his or her name  
4807 instead of my own name. I also understand that a contractor is  
4808 required by law to be licensed in Florida and to list his or her  
4809 license numbers on permits and contracts.

4810 4. I understand that I may build or improve a one-family or  
4811 two-family residence or a farm outbuilding. I may also build or  
4812 improve a commercial building if the costs do not exceed  
4813 \$75,000. The building or residence must be for my own use or  
4814 occupancy. It may not be built or substantially improved for  
4815 sale or lease, unless I am completing the requirements of a  
4816 building permit where the contractor listed on the permit  
4817 substantially completed the project. If a building or residence  
4818 that I have built or substantially improved myself is sold or  
4819 leased within 1 year after the construction is complete, the law  
4820 will presume that I built or substantially improved it for sale  
4821 or lease, which violates the exemption.

4822 5. I understand that, as the owner-builder, I must provide  
4823 direct, onsite supervision of the construction.

4824 6. I understand that I may not hire an unlicensed person to act  
4825 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

4851 abide by all applicable laws and requirements that govern owner-  
4852 builders as well as employers. I also understand that the  
4853 construction must comply with all applicable laws, ordinances,  
4854 building codes, and zoning regulations.

4855 10. I understand that I may obtain more information regarding  
4856 my obligations as an employer from the Internal Revenue Service,  
4857 the United States Small Business Administration, the Florida  
4858 Department of Financial Services, and the Florida Department of  
4859 Revenue. I also understand that I may contact the Florida  
4860 Department of Business and Professional Regulation ~~Construction~~  
4861 ~~Industry Licensing Board~~ at ...(telephone number)... or  
4862 ...(Internet website address)... for more information about  
4863 licensed contractors.

4864 11. I am aware of, and consent to, an owner-builder building  
4865 permit applied for in my name and understand that I am the party  
4866 legally and financially responsible for the proposed  
4867 construction activity at the following address: ...(address of  
4868 property)....

4869 12. I agree to notify ...(issuer of disclosure statements)...  
4870 immediately of any additions, deletions, or changes to any of  
4871 the information that I have provided on this disclosure.  
4872 Licensed contractors are regulated by laws designed to protect  
4873 the public. If you contract with a person who does not have a  
4874 license, the ~~Construction Industry Licensing Board~~ and  
4875 Department of Business and Professional Regulation may be unable

4876 to assist you with any financial loss that you sustain as a  
 4877 result of a complaint. Your only remedy against an unlicensed  
 4878 contractor may be in civil court. It is also important for you  
 4879 to understand that, if an unlicensed contractor or employee of  
 4880 an individual or firm is injured while working on your property,  
 4881 you may be held liable for damages. If you obtain an owner-  
 4882 builder permit and wish to hire a licensed contractor, you will  
 4883 be responsible for verifying whether the contractor is properly  
 4884 licensed and the status of the contractor's workers'  
 4885 compensation coverage.

4886 Before a building permit can be issued, this disclosure  
 4887 statement must be completed and signed by the property owner and  
 4888 returned to the local permitting agency responsible for issuing  
 4889 the permit. A copy of the property owner's driver license, the  
 4890 notarized signature of the property owner, or other type of  
 4891 verification acceptable to the local permitting agency is  
 4892 required when the permit is issued.

4893 Signature: ...(signature of property owner)....

4894 Date: ...(date)....

4895 **Section 176. Subsections (2) through (19) of section**  
 4896 **489.105, Florida Statutes, are renumbered as subsections (1)**  
 4897 **through (18), respectively, and subsection (1) and present**  
 4898 **subsection (6) of that section are amended to read:**

4899 489.105 Definitions.—As used in this part:

4900 ~~(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

4976 cycle.

4977       (2) ~~The board shall establish fees that are adequate to~~  
 4978 ~~ensure the continued operation of the board.~~ Fees shall be based  
 4979 on department estimates of the revenue required to implement  
 4980 this part and the provisions of law with respect to the  
 4981 regulation of the construction industry.

4982       **Section 179. Paragraph (c) of subsection (2) and**  
 4983 **subsection (3) of section 489.111, Florida Statutes, are amended**  
 4984 **to read:**

4985       489.111 Licensure by examination.—

4986       (2) A person shall be eligible for licensure by  
 4987 examination if the person:

4988       (c) Meets eligibility requirements according to one of the  
 4989 following criteria:

4990       1. Has received a baccalaureate degree from an accredited  
 4991 4-year college in the appropriate field of engineering,  
 4992 architecture, or building construction and has 1 year of proven  
 4993 experience in the category in which the person seeks to qualify.  
 4994 For the purpose of this part, a minimum of 2,000 person-hours  
 4995 shall be used in determining full-time equivalency. An applicant  
 4996 who is exempt from passing an examination under s. 489.113(1) is  
 4997 eligible for a license under this section.

4998       2. Has a total of at least 4 years of active experience as  
 4999 a worker who has learned the trade by serving an apprenticeship  
 5000 as a skilled worker who is able to command the rate of a

5001 mechanic in the particular trade or as a foreman who is in  
5002 charge of a group of workers and usually is responsible to a  
5003 superintendent or a contractor or his or her equivalent;  
5004 provided, however, that at least 1 year of active experience  
5005 shall be as a foreman.

5006         3. Has a combination of not less than 1 year of experience  
5007 as a foreman and not less than 3 years of credits for any  
5008 accredited college-level courses; has a combination of not less  
5009 than 1 year of experience as a skilled worker, 1 year of  
5010 experience as a foreman, and not less than 2 years of credits  
5011 for any accredited college-level courses; or has a combination  
5012 of not less than 2 years of experience as a skilled worker, 1  
5013 year of experience as a foreman, and not less than 1 year of  
5014 credits for any accredited college-level courses. All junior  
5015 college or community college-level courses shall be considered  
5016 accredited college-level courses.

5017         4.a. An active certified residential contractor is  
5018 eligible to receive a certified building contractor license  
5019 after passing or having previously passed the building  
5020 contractors' examination if he or she possesses a minimum of 3  
5021 years of proven experience in the classification in which he or  
5022 she is certified.

5023         b. An active certified residential contractor is eligible  
5024 to receive a certified general contractor license after passing  
5025 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

5076 scope of work covered by that license and approved by the  
5077 department ~~Construction Industry Licensing Board~~ by rule and has  
5078 at least 1 year of proven experience related to the scope of  
5079 work of such a contractor.

5080 (3) (a) The department ~~board~~ may refuse to certify an  
5081 applicant for failure to satisfy the requirement of good moral  
5082 character only if:

5083 1. There is a substantial connection between the lack of  
5084 good moral character of the applicant and the professional  
5085 responsibilities of a certified contractor; and

5086 2. The finding by the department ~~board~~ of lack of good  
5087 moral character is supported by clear and convincing evidence.

5088 (b) When an applicant is found to be unqualified for a  
5089 certificate because of a lack of good moral character, the  
5090 department ~~board~~ shall furnish the applicant a statement  
5091 containing the findings of the department ~~board~~, a complete  
5092 record of the evidence upon which the determination was based,  
5093 and a notice of the rights of the applicant to a rehearing and  
5094 appeal.

5095 **Section 180. Subsections (1) and (2), paragraph (f) of**  
5096 **subsection (3), and subsections (6), (7), and (8) of section**  
5097 **489.113, Florida Statutes, are amended to read:**

5098 489.113 Qualifications for practice; restrictions.—

5099 (1) Any person who desires to engage in contracting on a  
5100 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~~

5151 ~~Electrical Contracting Licensing Board.~~

5152       (6) (a) The department ~~board~~ shall, by rule, designate  
5153 those types of specialty contractors which may be certified  
5154 under this part. The limit of the scope of work and  
5155 responsibility of a specialty contractor shall be established by  
5156 the department ~~board~~ by rule. However, a certified specialty  
5157 contractor category established by department ~~board~~ rule exists  
5158 as a voluntary statewide licensing category and does not create  
5159 a mandatory licensing requirement. Any mandatory statewide  
5160 construction contracting licensure requirement may only be  
5161 established through specific statutory provision.

5162       (b) By July 1, 2025, the department ~~board~~ shall, by rule,  
5163 establish certified specialty contractor categories for  
5164 voluntary licensure for all of the following:

- 5165           1. Structural aluminum or screen enclosures.
- 5166           2. Marine seawall work.
- 5167           3. Marine bulkhead work.
- 5168           4. Marine dock work.
- 5169           5. Marine pile driving.
- 5170           6. Structural masonry.
- 5171           7. Structural prestressed, precast concrete work.
- 5172           8. Rooftop solar heating installation.
- 5173           9. Structural steel.
- 5174           10. Window and door installation, including garage door  
5175 installation and hurricane or windstorm protection.

5176 11. Plaster and lath.

5177 12. Structural carpentry.

5178 (7) If an eligible applicant fails any contractor's  
 5179 written examination, except the general and building  
 5180 contractors' examination, and provides the department ~~board~~ with  
 5181 acceptable proof of lack of comprehension of written  
 5182 examinations, the applicant may petition the department ~~board~~ to  
 5183 be administered a uniform oral examination, subject to the  
 5184 following conditions:

5185 (a) The applicant documents 10 years of experience in the  
 5186 appropriate construction craft.

5187 (b) The applicant files written recommendations concerning  
 5188 his or her competency in the appropriate construction craft.

5189 (c) The applicant is administered only one oral  
 5190 examination within a period of 1 year.

5191 (8) Any public record of the department ~~board~~, when  
 5192 certified by the department ~~executive director of the board or~~  
 5193 ~~the executive director's representative~~, may be received as  
 5194 prima facie evidence in any administrative or judicial  
 5195 proceeding.

5196 **Section 181. Subsection (1) of section 489.1131, Florida**  
 5197 **Statutes, is amended to read:**

5198 489.1131 Credit for relevant military training and  
 5199 education.—

5200 (1) The department shall provide a method by which

5201 | honorably discharged veterans may apply for licensure. The  
 5202 | method must include a veteran-specific application and provide:

5203 |       (a) To the fullest extent possible, credit toward the  
 5204 | requirements for licensure for military experience, training,  
 5205 | and education received and completed during service in the  
 5206 | United States Armed Forces if the military experience, training,  
 5207 | or education is substantially similar to the experience,  
 5208 | training, or education required for licensure.

5209 |       (b) Acceptance of up to 3 years of active duty service in  
 5210 | the United States Armed Forces, regardless of duty or training,  
 5211 | to meet the experience requirements of s. 489.111(2)(c). At  
 5212 | least 1 additional year of active experience as a foreman in the  
 5213 | trade, either civilian or military, is required to fulfill the  
 5214 | experience requirement of s. 489.111(2)(c).

5215 |  
 5216 | The department board ~~may adopt rules pursuant to ss. 120.536(1)~~  
 5217 | ~~and 120.54~~ to implement this subsection.

5218 |       **Section 182. Subsection (1) of section 489.1136, Florida**  
 5219 | **Statutes, is amended to read:**

5220 |       489.1136 Medical gas certification.—

5221 |       (1)(a) In addition to the certification or registration  
 5222 | required to engage in business as a plumbing contractor, any  
 5223 | plumbing contractor who wishes to engage in the business of  
 5224 | installation, improvement, repair, or maintenance of any tubing,  
 5225 | 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

5326 persons or entities notified shall provide certification of  
5327 compliance with chapter 440 to the department and pay an  
5328 administrative fine in the amount of \$500. The failure to  
5329 maintain workers' compensation coverage as required by law shall  
5330 be grounds for the department ~~board~~ to revoke, suspend, or deny  
5331 the issuance or renewal of a certificate or registration of the  
5332 contractor under the provisions of s. 489.129.

5333 **Section 184. Paragraph (c) of subsection (4) of section**  
5334 **489.115, Florida Statutes, is redesignated as paragraph (b), and**  
5335 **paragraph (a) of subsection (2), subsection (3), present**  
5336 **paragraph (b) of subsection (4), and subsections (5) through (9)**  
5337 **of that section are amended to read:**

5338 489.115 Certification and registration; endorsement;  
5339 reciprocity; renewals; ~~continuing education.~~

5340 (2)(a) The department shall issue a certificate or  
5341 registration to each person qualified by the department ~~board~~  
5342 and upon receipt of the original license fee.

5343 (3) The department ~~board~~ shall certify as qualified for  
5344 certification by endorsement any applicant who:

5345 (a) Meets the requirements for certification as set forth  
5346 in this section; has passed a national, regional, state, or  
5347 United States territorial licensing examination that is  
5348 substantially equivalent to the examination required by this  
5349 part; and has satisfied the requirements set forth in s.  
5350 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

5426 liability insurance, and property damage insurance for the  
5427 safety and welfare of the public, in amounts determined by rule  
5428 of the department board. The department board shall by rule  
5429 establish a procedure to verify the accuracy of such affidavits  
5430 based upon a random sample method.

5431 (b) In addition to the affidavit of insurance, as a  
5432 prerequisite to the initial issuance of a certificate, the  
5433 applicant shall furnish a credit report from a nationally  
5434 recognized credit agency that reflects the financial  
5435 responsibility of the applicant and evidence of financial  
5436 responsibility, credit, and business reputation of either  
5437 himself or herself or the business organization he or she  
5438 desires to qualify. The department board shall adopt rules  
5439 defining financial responsibility based upon the applicant's  
5440 credit history, ability to be bonded, and any history of  
5441 bankruptcy or assignment of receivers. The department board may  
5442 also adopt rules that would allow applicants to demonstrate  
5443 financial responsibility, as an alternative to the foregoing, by  
5444 providing minimum credit scores or bonds payable as prescribed  
5445 for financially responsible officers. Such rules shall specify  
5446 the financial responsibility grounds on which the department  
5447 ~~board~~ may refuse to qualify an applicant for certification.

5448 (c) If, within 60 days from the date the applicant is  
5449 notified that he or she has qualified, he or she does not  
5450 provide the evidence required, he or she shall apply to the

5451 department for an extension of time which shall be granted upon  
5452 a showing of just cause.

5453 (d) An applicant for initial issuance of a certificate or  
5454 registration shall submit as a prerequisite to qualifying for an  
5455 exemption from workers' compensation coverage requirements under  
5456 s. 440.05 an affidavit attesting to the fact that the applicant  
5457 will obtain an exemption within 30 days after the date the  
5458 initial certificate or registration is issued by the department  
5459 ~~board~~.

5460 (6) An applicant for initial issuance of a certificate or  
5461 registration shall submit to a statewide criminal history  
5462 records check through the Department of Law Enforcement. The  
5463 Department of Business and Professional Regulation shall submit  
5464 the requests for the criminal history records check to the  
5465 Department of Law Enforcement for state processing, and the  
5466 Department of Law Enforcement shall return the results to the  
5467 department to determine if the applicant meets certification or  
5468 registration requirements. If the applicant has been convicted  
5469 of a felony, the Department of Business and Professional  
5470 Regulation ~~board~~ may deny licensure to the applicant based upon  
5471 the severity of the crime, the relationship of the crime to  
5472 contracting, or the potential for public harm. The department  
5473 ~~board~~ shall also, in denying or approving licensure, consider  
5474 the length of time since the commission of the crime and the  
5475 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~~

5501 ~~continuing education courses under s. 489.517(3), the~~  
5502 ~~certificateholder or registrant may apply those course hours for~~  
5503 ~~workers' compensation, workplace safety, and business practices~~  
5504 ~~obtained under part II to the requirements under this part.~~

5505 (8)~~(9)~~ An initial applicant shall submit, along with the  
5506 application, a complete set of fingerprints to the department.  
5507 The fingerprints shall be submitted to the Department of Law  
5508 Enforcement for state processing, and the Department of Law  
5509 Enforcement shall forward them to the Federal Bureau of  
5510 Investigation for national processing for the purpose of  
5511 determining if the applicant has a criminal history record. The  
5512 Department of Business and Professional Regulation shall ~~and the~~  
5513 ~~board may~~ review the background results to determine if an  
5514 applicant meets licensure requirements. The cost for the  
5515 fingerprint processing shall be borne by the person subject to  
5516 the background screening. These fees are to be collected by the  
5517 authorized agencies or vendors. The authorized agencies or  
5518 vendors are responsible for paying the processing costs to the  
5519 Department of Law Enforcement.

5520 **Section 185. Subsections (7) and (8) of section 489.116,**  
5521 **Florida Statutes, are renumbered as subsections (6) and (7),**  
5522 **respectively, and subsections (2) through (6) and present**  
5523 **subsection (7) of that section are amended, to read:**

5524 489.116 Inactive and delinquent status; renewal and  
5525 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)-(e)~~ 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)-(o)~~.

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)-(o) 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

5676 fascia; rooftop painting, coating, and cleaning above three  
5677 stories in height; or fence installation and erection if the  
5678 local government imposed such a licensing requirement before  
5679 January 1, 2021.

5680 4. A local government may not require a license as a  
5681 prerequisite to submit a bid for public works projects if the  
5682 work to be performed does not require a license under general  
5683 law.

5684 (b) The local jurisdictions are responsible for providing  
5685 the following information to the department ~~board~~ within 30 days  
5686 after licensure of, or any disciplinary action against, a  
5687 locally licensed contractor who is registered under this part:

- 5688 1. Licensure information.
- 5689 2. Code violation information pursuant to s. 553.781.
- 5690 3. Disciplinary information.

5691  
5692 The department ~~board~~ shall maintain such licensure and  
5693 disciplinary information as it is provided to the department  
5694 ~~board~~ and shall make the information available through the  
5695 automated information system provided pursuant to s. 455.2286.

5696 (c) Providing discipline to such locally licensed  
5697 contractors is the responsibility of the local jurisdiction.

5698 (d) Any person who is not required to obtain registration  
5699 or certification pursuant to s. 489.105(2) (d)-(o) ~~s.~~  
5700 ~~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

5726 contractor certified or registered under s. 489.105(2)(j), (k),  
 5727 or (l) ~~s. 489.105(3)(j), (k), or (l)~~ and the person performing  
 5728 the work, or for the person performing the work to be an  
 5729 employee of the contractor certified or registered under s.  
 5730 489.105(2)(j), (k), or (l) ~~s. 489.105(3)(j), (k), or (l)~~. This  
 5731 paragraph does not limit the exemptions provided in s. 489.103  
 5732 and may not be construed to expand the scope of a contractor  
 5733 certified or registered under s. 489.105(2)(j), (k), or (l) ~~s.~~  
 5734 ~~489.105(3)(j), (k), or (l)~~ to provide plumbing or electrical  
 5735 services for which certification or registration is required by  
 5736 this part or part II.

5737 **Section 187. Section 489.118, Florida Statutes, is amended**  
 5738 **to read:**

5739 489.118 Certification of registered contractors;  
 5740 grandfathering provisions.—The department ~~board~~ shall, upon  
 5741 receipt of a completed application and appropriate fee, issue a  
 5742 certificate in the appropriate category to any contractor  
 5743 registered under this part who makes application to the  
 5744 department ~~board~~ and can show that he or she meets each of the  
 5745 following requirements:

5746 (1) Currently holds a valid registered local license in  
 5747 one of the contractor categories defined in s. 489.105(3)(a)-(p)  
 5748 ~~s. 489.105(3)(a)-(p)~~.

5749 (2) Has, for that category, passed a written examination  
 5750 that the department ~~board~~ finds to be substantially similar to

5751 the examination required to be licensed as a certified  
 5752 contractor under this part. For purposes of this subsection, a  
 5753 written, proctored examination such as that produced by the  
 5754 National Assessment Institute, Block and Associates, NAI/Block,  
 5755 Experior Assessments, Professional Testing, Inc., or Assessment  
 5756 Systems, Inc., shall be considered to be substantially similar  
 5757 to the examination required to be licensed as a certified  
 5758 contractor. The department ~~board~~ may not impose or make any  
 5759 requirements regarding the nature or content of these cited  
 5760 examinations.

5761 (3) Has at least 5 years of experience as a contractor in  
 5762 that contracting category, or as an inspector or building  
 5763 administrator with oversight over that category, at the time of  
 5764 application. For contractors, only time periods in which the  
 5765 contractor license is active and the contractor is not on  
 5766 probation shall count toward the 5 years required by this  
 5767 subsection.

5768 (4) Has not had his or her contractor's license revoked at  
 5769 any time, had his or her contractor's license suspended within  
 5770 the last 5 years, or been assessed a fine in excess of \$500  
 5771 within the last 5 years.

5772 (5) Is in compliance with the insurance and financial  
 5773 responsibility requirements in s. 489.115(5).

5774 **Section 188. Paragraphs (b), (c), and (e) of subsection**  
 5775 **(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

5826 | the department of the termination of the qualifying agent and  
5827 | shall have 60 days from the termination of the qualifying  
5828 | agent's affiliation with the business organization in which to  
5829 | employ another qualifying agent. The business organization may  
5830 | not engage in contracting until a qualifying agent is employed,  
5831 | unless the department ~~executive director or chair of the board~~  
5832 | has granted a temporary nonrenewable certificate or registration  
5833 | to the financially responsible officer, the president, a  
5834 | partner, or, in the case of a limited partnership, the general  
5835 | partner, who assumes all responsibilities of a primary  
5836 | qualifying agent for the business organization. This temporary  
5837 | certificate or registration shall only allow the business  
5838 | organization to proceed with incomplete contracts. For the  
5839 | purposes of this paragraph, an incomplete contract is one which  
5840 | has been awarded to, or entered into by, the business  
5841 | organization before ~~prior to~~ the cessation of affiliation of the  
5842 | qualifying agent with the business organization or one on which  
5843 | the business organization was the low bidder and the contract is  
5844 | subsequently awarded, regardless of whether any actual work has  
5845 | commenced under the contract before ~~prior to~~ the qualifying  
5846 | agent ceasing to be affiliated with the business organization.

5847 |       (5) (a) Each registered or certified contractor shall affix  
5848 | the number of his or her registration or certification to each  
5849 | application for a building permit and on each building permit  
5850 | 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

5876 organization. Approval of each business organization is  
 5877 discretionary with the department ~~board~~.

5878 (7)

5879 (b) Any business organization engaging in contracting  
 5880 under this subsection shall provide the department ~~board~~ with  
 5881 the name and license number of each registered or certified  
 5882 contractor employed by the business organization to supervise  
 5883 its contracting activities. The business organization is not  
 5884 required to post a bond or otherwise evidence any financial or  
 5885 credit information except as necessary to demonstrate compliance  
 5886 with paragraph (a).

5887 **Section 189. Paragraphs (b) and (d) of subsection (1),**  
 5888 **paragraphs (a) and (b) of subsection (2), and paragraphs (a) and**  
 5889 **(b) of subsection (3) of section 489.1195, Florida Statutes, are**  
 5890 **amended to read:**

5891 489.1195 Responsibilities.—

5892 (1) A qualifying agent is a primary qualifying agent  
 5893 unless he or she is a secondary qualifying agent under this  
 5894 section.

5895 (b) Upon approval by the department ~~board~~, a business  
 5896 entity may designate a financially responsible officer for  
 5897 purposes of certification or registration. A financially  
 5898 responsible officer shall be responsible for all financial  
 5899 aspects of the business organization and may not be designated  
 5900 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

5926 business organization may terminate this status as such by  
5927 giving actual notice to the business organization, to the  
5928 department board, and to all secondary qualifying agents of his  
5929 or her intention to terminate this status. The notice to the  
5930 department board must include proof satisfactory to the  
5931 department board that he or she has given the notice required in  
5932 this paragraph.

5933 (b) The status of the qualifying agent shall cease upon  
5934 the designation of a new primary qualifying agent or 60 days  
5935 after satisfactory notice of termination has been provided to  
5936 the department board, whichever first occurs.

5937 **Section 190. Section 489.121, Florida Statutes, is amended**  
5938 **to read:**

5939 489.121 Emergency registration upon death of contractor.—  
5940 If an incomplete contract exists at the time of death of a  
5941 contractor, the contract may be completed by any person even  
5942 though not certified or registered. Such person shall notify the  
5943 department board, within 30 days after the death of the  
5944 contractor, of his or her name and address, knowledge of the  
5945 contract, and ability to complete it. If the department board  
5946 approves, he or she may proceed with the contract. For purposes  
5947 of this section, an incomplete contract is one which has been  
5948 awarded to, or entered into by, the contractor before his or her  
5949 death, or on which he or she was the low bidder and the contract  
5950 is subsequently awarded to him or her, regardless of whether any

5951 actual work has commenced under the contract before the  
 5952 contractor's death.

5953 **Section 191. Subsection (1) of section 489.126, Florida**  
 5954 **Statutes, is amended to read:**

5955 489.126 Moneys received by contractors.—

5956 (1) For purposes of this section, the term "contractor"  
 5957 includes all definitions as set forth in s. 489.105(2) ~~s.~~  
 5958 ~~489.105(3)~~, and any person performing or contracting or  
 5959 promising to perform work described therein, without regard to  
 5960 the licensure of the person.

5961 **Section 192. Subsection (6) of section 489.127, Florida**  
 5962 **Statutes, is amended to read:**

5963 489.127 Prohibitions; penalties.—

5964 (6) Local building departments may collect outstanding  
 5965 fines against registered or certified contractors issued by the  
 5966 department ~~Construction Industry Licensing Board~~ and may retain  
 5967 75 percent of the fines they are able to collect, provided that  
 5968 they transmit 25 percent of the fines they are able to collect  
 5969 to the department according to a procedure to be determined by  
 5970 the department.

5971 **Section 193. Section 489.129, Florida Statutes, is amended**  
 5972 **to read:**

5973 489.129 Disciplinary proceedings.—

5974 (1) The department ~~board~~ may take any of the following  
 5975 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

6226 offense.

6227 **Section 194. Paragraphs (c) and (f) of subsection (3),**  
 6228 **paragraphs (b) and (c) of subsection (6), paragraphs (c), (d),**  
 6229 **(e), and (f) of subsection (7), and subsections (10), (11), and**  
 6230 **(12) of section 489.131, Florida Statutes, are amended to read:**

6231 489.131 Applicability.—

6232 (3) Nothing in this part limits the power of a  
 6233 municipality or county:

6234 (c) To collect business taxes, subject to s. 205.065, and  
 6235 inspection fees for engaging in contracting or examination fees  
 6236 from persons who are registered with the department ~~board~~  
 6237 pursuant to local examination requirements and issue business  
 6238 tax receipts. However, nothing in this part shall be construed  
 6239 to require general contractors, building contractors, or  
 6240 residential contractors to obtain additional business tax  
 6241 receipts for specialty work when such specialty work is  
 6242 performed by employees of such contractors on projects for which  
 6243 they have substantially full responsibility and such contractors  
 6244 do not hold themselves out to the public as being specialty  
 6245 contractors.

6246 (f) To refuse to issue permits or issue permits with  
 6247 specific conditions to a contractor who has committed multiple  
 6248 violations, when he or she has been disciplined for each of them  
 6249 by the department ~~board~~ and when each disciplinary action has  
 6250 involved revocation or suspension of a license, imposition of an

6251 administrative fine of at least \$1,000, or probation; or to  
6252 issue permits with specific conditions to a contractor who,  
6253 within the previous 12 months, has had disciplinary action other  
6254 than a citation or letter of guidance taken against him or her  
6255 by the department or by a local board or agency which licenses  
6256 contractors and has reported the action pursuant to paragraph  
6257 (6) (c), for engaging in the business or acting in the capacity  
6258 of a contractor without a license. However, this subsection does  
6259 not supersede the provisions of s. 489.113(4), and no county or  
6260 municipality may require any certificateholder to obtain a local  
6261 professional license or pay a local professional license fee as  
6262 a condition of performing any services within the scope of the  
6263 certificateholder's statewide license as established under this  
6264 part.

6265 (6)

6266 (b) To engage in contracting in the territorial area, an  
6267 applicant shall also be registered with the department ~~board~~, as  
6268 required by s. 489.117.

6269 (c) Each local board or agency that licenses contractors  
6270 must transmit quarterly to the department ~~board~~ a report of any  
6271 disciplinary action taken against contractors and of any  
6272 administrative or disciplinary action taken against unlicensed  
6273 persons for engaging in the business or acting in the capacity  
6274 of a contractor including any cease and desist orders issued  
6275 pursuant to s. 489.113(2) (b) and any fine issued pursuant to s.

6276 489.127(5).

6277 (7)

6278 (c) In addition to any action the local jurisdiction

6279 enforcement body may take against the individual's local

6280 license, and any fine the local jurisdiction may impose, the

6281 local jurisdiction enforcement body shall issue a recommended

6282 penalty for department ~~board~~ action. This recommended penalty

6283 may include a recommendation for no further action, or a

6284 recommendation for suspension, restitution, revocation, or

6285 restriction of the registration, or a fine to be levied by the

6286 department ~~board~~, or a combination thereof. The recommended

6287 penalty must specify the violations of this chapter upon which

6288 the recommendation is based. The local jurisdiction enforcement

6289 body shall inform the disciplined contractor and the complainant

6290 of the local license penalty imposed, the department ~~board~~

6291 penalty recommended, his or her rights to appeal, and the

6292 consequences should he or she decide not to appeal. The local

6293 jurisdiction enforcement body shall, upon having reached

6294 adjudication or having accepted a plea of nolo contendere,

6295 immediately inform the department ~~board~~ of its action and the

6296 recommended department ~~board~~ penalty.

6297 (d) The ~~department,~~ the disciplined contractor, or the

6298 complainant may challenge the local jurisdiction enforcement

6299 body's recommended penalty for department ~~board~~ action to the

6300 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.

6351 (11) Any municipal or county government which enters or  
 6352 has in place a reciprocal agreement which accepts a certificate  
 6353 of competency or license issued by another municipal or county  
 6354 government in lieu of its own certificate of competency or  
 6355 license allowing contractors defined in s. 489.105(2)(a)-(o) ~~s.~~  
 6356 ~~489.105(3)(a)-(o)~~, shall file a certified copy of such agreement  
 6357 with the department ~~board~~ not later than 60 days after July 1,  
 6358 1993, or 30 days after the effective date of such agreement.

6359 (12) Unless specifically provided, ~~the provisions of this~~  
 6360 part does ~~shall not be construed to~~ create a civil cause of  
 6361 action.

6362 **Section 195. Subsection (5) of section 489.132, Florida**  
 6363 **Statutes, is amended to read:**

6364 489.132 Prohibited acts by unlicensed principals;  
 6365 investigation; hearing; penalties.—

6366 (5) The department may suspend, revoke, or deny issuance  
 6367 or renewal of a certificate or registration for any individual  
 6368 or business organization that associates a person as an officer,  
 6369 director, or partner, or in a managerial or supervisory  
 6370 capacity, after such person has been found under a final order  
 6371 to have violated this section or was an officer, director,  
 6372 partner, trustee, or manager of a business organization  
 6373 disciplined by the department ~~board~~ by revocation, suspension,  
 6374 or fine in excess of \$2,500, upon finding reasonable cause that  
 6375 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

6401 not be limited to:

6402 (a) Standards for operating as a pollutant storage systems  
6403 specialty contractor.

6404 (b) Requirements for certification as a pollutant storage  
6405 systems specialty contractor.

6406 (c) Requirements for certification without examination of  
6407 pollutant storage systems specialty contractors for any person  
6408 who has passed a local licensure examination, a licensure  
6409 examination in another state, or a licensure examination of a  
6410 national organization, which is at least as stringent as the  
6411 examination adopted by the department ~~board~~.

6412 **Section 197. Subsections (1) and (2) of section 489.1401,**  
6413 **Florida Statutes, are amended to read:**

6414 489.1401 Legislative intent.—

6415 (1) It is the intent of the Legislature that actions taken  
6416 by the department ~~Construction Industry Licensing Board~~ with  
6417 respect to contractor sanctions and pursuant to this chapter are  
6418 an exercise of the department's regulatory power for the  
6419 protection of public safety and welfare.

6420 (2) It is the intent of the Legislature that the sole  
6421 purpose of the Florida Homeowners' Construction Recovery Fund is  
6422 to compensate an aggrieved claimant who contracted for the  
6423 construction or improvement of the homeowner's residence located  
6424 within this state and who has obtained a final judgment in a  
6425 court of competent jurisdiction, was awarded restitution by the

6426 department ~~Construction Industry Licensing Board~~, or received an  
 6427 award in arbitration against a licensee on grounds of financial  
 6428 mismanagement or misconduct, abandoning a construction project,  
 6429 or making a false statement with respect to a project. Such  
 6430 grievance must arise directly out of a transaction conducted  
 6431 when the judgment debtor was licensed and must involve an act  
 6432 enumerated in s. 489.129(1)(g), (j), or (k).

6433 **Section 198. Paragraphs (c) through (l) of subsection (1)**  
 6434 **of section 489.1402, Florida Statutes, are redesignated as**  
 6435 **paragraphs (b) through (k), respectively, and paragraph (b) and**  
 6436 **present paragraph (d) of that subsection are amended, to read:**

6437 489.1402 Homeowners' Construction Recovery Fund;  
 6438 definitions.—

6439 (1) The following definitions apply to ss. 489.140-  
 6440 489.144:

6441 ~~(b) "Board" means the Construction Industry Licensing~~  
 6442 ~~Board.~~

6443 (c)-(d) "Contractor" means a Division I or Division II  
 6444 contractor performing his or her respective services described  
 6445 in s. 489.105(2) ~~s. 489.105(3)~~.

6446 **Section 199. Paragraphs (a), (e), (f), and (g) of**  
 6447 **subsection (1), paragraph (f) of subsection (2), and subsection**  
 6448 **(3) of section 489.141, Florida Statutes, are amended to read:**

6449 489.141 Conditions for recovery; eligibility.—

6450 (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~~.

6501 (2) A claimant is not qualified to make a claim for  
 6502 recovery from the recovery fund if:

6503 (f) The claimant had entered into a contract with a  
 6504 licensee to perform a scope of work described in s.  
 6505 489.105(2)(d)-(q) ~~s. 489.105(3)(d)-(q)~~ before July 1, 2016.

6506 (3) The department ~~board~~ may determine by rule  
 6507 documentation that is required to complete a claim.

6508 **Section 200. Section 489.142, Florida Statutes, is amended**  
 6509 **to read:**

6510 489.142 Department ~~Board~~ powers relating to recovery;  
 6511 conduct of hearings and service.-

6512 (1) With respect to actions for recovery from the recovery  
 6513 fund, the department ~~board~~ may intervene, enter an appearance,  
 6514 file an answer, defend the action, or take any action it deems  
 6515 appropriate and may take recourse through any appropriate method  
 6516 of review on behalf of the State of Florida. The department  
 6517 ~~board~~ may delegate to the department by rule the authority to  
 6518 close any case when a claimant is not qualified to make a claim  
 6519 for recovery from the recovery fund under s. 489.141(2); when  
 6520 after notice the claimant has failed to provide documentation in  
 6521 support of the claim as required by the department ~~board~~; or  
 6522 when the licensee has reached the aggregate limit.

6523 (2) Notwithstanding any other provision of law, the  
 6524 department ~~board~~ shall cause a notice of hearing to be served 14  
 6525 days in advance of the hearing on the claimant and on the

6526 licensee whose license is subject to suspension by s. 489.143.  
6527 Each notice shall inform the recipient of any administrative  
6528 hearing or judicial review that is available under s. 120.569,  
6529 s. 120.57, or s. 120.68; shall indicate the procedure that must  
6530 be followed to obtain the hearing or judicial review; and shall  
6531 state the time limits that apply. Service of the notice on the  
6532 licensee shall be made in accordance with s. 455.275. Service of  
6533 the notice on the claimant shall be by regular United States  
6534 mail at the address provided on the claim. The service of notice  
6535 in accordance with this section is complete upon expiration of  
6536 14 days after deposit in the United States mail. Proof of  
6537 service of a notice shall be made by entry in the records of the  
6538 department that the notice was given. The entry shall be  
6539 admissible in judicial and administrative proceedings of this  
6540 state and shall constitute sufficient proof that notice was  
6541 given.

6542 (3) Notwithstanding any other provision of law, department  
6543 ~~board~~ hearings on claims shall be conducted in accordance with  
6544 ss. 120.569 and 120.57(2). All claim hearings shall be conducted  
6545 at the department's ~~board's~~ regular meeting at the place, date,  
6546 and time published. Orders of the department ~~board~~ denying or  
6547 awarding funds to a claimant constitute final orders that may be  
6548 appealed in accordance with s. 120.68. Orders awarding or  
6549 denying claims shall be served in the same manner as notices of  
6550 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

6601 s. 489.141.

6602 (4) Upon receipt by a claimant under subsection (2) of  
 6603 payment from the recovery fund, the claimant shall assign his or  
 6604 her additional right, title, and interest in the judgment,  
 6605 award, or restitution order, to the extent of such payment, to  
 6606 the department ~~board~~, and thereupon the department ~~board~~ shall  
 6607 be subrogated to the right, title, and interest of the claimant;  
 6608 and any amount subsequently recovered on the judgment, award, or  
 6609 restitution order, to the extent of the right, title, and  
 6610 interest of the department ~~board~~ therein, shall be for the  
 6611 purpose of reimbursing the recovery fund.

6612 (6) For contracts entered into before July 1, 2004,  
 6613 payments for claims against any one licensee may not exceed, in  
 6614 the aggregate, \$100,000 annually, up to a total aggregate of  
 6615 \$250,000. For any claim approved by the department ~~board~~ which  
 6616 is in excess of the annual cap, the amount in excess of \$100,000  
 6617 up to the total aggregate cap of \$250,000 is eligible for  
 6618 payment in the next and succeeding fiscal years, but only after  
 6619 all claims for the then-current calendar year have been paid.  
 6620 Payments may not exceed the aggregate annual or per claimant  
 6621 limits under law. Beginning January 1, 2005, for each Division I  
 6622 contract entered into after July 1, 2004, payment from the  
 6623 recovery fund is subject only to a total aggregate cap of  
 6624 \$500,000 for each Division I licensee. Beginning January 1,  
 6625 2017, for each Division II contract entered into on or after

6626 July 1, 2016, payment from the recovery fund is subject only to  
 6627 a total aggregate cap of \$150,000 for each Division II licensee.  
 6628 Beginning January 1, 2025, for Division I and Division II  
 6629 contracts entered into on or after July 1, 2024, payment from  
 6630 the recovery fund is subject only to a total aggregate cap of \$2  
 6631 million for each Division I licensee and \$600,000 for each  
 6632 Division II licensee.

6633 **Section 203. Paragraph (a) of subsection (1) of section**  
 6634 **489.1455, Florida Statutes, is amended to read:**

6635 489.1455 Journeyman; reciprocity; standards.—

6636 (1) Counties and municipalities are authorized to issue  
 6637 journeyman licenses in the plumbing, pipe fitting, mechanical,  
 6638 or HVAC trades to an individual who:

6639 (a) Has scored at least 70 percent, or after October 1,  
 6640 1997, at least 75 percent, on a proctored journeyman Block and  
 6641 Associates examination or other proctored examination approved  
 6642 by the department ~~board~~ for the trade in which he or she is  
 6643 licensed;

6644 **Section 204. Section 489.146, Florida Statutes, is amended**  
 6645 **to read:**

6646 489.146 Privatization of services.—Notwithstanding any  
 6647 other provision of this part relating to the review of licensure  
 6648 applications, issuance of licenses and renewals, collection of  
 6649 revenues, fees, and fines, service of documents, publications,  
 6650 and printing, and other ministerial functions of the department

6651 relating to the regulation of contractors, the department shall  
6652 make all reasonable efforts to contract with one or more private  
6653 entities for provision of such services, when such services can  
6654 be provided in a more efficient manner by private entities. The  
6655 department or the department ~~board~~ shall retain final authority  
6656 for licensure decisions and rulemaking, including all appeals or  
6657 other legal action resulting from such licensure decisions or  
6658 rulemaking.

6659 **Section 205. Subsections (4) through (29) of section**  
6660 **489.505, Florida Statutes, are renumbered as subsections (3)**  
6661 **through (28), respectively, and subsection (3) and present**  
6662 **subsections (14), (15), (19), and (23) of that section are**  
6663 **amended to read:**

6664 489.505 Definitions.—As used in this part:

6665 ~~(3) "Board," except "local board," means the Electrical~~  
6666 ~~Contractors' Licensing Board created by this part.~~

6667 (13) ~~(14)~~ "Primary qualifying agent" means a person who  
6668 possesses the requisite skill, knowledge, and experience, and  
6669 has the responsibility, to supervise, direct, manage, and  
6670 control the electrical or alarm system contracting activities of  
6671 the business organization with which he or she is connected; and  
6672 whose technical and personal qualifications have been determined  
6673 by investigation and examination as provided in this part by the  
6674 department, as attested to by the department ~~board~~; and who has  
6675 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~~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~~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~~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

6726 department board shall establish fees that are adequate to  
6727 ensure the continued operation of the department board. Fees  
6728 shall be based on department estimates of the revenue required  
6729 to implement this part and the provisions of law with respect to  
6730 the regulation of electrical contractors and alarm system  
6731 contractors.

6732 **Section 207. Section 489.510, Florida Statutes, is amended**  
6733 **to read:**

6734 489.510 Evidence of workers' compensation coverage.—Except  
6735 as provided in s. 489.515(3)(b), any person, business  
6736 organization, or qualifying agent engaged in the business of  
6737 contracting in this state and certified or registered under this  
6738 part shall, as a condition precedent to the issuance or renewal  
6739 of a certificate or registration of the contractor, provide to  
6740 the department ~~Electrical Contractors' Licensing Board~~, as  
6741 provided by department board rule, evidence of workers'  
6742 compensation coverage pursuant to chapter 440. In the event that  
6743 the Division of Workers' Compensation of the Department of  
6744 Financial Services receives notice of the cancellation of a  
6745 policy of workers' compensation insurance insuring a person or  
6746 entity governed by this section, the Division of Workers'  
6747 Compensation shall certify and identify all persons or entities  
6748 by certification or registration license number to the  
6749 department after verification is made by the Division of  
6750 Workers' Compensation that persons or entities governed by this

6751 section are no longer covered by workers' compensation  
 6752 insurance. Such certification and verification by the Division  
 6753 of Workers' Compensation may result from records furnished to  
 6754 the Division of Workers' Compensation by the persons or entities  
 6755 governed by this section or an investigation completed by the  
 6756 Division of Workers' Compensation. The department shall notify  
 6757 the persons or entities governed by this section who have been  
 6758 determined to be in noncompliance with chapter 440, and the  
 6759 persons or entities notified shall provide certification of  
 6760 compliance with chapter 440 to the department and pay an  
 6761 administrative fine in the amount of \$500. The failure to  
 6762 maintain workers' compensation coverage as required by law shall  
 6763 be grounds for the department ~~board~~ to revoke, suspend, or deny  
 6764 the issuance or renewal of a certificate or registration of the  
 6765 contractor under the provisions of s. 489.533.

6766 **Section 208. Paragraph (b) of subsection (1) and**  
 6767 **subsections (2) through (5) of section 489.511, Florida**  
 6768 **Statutes, are amended to read:**

6769 489.511 Certification; application; examinations;  
 6770 endorsement.—

6771 (1)

6772 (b) Any person desiring to be certified as a contractor  
 6773 shall apply to the department in writing and must meet the  
 6774 following criteria:

6775 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

6826 record of the evidence upon which the determination was based,  
 6827 and a notice of the rights of the individual to a rehearing and  
 6828 appeal.

6829 (4) The department ~~board~~ shall, by rule, designate those  
 6830 types of specialty electrical or alarm system contractors who  
 6831 may be certified under this part. The limit of the scope of work  
 6832 and responsibility of a certified specialty contractor shall be  
 6833 established by department ~~board~~ rule. A certified specialty  
 6834 contractor category exists as an optional statewide licensing  
 6835 category. Qualification for certification in a specialty  
 6836 category created by rule shall be the same as set forth in  
 6837 paragraph (1)(b). The existence of a specialty category created  
 6838 by rule does not itself create any licensing requirement;  
 6839 however, neither does its optional nature remove any licensure  
 6840 requirement established elsewhere in this part.

6841 (5) The department ~~board~~ shall certify as qualified for  
 6842 certification by endorsement any individual applying for  
 6843 certification who:

6844 (a) Meets the requirements for certification as set forth  
 6845 in this section; has passed a national, regional, state, or  
 6846 United States territorial licensing examination that is  
 6847 substantially equivalent to the examination required by this  
 6848 part; and has satisfied the requirements set forth in s.  
 6849 489.521;

6850 (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

6926 disciplinary information as it is provided to the department  
 6927 ~~board~~ and shall make the information available through the  
 6928 automated information system provided pursuant to s. 455.2286.

6929 **Section 210. Section 489.514, Florida Statutes, is amended**  
 6930 **to read:**

6931 489.514 Certification for registered contractors;  
 6932 grandfathering provisions.—

6933 (1) The department ~~board~~ shall, upon receipt of a  
 6934 completed application, appropriate fee, and proof of compliance  
 6935 with the provisions of this section, issue:

6936 (a) To an applying registered electrical contractor, a  
 6937 certificate as an electrical contractor, ~~as defined in s.~~  
 6938 ~~489.505(12);~~

6939 (b) To an applying registered alarm system contractor, a  
 6940 certificate in the matching alarm system contractor category, ~~as~~  
 6941 ~~defined in s. 489.505(2)(a) or (b);~~ or

6942 (c) To an applying registered electrical specialty  
 6943 contractor, a certificate in the matching electrical specialty  
 6944 contractor category, ~~as defined in s. 489.505(19).~~

6945 (2) Any contractor registered under this part who makes  
 6946 application under this section to the department ~~board~~ shall  
 6947 meet each of the following requirements for certification:

6948 (a) Currently holds a valid registered local license in  
 6949 the category of electrical contractor, alarm system contractor,  
 6950 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, Experior 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,

7026 or other authorized person determines that the contractor has  
 7027 failed to obtain both workers' compensation insurance or an  
 7028 acceptable exemption certificate issued by the department and  
 7029 public liability and property damage insurance in the amounts  
 7030 determined by rule of the department ~~board~~.

7031 **Section 213. Section 489.5161, Florida Statutes, is**  
 7032 **amended to read:**

7033 489.5161 Credit for relevant military training and  
 7034 education.—

7035 (1) The department shall provide a method by which  
 7036 honorably discharged veterans may apply for licensure. The  
 7037 method must include a veteran-specific application and provide,  
 7038 to the fullest extent possible, credit toward the requirements  
 7039 for licensure for military experience, training, and education  
 7040 received and completed during service in the United States Armed  
 7041 Forces if the military experience, training, or education is  
 7042 substantially similar to the experience, training, or education  
 7043 required for licensure. The department ~~board~~ may adopt rules  
 7044 ~~pursuant to ss. 120.536(1) and 120.54~~ to implement this  
 7045 subsection.

7046 (2) Notwithstanding any other provision of law, beginning  
 7047 October 1, 2017, and annually thereafter, the department, ~~in~~  
 7048 ~~conjunction with the board,~~ is directed to prepare and submit a  
 7049 report titled "Construction and Electrical Contracting Veteran  
 7050 Applicant Statistics" to the Governor, the President of the

7051 Senate, and the Speaker of the House of Representatives. The  
 7052 report shall include statistics and information relating to this  
 7053 section and s. 489.1131 which detail:

7054 (a) The number of applicants who identified themselves as  
 7055 veterans.

7056 (b) The number of veterans whose application for a license  
 7057 was approved.

7058 (c) The number of veterans whose application for a license  
 7059 was denied, including data on the reasons for denial.

7060 (d) Data on the application processing times for veterans.

7061 (e) Recommendations on ways to improve the department's  
 7062 ability to meet the needs of veterans which would effectively  
 7063 address the challenges that veterans face when separating from  
 7064 military service and seeking a license regulated by the  
 7065 department pursuant to this part.

7066 **Section 214. Subsections (4), (5), and (6) of section**  
 7067 **489.517, Florida Statutes, are renumbered as subsections (3),**  
 7068 **(4), and (5), respectively, and present subsections (3), (5),**  
 7069 **and (6) of that section are amended to read:**

7070 489.517 Renewal of certificate or registration; ~~continuing~~  
 7071 ~~education.~~

7072 ~~(3)(a) Each certificateholder or registrant licensed as a~~  
 7073 ~~specialty contractor or an alarm system contractor shall provide~~  
 7074 ~~proof, in a form established by rule of the board, that the~~  
 7075 ~~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

7201 contractor or licensed fire alarm contractor; and shall be  
7202 signed by both the contractor and the holder of the card. Each  
7203 identification card shall be valid for a period of 4 ~~2~~ years  
7204 after the date of issuance. The identification card must be in  
7205 the possession of the fire alarm system agent while engaged in  
7206 fire alarm system agent duties.

7207 ~~(d) Each identification card must be renewed every 2 years~~  
7208 ~~and in a board-approved format to show compliance with the 6~~  
7209 ~~hours of continuing education necessary to maintain~~  
7210 ~~certification as a fire alarm system agent.~~

7211 ~~(5) (a) Except as provided in paragraph (b), each fire~~  
7212 ~~alarm system agent must receive 6 hours of continuing education~~  
7213 ~~on fire alarm system installation and repair and false alarm~~  
7214 ~~prevention every 2 years from a board-approved sponsor of~~  
7215 ~~training and through a board-approved training course.~~

7216 ~~(b) A person holding a current NICET Level II~~  
7217 ~~certification or higher in Fire Alarm Systems or Inspection and~~  
7218 ~~Testing of Fire Alarm Systems, certification as an ESA Certified~~  
7219 ~~Fire Alarm Technician, or certification as an ESA Certified Fire~~  
7220 ~~Alarm Designer is required to complete only 2 hours of~~  
7221 ~~continuing education training in the prevention of false alarms~~  
7222 ~~every 2 years from a board-approved sponsor of training and~~  
7223 ~~through a board-approved training course.~~

7224 **Section 217. Subsection (4) of section 489.519, Florida**  
7225 **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

7276 the name of the qualifying agent, and the name of the business  
7277 organization shall be noted thereon. If there is a change in any  
7278 information that is required to be stated on the application,  
7279 the business organization shall, within 45 days after such  
7280 change occurs, mail the correct information to the department.

7281 2. Any person certified or registered pursuant to this  
7282 part who has had his or her license revoked may ~~shall~~ not be  
7283 eligible for a 5-year period to be a partner, officer, director,  
7284 or trustee of a business organization as defined by this  
7285 section. Such person shall also be ineligible to reapply for  
7286 certification or registration under this part for a period of 5  
7287 years.

7288 (b) The applicant shall also show that the proposed  
7289 qualifying agent is legally qualified to act for the business  
7290 organization in all matters connected with its electrical or  
7291 alarm system contracting business and concerning regulations by  
7292 the department ~~board~~ and that he or she has authority to  
7293 supervise electrical or alarm system contracting undertaken by  
7294 the business organization.

7295 (3) (a) The applicant shall furnish evidence of financial  
7296 responsibility, credit, and business reputation of the business  
7297 organization, as well as the name of the qualifying agent. The  
7298 department ~~board~~ shall adopt rules defining financial  
7299 responsibility based upon the business organization's credit  
7300 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

7376 organization shall be conditioned upon the licensee showing that  
7377 the licensee has both the capacity and intent to adequately  
7378 supervise each business organization in accordance with s.  
7379 489.522(1). The department may ~~board shall~~ not limit the number  
7380 of business organizations which the licensee may qualify except  
7381 upon the licensee's failing to provide such information as is  
7382 required under this subsection or upon a finding that such  
7383 information or evidence as is supplied is incomplete or  
7384 unpersuasive in showing the licensee's capacity and intent to  
7385 comply with the requirements of this subsection. A qualification  
7386 for an additional business organization may be revoked or  
7387 suspended upon a finding by the department ~~board~~ that the  
7388 licensee has failed in the licensee's responsibility to  
7389 adequately supervise the operations of that business  
7390 organization in accordance with s. 489.522(1). Failure of the  
7391 responsibility to adequately supervise the operations of a  
7392 business organization in accordance with s. 489.522(1) shall be  
7393 grounds for denial to qualify additional business organizations.

7394 (9) If a business organization or any of its partners,  
7395 officers, directors, trustees, or members is disciplined for  
7396 violating s. 489.533(1), the department ~~board~~ may, on that basis  
7397 alone, deny issuance of a certificate or registration to a  
7398 qualifying agent on behalf of that business organization.

7399 (10)

7400 (b) Any business organization engaging in contracting

7401 under this subsection shall provide the department board with  
7402 the name and license number of each registered or certified  
7403 contractor employed by the business organization to supervise  
7404 its contracting activities. The business organization is not  
7405 required to post a bond or otherwise evidence any financial or  
7406 credit information except as necessary to demonstrate compliance  
7407 with paragraph (a).

7408 **Section 220. Subsection (2) and paragraph (a) of**  
7409 **subsection (3) of section 489.522, Florida Statutes, are amended**  
7410 **to read:**

7411 489.522 Qualifying agents; responsibilities.—

7412 (2) One of the qualifying agents for a business  
7413 organization that has more than one qualifying agent may be  
7414 designated as the sole primary qualifying agent for the business  
7415 organization by a joint agreement that is executed, on a form  
7416 provided by the department board, by all qualifying agents for  
7417 the business organization. The joint agreement shall be  
7418 submitted to the department board for approval. If the  
7419 department board determines that the joint agreement is in good  
7420 order, it shall approve the designation and immediately notify  
7421 the qualifying agents of such approval. The designation made by  
7422 the joint agreement is effective upon receipt of the notice by  
7423 the qualifying agents. The qualifying agent designated for a  
7424 business organization by a joint agreement is the sole primary  
7425 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

7451 department board shall include proof satisfactory to the  
7452 department board that he or she has given the notice required in  
7453 this paragraph. The status of the qualifying agent shall cease  
7454 upon the designation of a new primary qualifying agent or 60  
7455 days after satisfactory notice of termination has been provided  
7456 to the department board, whichever first occurs. If no new  
7457 primary qualifying agent has been designated within 60 days, all  
7458 secondary qualifying agents for the business organization shall  
7459 become primary qualifying agents, unless the joint agreement  
7460 specifies that one or more of them shall become sole qualifying  
7461 agents under such circumstances, in which case only they shall  
7462 become sole qualifying agents.

7463 **Section 221. Section 489.523, Florida Statutes, is amended**  
7464 **to read:**

7465 489.523 Emergency registration upon death of contractor.—  
7466 If an incomplete contract exists at the time of death of a  
7467 contractor, the contract may be completed by any person even  
7468 though not certified. The person shall notify the department  
7469 ~~appropriate board~~, within 30 days after the death of the  
7470 contractor, of his or her name and address, knowledge of the  
7471 contract, and ability to complete it. If the department board  
7472 approves, he or she may proceed with the contract. The  
7473 department board shall then issue an emergency registration  
7474 which shall expire upon the completion of the contract. For  
7475 purposes of this section, and upon written approval of the

7476 department board, an incomplete contract may be one which has  
7477 been awarded to, or entered into by, the contractor before his  
7478 or her death, or on which he or she was the low bidder and the  
7479 contract is subsequently awarded to him or her, regardless of  
7480 whether any actual work has commenced under the contract before  
7481 the contractor's death.

7482 **Section 222. Section 489.525, Florida Statutes, is amended**  
7483 **to read:**

7484 489.525 Report to local building officials.—The department  
7485 may report to all building officials the contents of this part  
7486 and the contents of the rules of the department board. Any  
7487 information that is available through the Internet or other  
7488 electronic means may be excluded from the report.

7489 **Section 223. Subsections (2) through (6) and paragraphs**  
7490 **(b) and (e) of subsection (7) of section 489.533, Florida**  
7491 **Statutes, are amended to read:**

7492 489.533 Disciplinary proceedings.—

7493 (2) When the department board finds any applicant,  
7494 contractor, or business organization for which the contractor is  
7495 a primary qualifying agent or secondary qualifying agent  
7496 responsible under s. 489.522 guilty of any of the grounds set  
7497 forth in subsection (1), it may enter an order imposing one or  
7498 more of the following penalties:

7499 (a) Denial of an application for certification or  
7500 registration.

7501 (b) Revocation or suspension of a certificate or  
 7502 registration.

7503 (c) Imposition of an administrative fine not to exceed  
 7504 \$10,000 for each count or separate offense.

7505 (d) Issuance of a reprimand.

7506 (e) Placement of the contractor on probation for a period  
 7507 of time and subject to such conditions as the department ~~board~~  
 7508 may specify, including requiring the contractor to attend  
 7509 continuing education courses or to work under the supervision of  
 7510 another contractor.

7511 (f) Restriction of the authorized scope of practice by the  
 7512 contractor.

7513 (g) Require financial restitution to a consumer.

7514 (3) In recommending penalties in any proposed recommended  
 7515 final order, the department shall follow the penalty guidelines  
 7516 established by the department ~~board~~ by rule. The department  
 7517 shall advise the administrative law judge of the appropriate  
 7518 penalty, including mitigating and aggravating circumstances, and  
 7519 the specific rule citation.

7520 (4) The department ~~board~~ may not reinstate the certificate  
 7521 or registration of, or cause a certificate or registration to be  
 7522 issued to, a person who the department ~~board~~ has determined  
 7523 unqualified until it is satisfied that such person has complied  
 7524 with all the terms and conditions set forth in the final order  
 7525 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

7551 the mediation process. The department may initiate or continue  
 7552 disciplinary action, pursuant to chapter 455 and this chapter  
 7553 against the licensee as determined by rule.

7554 **Section 224. Paragraph (a) of subsection (1) of section**  
 7555 **489.5335, Florida Statutes, is amended to read:**

7556 489.5335 Journeyman; reciprocity; standards.—

7557 (1) Counties and municipalities are authorized to issue  
 7558 journeyman licenses in the electrical and alarm system trades to  
 7559 an individual who:

7560 (a) Has scored at least 70 percent, or after October 1,  
 7561 1997, at least 75 percent, on a proctored journeyman Block and  
 7562 Associates examination or other proctored examination approved  
 7563 by the department ~~board~~ for the trade in which he or she is  
 7564 licensed;

7565 **Section 225. Paragraph (e) of subsection (3) and**  
 7566 **paragraphs (b) and (c) of subsection (5) of section 489.537,**  
 7567 **Florida Statutes, are amended to read:**

7568 489.537 Application of this part.—

7569 (3) Nothing in this act limits the power of a municipality  
 7570 or county:

7571 (e)1. To refuse to issue permits or issue permits with  
 7572 specific conditions to a contractor who has committed multiple  
 7573 violations, when he or she has been disciplined for each of them  
 7574 by the department ~~board~~ and when each disciplinary action has  
 7575 involved revocation or suspension of a license, imposition of an

7576 administrative fine of at least \$1,000, or probation.

7577         2. To issue permits with specific conditions to a  
 7578 contractor who, within the previous 12 months, has had final  
 7579 action taken against him or her, by the department or by a local  
 7580 board or agency which licenses contractors and has reported the  
 7581 action pursuant to paragraph (5)(c), for engaging in the  
 7582 business or acting in the capacity of a contractor without a  
 7583 license.

7584         (5)

7585         (b) To engage in contracting in the territorial area, an  
 7586 applicant shall also be registered with the department ~~board~~.

7587         (c) Each local board or agency which licenses contractors  
 7588 shall transmit monthly to the department ~~board~~ a report of any  
 7589 disciplinary action taken against contractors and any  
 7590 administrative or disciplinary action taken against unlicensed  
 7591 persons for engaging in the business or acting in the capacity  
 7592 of a contractor, including any cease and desist order issued  
 7593 pursuant to s. 489.516(2)(b).

7594         **Section 226. Section 489.552, Florida Statutes, is amended**  
 7595 **to read:**

7596         489.552 Registration required.—A person may ~~shall~~ not hold  
 7597 himself or herself out as a septic tank contractor or a master  
 7598 septic tank contractor in this state unless he or she is  
 7599 registered by the department in accordance with the provisions  
 7600 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.

7626 The examination fee shall be refundable in whole or part if the  
 7627 applicant is found to be ineligible to take any portion of the  
 7628 licensure examination.

7629 (3) The initial license fee may ~~shall~~ not exceed \$100.

7630 (4) The ~~biennial~~ renewal fee may ~~shall~~ not exceed \$150.

7631 (5) The fee for reactivation of an inactive license may  
 7632 not exceed \$50.

7633 (6) The fee for a provisional license may not exceed \$400.

7634 (7) The fee for application, examination, and licensure  
 7635 for a license by endorsement is as provided in this section for  
 7636 licenses in general.

7637 **Section 229. Subsection (1), paragraph (b) of subsection**  
 7638 **(2), and subsection (3) of section 492.105, Florida Statutes,**  
 7639 **are amended to read:**

7640 492.105 Licensure by examination; requirements; fees.—

7641 (1) Any person desiring to be licensed as a professional  
 7642 geologist shall apply to the department to take the licensure  
 7643 examination. The written licensure examination shall be designed  
 7644 to test an applicant's qualifications to practice professional  
 7645 geology, and shall include such subjects as will tend to  
 7646 ascertain the applicant's knowledge of the fundamentals, theory,  
 7647 and practice of professional geology and may include such  
 7648 subjects as are taught in curricula of accredited colleges and  
 7649 universities. The written licensure examination may be a  
 7650 multipart examination. The department shall examine each

7651 applicant who the department ~~board~~ certifies:

7652 (a) Has completed the application form and remitted a  
 7653 nonrefundable application fee and an examination fee which is  
 7654 refundable if the applicant is found to be ineligible to take  
 7655 the examination.

7656 (b) Is at least 18 years of age.

7657 (c) Has not committed any act or offense in any  
 7658 jurisdiction which would constitute the basis for disciplining a  
 7659 professional geologist licensed pursuant to this chapter.

7660 (d) Has fulfilled the following educational requirements  
 7661 at a college or university, the geological curricula of which  
 7662 meet the criteria established by an accrediting agency  
 7663 recognized by the United States Department of Education:

7664 1. Graduation from such college or university with a major  
 7665 in geology or other related science acceptable to the department  
 7666 ~~board~~; and

7667 2. Satisfactory completion of at least 30 semester hours  
 7668 or 45 quarter hours of geological coursework.

7669 (e) Has at least 5 years of verified professional  
 7670 geological work experience, which includes a minimum of 3 years  
 7671 of professional geological work under the supervision of a  
 7672 licensed or qualified geologist or professional engineer  
 7673 registered under chapter 471 as qualified in the field or  
 7674 discipline of professional engineering work performed; or has a  
 7675 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

7701 jurisdiction which constitutes grounds for disciplining a  
 7702 professional geologist licensed under this chapter; and  
 7703 (c) Has successfully completed at least 30 semester hours  
 7704 or 45 quarter hours of geological coursework at a college or  
 7705 university, the geological curricula of which meet the criteria  
 7706 established by an accrediting agency recognized by the United  
 7707 States Department of Education and, if still enrolled, has  
 7708 provided a letter of good academic standing from the college or  
 7709 university.

7710 (2) The department shall register as a geologist-in-  
 7711 training each applicant who the department ~~board~~ certifies has  
 7712 passed the fundamentals of geology portion of the licensure  
 7713 examination.

7714 **Section 231. Section 492.106, Florida Statutes, is amended**  
 7715 **to read:**

7716 492.106 Provisional licenses.—The department may provide a  
 7717 provisional license to any person who is not a resident of and  
 7718 has not established a place of business in this state, and who  
 7719 is duly licensed in another state, territory, or possession of  
 7720 the United States, or in the District of Columbia, and who has  
 7721 qualifications which the department ~~board~~, upon advice of a  
 7722 committee of the department ~~board~~, deems comparable to those  
 7723 required of professional geologists in this state, upon written  
 7724 application accompanied by the proper application fee, offered  
 7725 before ~~prior to~~ the practice of professional geology in this

7726 state, under the following restrictions:

7727 (1) Satisfactory proof of licensure as required above  
 7728 shall include the name, residence address, business address, and  
 7729 certification of the license of the applicant from the issuing  
 7730 state, together with the name and address of the authority  
 7731 issuing such license.

7732 (2) The practice of professional geology under a  
 7733 provisional license may ~~shall~~ not exceed 1 year.

7734 (3) The practice of professional geology under a  
 7735 provisional license shall be confined to one specified project.  
 7736 Such license may not be renewed or reissued for 5 years from the  
 7737 date of original issuance.

7738 (4) A written statement shall be furnished to the  
 7739 department within 60 days of completion of the work, indicating  
 7740 the time engaged and the nature of the work. A person holding a  
 7741 provisional license shall exhibit such provisional license each  
 7742 time and on each occasion that an indication of licensure is  
 7743 required.

7744 **Section 232. Subsection (1) of section 492.107, Florida**  
 7745 **Statutes, is amended to read:**

7746 492.107 Seals.—

7747 (1) The department ~~board~~ shall prescribe, by rule, a form  
 7748 of seal, including its electronic form, to be used by persons  
 7749 holding valid licenses. All geological papers, reports, and  
 7750 documents prepared or issued by the licensee shall be signed,

7751 | dated, and sealed by the licensee who performed or is  
 7752 | responsible for the supervision, direction, or control of the  
 7753 | work contained in the papers, reports, or documents. Such  
 7754 | signature, date, and seal shall be evidence of the authenticity  
 7755 | of that to which they are affixed. Geological papers, reports,  
 7756 | and documents prepared or issued by the licensee may be  
 7757 | transmitted electronically provided they have been signed by the  
 7758 | licensee, dated, and electronically sealed. It is unlawful for  
 7759 | any person to sign or seal any document as a professional  
 7760 | geologist unless that person holds a current, active license as  
 7761 | a professional geologist which has not expired or been revoked  
 7762 | or suspended, unless reinstated or reissued.

7763 |       **Section 233. Subsection (1) of section 492.108, Florida**  
 7764 | **Statutes, is amended to read:**

7765 |       492.108 Licensure by endorsement; requirements; fees.—

7766 |       (1) The department shall issue a license by endorsement to  
 7767 | any applicant who, upon applying to the department and remitting  
 7768 | an application fee, has been certified by the department ~~board~~  
 7769 | that he or she:

7770 |       (a) Has met the qualifications for licensure in s.

7771 | 492.105(1)(b)-(e) and:

7772 |       1. Is the holder of an active license in good standing in  
 7773 | a state, trust, territory, or possession of the United States.

7774 |       2. Was licensed through written examination in at least  
 7775 | one state, trust, territory, or possession of the United States,

7776 | the examination requirements of which have been approved by the  
7777 | department board as substantially equivalent to or more  
7778 | stringent than those of this state, and has received a score on  
7779 | such examination which is equal to or greater than the score  
7780 | required by this state for licensure by examination.

7781 |         3. Has taken and successfully passed the laws and rules  
7782 | portion of the examination required for licensure as a  
7783 | professional geologist in this state.

7784 |         (b) Has held a valid license to practice geology in  
7785 | another state, trust, territory, or possession of the United  
7786 | States for at least 10 years before the date of application and  
7787 | has successfully completed a state, regional, national, or other  
7788 | examination that is equivalent to or more stringent than the  
7789 | examination required by the department. If such applicant has  
7790 | met the requirements for a license by endorsement except  
7791 | successful completion of an examination that is equivalent to or  
7792 | more stringent than the examination required by the department  
7793 | ~~board~~, such applicant may take the examination required by the  
7794 | department board. Such application must be submitted to the  
7795 | department board while the applicant holds a valid license in  
7796 | another state or territory or within 2 years after the  
7797 | expiration of such license.

7798 |         **Section 234. Subsection (2) of section 492.109, Florida**  
7799 | **Statutes, is amended to read:**

7800 |             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

7826 such firm or corporation, or any partner or employee of such  
 7827 partnership, who holds a current, active license as a  
 7828 professional geologist in this state, or any other Florida-  
 7829 licensed professional geologist with whom the firm, corporation,  
 7830 or partnership has entered into a long-term, ongoing  
 7831 relationship, as defined by rule of the department ~~board~~, to  
 7832 serve as one of its geologists of record. The geologist of  
 7833 record shall notify the department of any changes in the  
 7834 relationship or identity of that geologist of record within 30  
 7835 days after such change.

7836 **Section 237. Paragraph (k) of subsection (1) and**  
 7837 **subsections (2), (3), and (4) of section 492.113, Florida**  
 7838 **Statutes, are amended to read:**

7839 492.113 Disciplinary proceedings.—

7840 (1) The following acts constitute grounds for which the  
 7841 disciplinary actions in subsection (3) may be taken:

7842 (k) Violating a rule of the department ~~or board~~ or any  
 7843 order of the department ~~or board~~ previously entered in a  
 7844 disciplinary hearing.

7845 (2) The department ~~board~~ shall specify, by rule, what acts  
 7846 or omissions constitute a violation of subsection (1).

7847 (3) When the department ~~board~~ finds any person guilty of  
 7848 any of the grounds set forth in subsection (1), it may enter an  
 7849 order imposing one or more of the following penalties:

7850 (a) Denial of an application for licensure.

7851 (b) Revocation or suspension of a license.

7852 (c) Imposition of an administrative fine not to exceed

7853 \$1,000 for each count or separate offense.

7854 (d) Issuance of a reprimand.

7855 (e) Placement of the licensee on probation for a period of

7856 time and subject to such conditions as the department ~~board~~ may

7857 specify.

7858 (f) Restriction of the authorized scope of practice by the

7859 licensee.

7860 (4) The department shall reissue the license of a

7861 disciplined professional geologist upon certification by the

7862 department ~~board~~ that the disciplined person has complied with

7863 the terms and conditions set forth in the final order.

7864 **Section 238. Subsections (11) and (12) of section**

7865 **493.6101, Florida Statutes, are amended to read:**

7866 493.6101 Definitions.—

7867 (11) "Sponsor" means any Class "C," Class "MA," or Class

7868 "M" licensee who supervises and maintains under his or her

7869 direction and control a Class "CC" provisional licensee ~~intern,~~

7870 ~~or any Class "E" or Class "MR" licensee who supervises and~~

7871 ~~maintains under his or her direction and control a Class "EE"~~

7872 ~~intern.~~

7873 (12) "Provisional licensee" ~~"Intern"~~ means an individual

7874 who studies as a trainee or apprentice under the direction and

7875 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~~

7901 physical location of the business, as it appears on the license,  
7902 the department must be notified within 10 days after the change,  
7903 and, except upon renewal, the fee prescribed in s. 493.6107 must  
7904 be submitted for each license requiring revision. Each license  
7905 requiring revision must be returned with such notification.

7906 ~~(b) The Class "A," Class "B," or Class "R" license and any~~  
7907 ~~branch office or school license shall at all times be posted in~~  
7908 ~~a conspicuous place at the licensed physical location in this~~  
7909 ~~state where the business is conducted.~~

7910 ~~(c) Each Class "A," Class "B," Class "R," branch office,~~  
7911 ~~or school licensee shall display, in a place that is in clear~~  
7912 ~~and unobstructed public view, a notice on a form prescribed by~~  
7913 ~~the department stating that the business operating at this~~  
7914 ~~location is licensed and regulated by the Department of~~  
7915 ~~Agriculture and Consumer Services and that any questions or~~  
7916 ~~complaints should be directed to the department.~~

7917 ~~(d) A minimum of one properly licensed manager shall be~~  
7918 ~~designated for each agency and branch office location.~~

7919 **Section 241. Subsections (4), (5), and (6) of section**  
7920 **493.6111, Florida Statutes, are renumbered as subsections (3),**  
7921 **(4), and (5), respectively, and subsection (2) and present**  
7922 **subsection (3) of that section are amended to read:**

7923 493.6111 License; contents; identification card.—

7924 (2) Licenses shall be valid for a period of 4 2 years,  
7925 ~~except for Class "A," Class "B," Class "AB," Class "K," Class~~

7926 ~~"R," and branch agency licenses, which shall be valid for a~~  
 7927 ~~period of 3 years.~~

7928 ~~(3) The department shall, upon complete application and~~  
 7929 ~~payment of the appropriate fees, issue a separate license to~~  
 7930 ~~each branch office for which application is made.~~

7931 **Section 242. Subsection (1) and paragraph (b) of**  
 7932 **subsection (3) of section 493.6113, Florida Statutes, are**  
 7933 **amended to read:**

7934 493.6113 Renewal application for licensure.—

7935 (1) A license granted under the provisions of this chapter  
 7936 shall be renewed every 4 years ~~biennially~~ by the department,  
 7937 ~~except for Class "A," Class "B," Class "AB," Class "K," Class~~  
 7938 ~~"R," and branch agency licenses, which shall be renewed every 3~~  
 7939 ~~years.~~

7940 (3) Each licensee is responsible for renewing his or her  
 7941 license on or before its expiration by filing with the  
 7942 department an application for renewal accompanied by payment of  
 7943 the renewal fee and the fingerprint retention fee to cover the  
 7944 cost of ongoing retention in the statewide automated biometric  
 7945 identification system established in s. 943.05(2)(b). Upon the  
 7946 first renewal of a license issued under this chapter before  
 7947 January 1, 2017, the licensee shall submit a full set of  
 7948 fingerprints and fingerprint processing fees to cover the cost  
 7949 of entering the fingerprints into the statewide automated  
 7950 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

8001 requirements of the federal Law Enforcement Officers Safety Act  
8002 under 18 U.S.C. ss. 926B-926C.

8003 **Section 243. Section 493.6116, Florida Statutes, is**  
8004 **amended to read:**

8005 493.6116 Sponsorship of provisional licensees ~~interns~~.—

8006 (1) Only licensees may sponsor provisional licensees  
8007 ~~interns~~. A Class "C," Class "M," or Class "MA" licensee may  
8008 sponsor a Class "CC" provisional licensees ~~private investigator~~  
8009 ~~intern; a Class "E" or Class "MR" licensee may sponsor a Class~~  
8010 ~~"EE" recovery agent intern.~~

8011 (2) Provisional licensure ~~An internship~~ may not commence  
8012 until the sponsor has submitted to the department the notice of  
8013 intent to sponsor. Such notice shall be on a form provided by  
8014 the department.

8015 (3) Provisional licensure ~~Internship~~ is intended to serve  
8016 as a learning process. Sponsors shall assume a training status  
8017 by providing direction and control of provisional licensees  
8018 ~~interns~~. Sponsors shall not allow provisional licensees ~~interns~~  
8019 to operate independently of such direction and control or  
8020 require provisional licensees ~~interns~~ to perform activities that  
8021 do not enhance the provisional licensee's ~~intern's~~ qualification  
8022 for licensure. Provisional licensees ~~Interns~~ must perform  
8023 regulated duties within the boundaries of this state during the  
8024 period of provisional licensure ~~internship~~.

8025 (4) No sponsor may sponsor more than six provisional

8026 licensees ~~interns~~ at the same time.

8027 (5) A sponsor ~~shall certify a biannual progress report on~~  
 8028 ~~each intern and~~ shall certify completion or termination of  
 8029 provisional licensure ~~an internship~~ to the department within 15  
 8030 days after such completion or termination. The report must be  
 8031 made on a form provided by the department and must include at a  
 8032 minimum:

8033 (a) The inclusive dates of the provisional licensure  
 8034 ~~internship~~.

8035 (b) A narrative part explaining the primary duties, types  
 8036 of experiences gained, and the scope of training received.

8037 (c) An evaluation of the performance of the provisional  
 8038 licensee ~~intern~~ and a recommendation regarding future licensure.

8039 **Section 244. Paragraphs (r) and (x) of subsection (1) of**  
 8040 **section 493.6118, Florida Statutes, are amended to read:**

8041 493.6118 Grounds for disciplinary action.—

8042 (1) The following constitute grounds for which  
 8043 disciplinary action specified in subsection (2) may be taken by  
 8044 the department against any licensee, agency, or applicant  
 8045 regulated by this chapter, or any unlicensed person engaged in  
 8046 activities regulated under this chapter:

8047 (r) Failure or refusal by a sponsor to certify a ~~biannual~~  
 8048 written report on an provisional private investigator ~~intern~~ or  
 8049 to certify completion or termination of an provisional private  
 8050 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.

8076           6. Failing to remit moneys collected in lieu of recovery  
 8077 of a motor vehicle, mobile home, motorboat, aircraft, personal  
 8078 watercraft, all-terrain vehicle, farm equipment, or industrial  
 8079 equipment to the client within 10 working days.

8080           7. Failing to deliver to the client a negotiable  
 8081 instrument that is payable to the client, within 10 working days  
 8082 after receipt of such instrument.

8083           8. Falsifying, altering, or failing to maintain any  
 8084 required inventory or records regarding disposal of personal  
 8085 property contained in or on repossessed property pursuant to s.  
 8086 493.6404(1).

8087           9. Carrying any weapon or firearm when he or she is on  
 8088 private property and performing duties under his or her license  
 8089 whether or not he or she is licensed pursuant to s. 790.06.

8090           10. Soliciting from the legal owner the recovery of  
 8091 property subject to repossession after such property has been  
 8092 seen or located on public or private property if the amount  
 8093 charged or requested for such recovery is more than the amount  
 8094 normally charged for such a recovery.

8095           11. Wearing, presenting, or displaying a badge in the  
 8096 course of performing a repossession regulated by this chapter.

8097           **Section 245. Subsection (6) of section 493.6120, Florida**  
 8098 **Statutes, is amended to read:**

8099           493.6120 Violations; penalty.—

8100           (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

8126 or her professionalism. The department shall provide a single  
 8127 copy of the appropriate pamphlet without charge to each  
 8128 individual to whom a license is issued, but may charge for  
 8129 additional copies to recover its publication costs. The pamphlet  
 8130 shall be updated every 2 years as necessary to reflect rule or  
 8131 statutory changes, or court decisions. Intervening changes to  
 8132 the regulatory situation shall be noticed in the industry  
 8133 newsletter issued pursuant to subsection (1).

8134 **Section 247. Section 493.6201, Florida Statutes, is**  
 8135 **amended to read:**

8136 493.6201 Classes of licenses.—

8137 (1) Any person, firm, company, partnership, or corporation  
 8138 which engages in business as a private investigative agency  
 8139 shall have a Class "A" license. A Class "A" license is valid for  
 8140 all locations ~~only one location.~~

8141 ~~(2) Each branch office of a Class "A" agency shall have a~~  
 8142 ~~Class "AA" license. Where a person, firm, company, partnership,~~  
 8143 ~~or corporation holds both a Class "A" and Class "B" license,~~  
 8144 ~~each additional or branch office shall have a Class "AB"~~  
 8145 ~~license.~~

8146 ~~(3) Any individual who performs the services of a manager~~  
 8147 ~~for a:~~

8148 ~~(a) Class "A" private investigative agency or Class "AA"~~  
 8149 ~~branch office shall have a Class "MA" license. A Class "C" or~~  
 8150 ~~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

8176 license fees, not to exceed a ~~the following~~:

8177 (a) Class "A" license-private investigative agency: \$450.

8178 ~~(b) Class "AA" or "AB" license branch office: \$125.~~

8179 ~~(c) Class "MA" license private investigative agency~~

8180 ~~manager: \$75.~~

8181 (b) ~~(d)~~ Class "C" license-private investigator: \$75.

8182 (c) ~~(e)~~ Class "CC" license-provisional private investigator

8183 ~~intern~~: \$60.

8184 (2) The department may establish by rule a fee for the

8185 replacement or revision of a license, which fee shall not exceed

8186 \$30.

8187 (3) The fees set forth in this section must be paid by

8188 check or money order or, at the discretion of the department, by

8189 electronic funds transfer at the time the application is

8190 approved, except that the applicant for a Class "G~~7~~" Class "C,"

8191 or Class "CC~~7~~" ~~Class "M," or Class "MA"~~ license must pay the

8192 license fee at the time the application is made. If a license is

8193 revoked or denied or if the application is withdrawn, the

8194 license fee is nonrefundable.

8195 (4) The initial license fee for a veteran, as defined in

8196 s. 1.01, shall be waived if he or she applies for a Class "C~~7~~"

8197 or Class "CC~~7~~" ~~or Class "MA"~~ license within 24 months after

8198 being discharged from any branch of the United States Armed

8199 Forces. An eligible veteran must include a copy of his or her DD

8200 Form 214, as issued by the United States Department of Defense,

8201 or another acceptable form of identification as specified by the  
 8202 Department of Veterans' Affairs with his or her application in  
 8203 order to obtain a waiver.

8204 **Section 249. Section 493.6203, Florida Statutes, is**  
 8205 **amended to read:**

8206 493.6203 License requirements.—In addition to the license  
 8207 requirements set forth elsewhere in this chapter, each  
 8208 individual or agency shall comply with the following additional  
 8209 requirements:

8210 (1) Each agency or branch office shall designate a minimum  
 8211 of one appropriately licensed individual to act as manager,  
 8212 directing the activities of the Class "C" or Class "CC"  
 8213 employees.

8214 ~~(2) An applicant for a Class "MA" license must have 2~~  
 8215 ~~years of lawfully gained, verifiable, full-time experience, or~~  
 8216 ~~training in:~~

8217 ~~(a) Private investigative work or related fields of work~~  
 8218 ~~that provided equivalent experience or training;~~

8219 ~~(b) Work as a Class "CC" licensed intern;~~

8220 ~~(c) Any combination of paragraphs (a) and (b);~~

8221 ~~(d) Experience described in paragraph (a) for 1 year and~~  
 8222 ~~experience described in paragraph (c) for 1 year;~~

8223 ~~(e) No more than 1 year using:~~

8224 ~~1. College coursework related to criminal justice,~~  
 8225 ~~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.

8276 (b) Before submission of an application to the department,  
8277 the applicant for a Class "CC" license must have completed a  
8278 minimum of 40 hours of professional training pertaining to  
8279 general investigative techniques and this chapter, which course  
8280 is offered by a state university or by a school, community  
8281 college, college, or university under the purview of the  
8282 Department of Education, and the applicant must pass an  
8283 examination. The certificate evidencing satisfactory completion  
8284 of the 40 hours of professional training must be submitted with  
8285 the application for a Class "CC" license. The training specified  
8286 in this paragraph may be provided by face-to-face presentation,  
8287 online technology, or a home study course in accordance with  
8288 rules and procedures of the Department of Education. The  
8289 administrator of the examination must verify the identity of  
8290 each applicant taking the examination.

8291 1. Upon an applicant's successful completion of each part  
8292 of the approved training and passage of any required  
8293 examination, the school, community college, college, or  
8294 university shall issue a certificate of completion to the  
8295 applicant. The certificates must be on a form established by  
8296 rule of the department.

8297 2. The department shall establish by rule the general  
8298 content of the professional training and the examination  
8299 criteria.

8300 3. If the license of an applicant for relicensure is

8301 | invalid for more than 1 year, the applicant must complete the  
 8302 | required training and pass any required examination.

8303 |       (c) An individual licensed on or before August 31, 2008,  
 8304 | is not required to complete additional training hours in order  
 8305 | to renew an active license beyond the total required hours, and  
 8306 | the timeframe for completion in effect at the time he or she was  
 8307 | licensed applies.

8308 |       (5)~~(7)~~ In addition to any other requirement, an applicant  
 8309 | for a Class "G" license shall satisfy the firearms training set  
 8310 | forth in s. 493.6115.

8311 |       **Section 250. Section 493.6301, Florida Statutes, is**  
 8312 | **amended to read:**

8313 |       493.6301 Classes of licenses.—

8314 |       (1) Any person, firm, company, partnership, or corporation  
 8315 | which engages in business as a security agency shall have a  
 8316 | Class "B" license. A Class "B" license is valid for only one  
 8317 | location.

8318 |       ~~(2) Each branch office of a Class "B" agency shall have a~~  
 8319 | ~~Class "BB" license. Where a person, firm, company, partnership,~~  
 8320 | ~~or corporation holds both a Class "A" and Class "B" license,~~  
 8321 | ~~each branch office shall have a Class "AB" license.~~

8322 |       ~~(3) Any individual who performs the services of a manager~~  
 8323 | ~~for a:~~

8324 |       ~~(a) Class "B" security agency or Class "BB" branch office~~  
 8325 | ~~shall have a Class "MB" license. A Class "M" licensee, or a~~

8326 ~~Class "D" licensee who has been so licensed for a minimum of 2~~  
8327 ~~years, may be designated as the manager, in which case the Class~~  
8328 ~~"MB" license is not required.~~

8329 ~~(b) Class "A" and Class "B" agency or a Class "AB" branch~~  
8330 ~~office shall have a Class "M" license.~~

8331 ~~(4) A Class "D" licensee shall own or be an employee of a~~  
8332 ~~Class "B" security agency or branch office. This does not~~  
8333 ~~include those individuals who are exempt under s. 493.6102(4)~~  
8334 ~~but who possess a Class "D" license solely for the purpose of~~  
8335 ~~holding a Class "G" license.~~

8336 ~~(2)(5)~~ Any individual who performs the services of a  
8337 security officer shall have a Class "D" license. However, a  
8338 Class "C" licensee ~~or a Class "CC" licensee~~ may perform  
8339 bodyguard services without a Class "D" license.

8340 ~~(3)(6)~~ Only Class ~~"M," Class "MB,"~~ or Class "D" licensees  
8341 are permitted to bear a firearm, and any such licensee who bears  
8342 a firearm shall also have a Class "G" license.

8343 ~~(4)(7)~~ Any person who operates a security officer school  
8344 or training facility must have a Class "DS" license.

8345 ~~(5)(8)~~ Any individual who teaches or instructs at a Class  
8346 "DS" security officer school or training facility must have a  
8347 Class "DI" license.

8348 **Section 251. Section 493.6302, Florida Statutes, is**  
8349 **amended to read:**

8350 493.6302 Fees.—

8351 (1) The department shall establish by rule license fees,  
 8352 not to exceed the following:

8353 ~~(a) Class "B" license security agency: \$450.~~

8354 ~~(b) Class "BB" or Class "AB" license branch office: \$125.~~

8355 ~~(c) Class "MB" license security agency manager: \$75.~~

8356 (a) ~~(d)~~ Class "D" license security officer: \$45.

8357 (b) ~~(e)~~ Class "DS" license security officer school or  
 8358 training facility: \$60.

8359 (c) ~~(f)~~ Class "DI" license security officer school or  
 8360 training facility instructor: \$60.

8361 (2) The department may establish by rule a fee for the  
 8362 replacement or revision of a license, which fee shall not exceed  
 8363 \$30.

8364 (3) The fees set forth in this section must be paid by  
 8365 check or money order or, at the discretion of the department, by  
 8366 electronic funds transfer at the time the application is  
 8367 approved, except that the applicant for a Class "D" or Class  
 8368 "G" ~~Class "M," or Class "MB"~~ license must pay the license fee  
 8369 at the time the application is made. If a license is revoked or  
 8370 denied or if the application is withdrawn, the license fee is  
 8371 nonrefundable.

8372 (4) The initial license fee for a veteran, as defined in  
 8373 s. 1.01, shall be waived if he or she applies for a Class "D"  
 8374 or Class "DI" ~~or Class "MB"~~ license within 24 months after  
 8375 being discharged from any branch of the United States Armed

8376 Forces. An eligible veteran must include a copy of his or her DD  
 8377 Form 214, as issued by the United States Department of Defense,  
 8378 or another acceptable form of identification as specified by the  
 8379 Department of Veterans' Affairs with his or her application in  
 8380 order to obtain a waiver.

8381 **Section 252. Subsections (2) and (3) of section 493.6303,**  
 8382 **Florida Statutes, are amended to read:**

8383 493.6303 License requirements.—In addition to the license  
 8384 requirements set forth elsewhere in this chapter, each  
 8385 individual or agency must comply with the following additional  
 8386 requirements:

- 8387
- 8388 ~~(2) An applicant for a Class "MB" license shall have 2~~  
 8389 ~~years of lawfully gained, verifiable, full-time experience, or~~  
 8390 ~~training in:~~
    - 8391 ~~(a) Security work or related fields of work that provided~~  
 8392 ~~equivalent experience or training;~~
    - 8393 ~~(b) Experience described in paragraph (a) for 1 year and~~  
 8394 ~~experience described in paragraph (c) for 1 year;~~
    - 8395 ~~(c) No more than 1 year using:~~
      - 8396 ~~1. Either college coursework related to criminal justice,~~  
 8397 ~~criminology, or law enforcement administration; or~~
      - 8398 ~~2. Successfully completed law enforcement-related training~~  
 8399 ~~received from any federal, state, county, or municipal agency;~~  
 8400 ~~or~~

8401 ~~(d) Experience described in paragraph (a) for 1 year and~~  
 8402 ~~work in a managerial or supervisory capacity for 1 year.~~

8403 ~~(3) An applicant for a Class "M" license shall qualify for~~  
 8404 ~~licensure as a Class "MA" manager as outlined under s.~~  
 8405 ~~493.6203(2) and as a Class "MB" manager as outlined under~~  
 8406 ~~subsection (2).~~

8407 **Section 253. Subsection (1) of section 493.6304, Florida**  
 8408 **Statutes, is amended to read:**

8409 493.6304 Security officer school or training facility.—

8410 (1) Any school, training facility, or instructor who  
 8411 offers the training specified in s. 493.6303(2) ~~s. 493.6303(4)~~  
 8412 for Class "D" applicants shall, before licensure of such school,  
 8413 training facility, or instructor, file with the department an  
 8414 application accompanied by an application fee in an amount to be  
 8415 determined by rule, not to exceed \$60. The fee is not  
 8416 refundable.

8417 **Section 254. Subsection (2) of section 493.631, Florida**  
 8418 **Statutes, is amended to read:**

8419 493.631 Temporary detention by a licensed security officer  
 8420 or licensed security agency manager at critical infrastructure  
 8421 facilities.—

8422 (2) As used in this section, the terms "security officer"  
 8423 and "security agency manager" mean a security officer or  
 8424 security agency manager who possess a valid Class "D" ~~or Class~~  
 8425 ~~"MB"~~ license pursuant to s. 493.6301 and a valid Class "G"

8426 | license pursuant to s. 493.6115.

8427 |       **Section 255. Section 493.6401, Florida Statutes, is**  
8428 | **amended to read:**

8429 |       493.6401 Classes of licenses.—

8430 |       (1) Any person, firm, company, partnership, or corporation  
8431 | which engages in business as a recovery agency shall have a  
8432 | Class "R" license. A Class "R" license is valid for any ~~only one~~  
8433 | location.

8434 |       ~~(2) Each branch office of a Class "R" agency shall have a~~  
8435 | ~~Class "RR" license.~~

8436 |       ~~(3) Any individual who performs the services of a manager~~  
8437 | ~~for a Class "R" recovery agency or a Class "RR" branch office~~  
8438 | ~~must have a Class "MR" license. A Class "E" licensee may be~~  
8439 | ~~designated as the manager, in which case the Class "MR" license~~  
8440 | ~~is not required.~~

8441 |       (2)~~(4)~~ Any individual who performs the services of a  
8442 | recovery agent must have a Class "E" license.

8443 |       ~~(5) Any individual who performs repossession as an intern~~  
8444 | ~~under the direction and control of a designated, sponsoring~~  
8445 | ~~Class "E" licensee or a designated, sponsoring Class "MR"~~  
8446 | ~~licensee shall have a Class "EE" license.~~

8447 |       (3)~~(6)~~ Class "E" ~~or Class "EE"~~ licensees shall own or be  
8448 | an employee of a Class "R" agency ~~or branch office.~~

8449 |       (4)~~(7)~~ Any person who operates a recovery agent school or  
8450 | 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

8476 approved, except that the applicant for a Class "E~~7~~" ~~Class "EE,"~~  
 8477 ~~or Class "MR"~~ license must pay the license fee at the time the  
 8478 application is made. If a license is revoked or denied, or if an  
 8479 application is withdrawn, the license fee is nonrefundable.

8480 (4) The initial license fee for a veteran, as defined in  
 8481 s. 1.01, shall be waived if he or she applies for a Class "E~~7~~"  
 8482 ~~Class "EE," Class "MR,"~~ or Class "RI" license within 24 months  
 8483 after being discharged from any branch of the United States  
 8484 Armed Forces. An eligible veteran must include a copy of his or  
 8485 her DD Form 214, as issued by the United States Department of  
 8486 Defense, or another acceptable form of identification as  
 8487 specified by the Department of Veterans' Affairs with his or her  
 8488 application in order to obtain a waiver.

8489 **Section 257. Section 493.6403, Florida Statutes, is**  
 8490 **amended to read:**

8491 493.6403 License requirements.—

8492 (1) In addition to the license requirements set forth in  
 8493 this chapter, ~~each individual or agency shall comply with the~~  
 8494 ~~following additional requirements:~~

8495 (a) Each agency ~~or branch office~~ must designate a minimum  
 8496 of one appropriately licensed individual to act as manager,  
 8497 directing the activities of the Class "E" ~~or Class "EE"~~  
 8498 employees. A Class "E" licensee may be designated to act as  
 8499 manager of a Class "R" agency or branch office in which case the  
 8500 Class "MR" license is not required.

8501 ~~(b) An applicant for Class "MR" license shall have at~~  
8502 ~~least 1 year of lawfully gained, verifiable, full-time~~  
8503 ~~experience as a Class "E" licensee performing repossessions of~~  
8504 ~~motor vehicles, mobile homes, motorboats, aircraft, personal~~  
8505 ~~watercraft, all-terrain vehicles, farm equipment, or industrial~~  
8506 ~~equipment.~~

8507 (b)(c) An applicant for a Class "E" license shall have at  
8508 least 1 year of lawfully gained, verifiable, full-time  
8509 experience in ~~one, or a combination of more than one,~~ of the  
8510 following:

8511 ~~1.~~ repossession of motor vehicles as defined in s.  
8512 320.01(1), mobile homes as defined in s. 320.01(2), motorboats  
8513 as defined in s. 327.02, aircraft as defined in s. 330.27,  
8514 personal watercraft as defined in s. 327.02, all-terrain  
8515 vehicles as defined in s. 316.2074, farm equipment as defined  
8516 under s. 686.402, or industrial equipment as defined in s.  
8517 493.6101(22).

8518 ~~2. Work as a Class "EE" licensed intern.~~

8519 (2) An applicant for a Class "E" ~~or a Class "EE"~~ license  
8520 must submit proof of successful completion of 40 hours of  
8521 professional training at a school or training facility licensed  
8522 by the department. The department shall by rule establish the  
8523 general content for the training.

8524 **Section 258. Subsection (1) of section 493.6406, Florida**  
8525 **Statutes, is amended to read:**

8526 493.6406 Recovery agent school or training facility.—  
 8527 (1) Any school, training facility, or instructor who  
 8528 offers the training outlined in s. 493.6403(2) for Class "E" ~~or~~  
 8529 ~~Class "EE"~~ applicants shall, before licensure of such school,  
 8530 training facility, or instructor, file with the department an  
 8531 application accompanied by an application fee in an amount to be  
 8532 determined by rule, not to exceed \$60. The fee shall not be  
 8533 refundable. This training may be offered as face-to-face  
 8534 training, Internet-based training, or correspondence training.

8535 **Section 259. Paragraph (b) of subsection (1) of section**  
 8536 **499.067, Florida Statutes, is amended to read:**

8537 499.067 Denial, suspension, or revocation of permit,  
 8538 certification, or registration.—

8539 (1)

8540 (b) The department may deny an application for a permit or  
 8541 certification, or suspend or revoke a permit or certification,  
 8542 if the department finds that:

8543 1. The applicant is not of good moral character or that it  
 8544 would be a danger or not in the best interest of the public  
 8545 health, safety, and welfare if the applicant were issued a  
 8546 permit or certification.

8547 2. The applicant has not met the requirements for the  
 8548 permit or certification.

8549 3. The applicant is not eligible for a permit or  
 8550 certification for any of the reasons enumerated in s. 499.012.

8551 4. The applicant, or ~~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 ~~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

8601 and served on active duty within the 2 years preceding the  
 8602 renewal date. To qualify for the fee waiver, a registrant who is  
 8603 a former member of the United States Armed Forces who served on  
 8604 active duty within the 2 years preceding the expiration date of  
 8605 the registration must have received an honorable discharge upon  
 8606 separation or discharge from the United States Armed Forces; or  
 8607 3. Is the surviving spouse of a member of the United  
 8608 States Armed Forces if the member was serving on active duty at  
 8609 the time of death and died within the 2 years preceding the date  
 8610 of renewal.

8611  
 8612 A registrant seeking such waiver must apply in a format  
 8613 prescribed by the department, including the applicant's  
 8614 signature, under penalty of perjury, and supporting  
 8615 documentation.

8616 **Section 261. Subsections (1) and (5) of section 501.609,**  
 8617 **Florida Statutes, are amended to read:**

8618 501.609 License renewal.—

8619 (1) Each person licensed under the provisions of this part  
 8620 must renew his or her license every 4 years ~~annually~~ by paying  
 8621 the fee for licensing and submitting to the department the  
 8622 application required by this part.

8623 (5) The department shall waive the ~~annual~~ fee to renew for  
 8624 a licensee who:

8625 (a) Is an active duty member of the United States Armed

8626 Forces or the spouse of such member;

8627 (b) Is or was a member of the United States Armed Forces,  
 8628 and served on active duty within the 2 years preceding the  
 8629 renewal date. To qualify for the fee waiver, a licensee who is a  
 8630 former member of the United States Armed Forces who served on  
 8631 active duty within the 2 years preceding the expiration date of  
 8632 the registration must have received an honorable discharge upon  
 8633 separation or discharge from the United States Armed Forces; or

8634 (c) Is the surviving spouse of a member of the United  
 8635 States Armed Forces if the member was serving on active duty at  
 8636 the time of death and died within the 2 years preceding the  
 8637 renewal.

8638  
 8639 A licensee seeking such waiver must apply in a format prescribed  
 8640 by the department, including the applicant's signature, under  
 8641 penalty of perjury, and supporting documentation.

8642 **Section 262. Subsection (4) of section 507.03, Florida**  
 8643 **Statutes, is amended to read:**

8644 507.03 Registration.—

8645 (4) A registration must be renewed every 4 years  
 8646 ~~biennially~~ on or before its expiration date. In order to  
 8647 establish staggered expiration dates, the department may extend  
 8648 the expiration date of a registration for a period not to exceed  
 8649 12 months.

8650 **Section 263. Subsection (3) of section 514.0315, Florida**

8651 **Statutes, is amended to read:**

8652 514.0315 Required safety features for public swimming  
8653 pools and spas.—

8654 (3) The determination and selection of a feature under  
8655 subsection (2) for a public swimming pool or spa constructed  
8656 before January 1, 1993, is at the sole discretion of the owner  
8657 or operator of the public swimming pool or spa. A licensed  
8658 contractor described in s. 489.105(2)(j), (k), or (l) ~~s.~~  
8659 ~~489.105(3)(j), (k), or (l)~~ must install the feature.

8660 **Section 264. Section 514.075, Florida Statutes, is amended**  
8661 **to read:**

8662 514.075 Public pool service technician; certification.—The  
8663 department may require that a public pool, as defined in s.  
8664 514.011, be serviced by a person certified as a pool service  
8665 technician. To be certified, an individual must demonstrate  
8666 knowledge of public pools which includes, but is not limited to:  
8667 pool cleaning; general pool maintenance; source of the water  
8668 supply; bacteriological, chemical, and physical quality of  
8669 water; and water purification, testing, treatment, and  
8670 disinfection procedures. The department may, by rule, establish  
8671 the requirement for the certification course and course  
8672 approval. The department shall deem certified any individual who  
8673 is certified by a course of national recognition or any person  
8674 licensed under s. 489.105(2)(j), (k), or (l) ~~s. 489.105(3)(j),~~  
8675 ~~(k), or (l)~~. This requirement does not apply to a person, or the

8676 direct employee of a person, permitted as a public pool operator  
 8677 under s. 514.031.

8678 **Section 265. Section 527.03, Florida Statutes, is amended**  
 8679 **to read:**

8680 527.03 Renewal of license.—All licenses required under  
 8681 this chapter shall be renewed every 4 years ~~annually,~~  
 8682 ~~biennially, or triennially, as elected by the licensee,~~ subject  
 8683 to the license fees prescribed in s. 527.02. All renewals must  
 8684 meet the same requirements and conditions as an annual license  
 8685 for each licensed year. Any license allowed to expire will  
 8686 become inoperative because of failure to renew. The fee for  
 8687 restoration of a license is equal to the original license fee  
 8688 and must be paid before the licensee may resume operations.

8689 **Section 266. Paragraph (c) of subsection (3) of section**  
 8690 **539.001, Florida Statutes, is amended to read:**

8691 539.001 The Florida Pawnbroking Act.—

8692 (3) LICENSE REQUIRED.—

8693 (c) Each license is valid for a period of 4 years ~~1 year~~  
 8694 unless it is earlier relinquished, suspended, or revoked. Each  
 8695 license shall be renewed every 4 years ~~annually,~~ and each  
 8696 licensee shall, ~~initially and annually thereafter,~~ pay to the  
 8697 agency a license fee of \$300 for each license held. The agency  
 8698 shall waive the initial license fee for an honorably discharged  
 8699 veteran of the United States Armed Forces, the spouse or  
 8700 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

8726 Department of Veterans' Affairs, and, if applicable, a copy of a  
8727 valid marriage license or certificate verifying that the spouse  
8728 or surviving spouse of the veteran was lawfully married to the  
8729 veteran at the time of discharge.

8730 **Section 267. Subsection (10) of section 553.79, Florida**  
8731 **Statutes, is amended to read:**

8732 553.79 Permits; applications; issuance; inspections.—

8733 (10) No enforcing agency may issue a building permit for  
8734 construction of any threshold building except to a licensed  
8735 general contractor, as defined in s. 489.105(2)(a) ~~s.~~  
8736 ~~489.105(3)(a)~~, or to a licensed building contractor, as defined  
8737 in s. 489.105(2)(b) ~~s. 489.105(3)(b)~~, within the scope of her or  
8738 his license. The named contractor to whom the building permit is  
8739 issued shall have the responsibility for supervision, direction,  
8740 management, and control of the construction activities on the  
8741 project for which the building permit was issued.

8742 **Section 268. Paragraph (d) of subsection (1) of section**  
8743 **553.791, Florida Statutes, is amended to read:**

8744 553.791 Alternative plans review and inspection.—

8745 (1) As used in this section, the term:

8746 (d) "Building code inspection services" means those  
8747 services described in s. 468.603 (4) and (7) ~~s. 468.603(5)~~ and  
8748 ~~(8)~~ involving the review of building plans as well as those  
8749 services involving the review of site plans and site work  
8750 engineering plans or their functional equivalent, to determine

8751 compliance with applicable codes and those inspections required  
8752 by law, conducted either in person or virtually, of each phase  
8753 of construction for which permitting by a local enforcement  
8754 agency is required to determine compliance with applicable  
8755 codes.

8756 **Section 269. Section 553.998, Florida Statutes, is amended**  
8757 **to read:**

8758 553.998 Compliance.—All ratings must be determined using  
8759 tools and procedures developed by the systems recognized under  
8760 this part and must be certified by the rater as accurate and  
8761 correct and in compliance with procedures of the system under  
8762 which the rater is certified. The local enforcement agency shall  
8763 accept duct and air infiltration tests conducted in accordance  
8764 with the Florida Building Code, 5th Edition (2014) Energy  
8765 Conservation, by individuals as defined in s. 553.993(5) or (7)  
8766 or individuals licensed as set forth in s. 489.105(2)(f), (g),  
8767 or (i) ~~s. 489.105(3)(f), (g), or (i)~~. The local enforcement  
8768 agency may accept inspections in whole or in part by individuals  
8769 as defined in s. 553.993(5) or (7).

8770 **Section 270. Subsections (2), (5), and (8) of section**  
8771 **559.904, Florida Statutes, are amended to read:**

8772 559.904 Motor vehicle repair shop registration;  
8773 application; exemption.—

8774 (2) Any motor vehicle repair shop maintaining more than  
8775 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

8801 independent agent's full name, legal business or trade name,  
 8802 mailing address, business address, telephone number, and the  
 8803 name and address of each seller of travel represented by the  
 8804 independent agent. A letter evidencing proof of filing must be  
 8805 issued by the department and must be prominently displayed in  
 8806 the independent agent's primary place of business. Each  
 8807 independent agent must also submit a ~~an annual~~ registration fee  
 8808 of \$50. All moneys collected pursuant to the imposition of the  
 8809 fee shall be deposited by the Chief Financial Officer into the  
 8810 General Inspection Trust Fund of the Department of Agriculture  
 8811 and Consumer Services for the sole purpose of administrating  
 8812 this part. As used in this subsection, the term "independent  
 8813 agent" means a person who represents a seller of travel by  
 8814 soliciting persons on its behalf; who has a written contract  
 8815 with a seller of travel which is operating in compliance with  
 8816 this part and any rules adopted thereunder; who does not receive  
 8817 a fee, commission, or other valuable consideration directly from  
 8818 the purchaser for the seller of travel; who does not at any time  
 8819 have any unissued ticket stock or travel documents in his or her  
 8820 possession; and who does not have the ability to issue tickets,  
 8821 vacation certificates, or any other travel document. The term  
 8822 "independent agent" does not include an affiliate of the seller  
 8823 of travel, as that term is used in s. 559.935(3), or the  
 8824 employees of the seller of travel or of such affiliates.

8825 **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~~

8851 ~~joint recognition of continuing education recertification hours~~  
8852 ~~for certificateholders licensed under s. 468.609 and firesafety~~  
8853 ~~inspectors certified under subsection (2).~~

8854 **Section 274. Subsection (8) of section 713.01, Florida**  
8855 **Statutes, is amended to read:**

8856 713.01 Definitions.—As used in this part, the term:

8857 (8) "Contractor" means a person other than a materialman  
8858 or laborer who enters into a contract with the owner of real  
8859 property for improving it or who takes over from a contractor as  
8860 so defined the entire remaining work under such contract. The  
8861 term "contractor" includes an architect, landscape architect, or  
8862 engineer who improves real property pursuant to a design-build  
8863 contract authorized by s. 489.103(16). The term also includes a  
8864 licensed general contractor or building contractor, as those  
8865 terms are defined in s. 489.105(2)(a) and (b) ~~s. 489.105(3)(a)~~  
8866 ~~and (b)~~, respectively, who provides construction management  
8867 services, which include scheduling and coordinating  
8868 preconstruction and construction phases for the construction  
8869 project, or who provides program management services, which  
8870 include schedule control, cost control, and coordinating the  
8871 provision or procurement of planning, design, and construction  
8872 for the construction project.

8873 **Section 275. Subsection (4) of section 259.1053, Florida**  
8874 **Statutes, is amended, to read:**

8875 259.1053 Babcock Ranch Preserve; ~~Babcock Ranch Advisory~~

8876 ~~Group.—~~

8877 ~~(4) BABCOCK RANCH ADVISORY GROUP.—~~

8878 ~~(a) The purpose of the Babcock Ranch Advisory Group is to~~  
 8879 ~~assist the department by providing guidance and advice~~  
 8880 ~~concerning the management and stewardship of the Babcock Ranch~~  
 8881 ~~Preserve.~~

8882 ~~(b) The Babcock Ranch Advisory Group shall be comprised of~~  
 8883 ~~nine members appointed to 5-year terms. Based on recommendations~~  
 8884 ~~from the Governor and Cabinet, the commission, and the governing~~  
 8885 ~~boards of Charlotte County and Lee County, the commissioner~~  
 8886 ~~shall appoint members as follows:~~

8887 ~~1. One member with experience in sustainable management of~~  
 8888 ~~forest lands for commodity purposes.~~

8889 ~~2. One member with experience in financial management,~~  
 8890 ~~budget and program analysis, and small business operations.~~

8891 ~~3. One member with experience in management of game and~~  
 8892 ~~nongame wildlife and fish populations, including hunting,~~  
 8893 ~~fishing, and other recreational activities.~~

8894 ~~4. One member with experience in domesticated livestock~~  
 8895 ~~management, production, and marketing, including range~~  
 8896 ~~management and livestock business management.~~

8897 ~~5. One member with experience in agriculture operations or~~  
 8898 ~~forestry management.~~

8899 ~~6. One member with experience in hunting, fishing, nongame~~  
 8900 ~~species management, or wildlife habitat management, restoration,~~

8901 ~~and conservation.~~

8902 ~~7. One member with experience in public outreach and~~  
 8903 ~~education.~~

8904 ~~8. One member who is a resident of Lee County, to be~~  
 8905 ~~designated by the Board of County Commissioners of Lee County.~~

8906 ~~9. One member who is a resident of Charlotte County, to be~~  
 8907 ~~designated by the Board of County Commissioners of Charlotte~~  
 8908 ~~County.~~

8909  
 8910 ~~Vacancies will be filled in the same manner in which the~~  
 8911 ~~original appointment was made. A member appointed to fill a~~  
 8912 ~~vacancy shall serve for the remainder of that term.~~

8913 ~~(c) Members of the Babcock Ranch Advisory Group shall:~~

8914 ~~1. Elect a chair and vice chair from among the group~~  
 8915 ~~members.~~

8916 ~~2. Meet regularly as determined by the chair.~~

8917 ~~3. Serve without compensation but shall receive~~  
 8918 ~~reimbursement for travel and per diem expenses as provided in s.~~  
 8919 ~~112.061.~~

8920 **Section 276. Subsection (2) of section 399.035, Florida**  
 8921 **Statutes, is amended to read:**

8922 399.035 Elevator accessibility requirements for the  
 8923 physically handicapped.—

8924 (2) Any building that is more than three stories high or  
 8925 in which the vertical distance between the bottom terminal

8926 | landing and the top terminal landing exceeds 25 feet must be  
 8927 | constructed to contain at least one passenger elevator that is  
 8928 | operational and will accommodate an ambulance stretcher size  
 8929 | specified in the edition of the Florida Building Code that was  
 8930 | in effect at the time of receipt of an application for  
 8931 | construction permit for the elevator ~~76 inches long and 24~~  
 8932 | ~~inches wide in the horizontal position.~~

8933 |       **Section 277. Paragraph (a) of subsection (3) of section**  
 8934 | **455.02, Florida Statutes, is amended to read:**

8935 |       455.02 Licensure of members of the Armed Forces in good  
 8936 | standing and their spouses or surviving spouses with  
 8937 | administrative boards or programs.—

8938 |       (3) (a) The department shall issue a professional license  
 8939 | to an applicant who is or was an active duty member of the Armed  
 8940 | Forces of the United States, or who is a spouse or surviving  
 8941 | spouse of such member, upon application to the department in a  
 8942 | format prescribed by the department. An application must include  
 8943 | proof that:

8944 |       1. The applicant is or was an active duty member of the  
 8945 | Armed Forces of the United States or is married to a member of  
 8946 | the Armed Forces of the United States and was married to the  
 8947 | member during any period of active duty or was married to such a  
 8948 | member who at the time of the member's death was serving on  
 8949 | active duty. An applicant who was an active duty member of the  
 8950 | Armed Forces of the United States must have received an

8951 | honorable discharge upon separation or discharge from the Armed  
8952 | Forces of the United States.

8953 |         2. The applicant holds a valid license for the profession  
8954 | issued by another state, the District of Columbia, any  
8955 | possession or territory of the United States, or any foreign  
8956 | jurisdiction.

8957 |         3. The applicant, where required by the specific practice  
8958 | act, has complied with insurance or bonding requirements.

8959 |         4.a. A complete set of the applicant's fingerprints is  
8960 | submitted to the Department of Law Enforcement for a statewide  
8961 | criminal history check for those professions that require  
8962 | fingerprints for initial licensure.

8963 |         b. The Department of Law Enforcement shall forward the  
8964 | fingerprints submitted pursuant to sub-subparagraph a. to the  
8965 | Federal Bureau of Investigation for a national criminal history  
8966 | check. The department shall, and the board may, review the  
8967 | results of the criminal history checks according to the level 2  
8968 | screening standards in s. 435.04 and determine whether the  
8969 | applicant meets the licensure requirements. The costs of  
8970 | fingerprint processing shall be borne by the applicant. If the  
8971 | applicant's fingerprints are submitted through an authorized  
8972 | agency or vendor, the agency or vendor must ~~shall~~ collect the  
8973 | required processing fees and remit the fees to the Department of  
8974 | Law Enforcement.

8975 |         **Section 278. Subsection (1), paragraph (c) of subsection**

8976 (2), subsections (4) and (5), paragraphs (b) and (e) of  
8977 subsection (6), paragraphs (a) and (c) of subsection (7), and  
8978 subsections (8) and (10) of section 468.609, Florida Statutes,  
8979 are amended to read:

8980 468.609 Administration of this part; standards for  
8981 certification; additional categories of certification.—

8982 (1) Except as provided in this part, any person who  
8983 desires to be certified shall apply to the department ~~board~~, in  
8984 writing upon forms approved and furnished by the department  
8985 ~~board~~, to take the certification examination.

8986 (2) A person may take the examination for certification as  
8987 a building code inspector or plans examiner pursuant to this  
8988 part if the person:

8989 (c) Meets eligibility requirements according to one of the  
8990 following criteria:

8991 1. Demonstrates 4 years' combined experience in the field  
8992 of construction or a related field, building code inspection, or  
8993 plans review corresponding to the certification category sought;

8994 2. Demonstrates a combination of postsecondary education  
8995 in the field of construction or a related field and experience  
8996 which totals 3 years, with at least 1 year of such total being  
8997 experience in construction, building code inspection, or plans  
8998 review;

8999 3. Demonstrates a combination of technical education in  
9000 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.

9076 Such examination must be passed before beginning the internship  
 9077 certification program.

9078 c. Has passed the principles and practice examination  
 9079 before completing the internship certification program.

9080 d. Has passed a department-approved ~~board-approved~~ 40-hour  
 9081 code training course in the certification category sought before  
 9082 completing the internship certification program.

9083 e. Has obtained a favorable recommendation from the  
 9084 supervising building official after completion of the internship  
 9085 certification program.

9086 (4) No person may engage in the duties of a building code  
 9087 administrator, plans examiner, or building code inspector  
 9088 pursuant to this part after October 1, 1993, unless such person  
 9089 possesses one of the following types of certificates, currently  
 9090 valid, issued by the department ~~board~~ attesting to the person's  
 9091 qualifications to hold such position:

9092 (a) A standard certificate.

9093 (b) A limited certificate.

9094 (c) A provisional certificate.

9095 (5) (a) To obtain a standard certificate, an individual  
 9096 must pass an examination approved by the department ~~board~~ which  
 9097 demonstrates that the applicant has fundamental knowledge of the  
 9098 state laws and codes relating to the construction of buildings  
 9099 for which the applicant has building code administration, plans  
 9100 examination, or building code inspection responsibilities. It is

9101 the intent of the Legislature that the examination approved for  
9102 certification pursuant to this part be substantially equivalent  
9103 to the examinations administered by the International Code  
9104 Council.

9105 (b) A standard certificate shall be issued to each  
9106 applicant who successfully completes the examination, which  
9107 certificate authorizes the individual named thereon to practice  
9108 throughout the state as a building code administrator, plans  
9109 examiner, or building code inspector within such class and level  
9110 as is specified by the department ~~board~~.

9111 (c) The department ~~board~~ may accept proof that the  
9112 applicant has passed an examination which is substantially  
9113 equivalent to the department-approved ~~board-approved~~ examination  
9114 set forth in this section.

9115 (6)

9116 (b) By October 1, 1993, individuals who were employed on  
9117 July 1, 1993, as building code administrators, plans examiners,  
9118 or building code inspectors, who are not eligible for a standard  
9119 certificate, but who wish to continue in such employment, shall  
9120 submit to the department ~~board~~ the appropriate application and  
9121 certification fees and shall receive a limited certificate  
9122 qualifying them to engage in building code administration, plans  
9123 examination, or building code inspection in the class, at the  
9124 performance level, and within the governmental jurisdiction in  
9125 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

9176 completion of an internship certification program.

9177 5. That an applicant may apply for a standard certificate  
9178 at least 30 days but no more than 60 days before completing the  
9179 internship certification program.

9180 6. That a building code inspector or plans examiner who  
9181 has standard certification may seek an additional certification  
9182 in another category by completing an additional nonconcurrent 1-  
9183 year internship program in the certification category sought and  
9184 passing an examination administered by the International Code  
9185 Council and a department-approved ~~board-approved~~ 40-hour code  
9186 training course.

9187 **Section 279. Subsection (4) is added to section 471.007,**  
9188 **Florida Statutes, to read:**

9189 471.007 Board of Professional Engineers.—

9190 (4) The board is abolished July 1, 2033.

9191 **Section 280. Subsection (3) of section 471.015, Florida**  
9192 **Statutes, is amended to read:**

9193 471.015 Licensure.—

9194 (3) The board shall certify as qualified for a license by  
9195 endorsement an applicant who:

9196 (a) Qualifies to take the fundamentals examination and the  
9197 principles and practice examination as set forth in s. 471.013,  
9198 has passed a United States national, regional, state, or  
9199 territorial licensing examination that is substantially  
9200 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

9376 certified public accountant in this state must meet the  
9377 requirements for education, work experience, and good moral  
9378 character under s. 473.308.

9379 (2) An applicant must apply to the department for  
9380 licensure.

9381 (3) An international applicant must create and maintain an  
9382 online account with the department and provide an e-mail address  
9383 to function as the primary means of contact for all  
9384 communication from the department. An applicant must submit any  
9385 change in e-mail address within 30 days after the change. All  
9386 changes must be submitted through the department's online  
9387 system.

9388 (4) The department shall certify for licensure any  
9389 applicant who satisfies the requirements of subsections (1) and  
9390 (2), except the department may refuse to certify an applicant  
9391 who has violated s. 473.322.

9392 (5) The department shall adopt rules to implement this  
9393 section.

9394 **Section 283. Section 473.312, Florida Statutes, is amended**  
9395 **to read:**

9396 473.312 Continuing education.—

9397 (1) (a) As part of the license renewal procedure, the  
9398 department board shall by rule require Florida certified public  
9399 accountants to submit proof satisfactory to the department board  
9400 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

9426 certified public accountants, or other organizations.

9427 (b) Technical sessions at meetings of the American  
 9428 Institute of Certified Public Accountants, state societies,  
 9429 chapters, or other organizations.

9430 (c) University and college courses.

9431 (d) Formal organized in-firm education programs.

9432 (3) The department ~~board~~ shall adopt rules establishing  
 9433 the continuing education requirements for Florida certified  
 9434 public accountants who are engaged in the audit of a  
 9435 governmental entity. The department ~~board~~ shall approve subjects  
 9436 directly related to the governmental environment and to  
 9437 governmental auditing for purposes of satisfying the requirement  
 9438 of this subsection.

9439 (4) For the purposes of maintaining proper continuing  
 9440 education requirements for renewal of licensure under this  
 9441 chapter, the department ~~board~~ may appoint a Continuing  
 9442 Professional Education Advisory Committee, which shall be  
 9443 composed of one member of the department ~~board~~, one academician  
 9444 on the faculty of a university in this state, and six certified  
 9445 public accountants.

9446 **Section 284. Effective January 1, 2027, subsections (1),**  
 9447 **(3), and (4) of section 473.3141, Florida Statutes, are amended**  
 9448 **to read:**

9449 473.3141 Certified public accountants licensed in other  
 9450 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

9501 issued under s. 473.3101 or is authorized by s. 473.3101 to  
 9502 provide such services.

9503 **Section 285. Subsection (3) and paragraph (e) of**  
 9504 **subsection (4) of section 474.2021, Florida Statutes, are**  
 9505 **amended to read:**

9506 474.2021 Veterinary telehealth.—

9507 (3) The department ~~board~~ has jurisdiction over a  
 9508 veterinarian practicing veterinary telehealth, regardless of  
 9509 where the veterinarian's physical office is located. The  
 9510 practice of veterinary medicine is deemed to occur when the  
 9511 veterinarian, the patient, or both are located within this state  
 9512 at the time the veterinarian practices veterinary telehealth.

9513 (4) A veterinarian practicing veterinary telehealth:

9514 (e) Shall prescribe all drugs and medications in  
 9515 accordance with all federal and state laws and the following  
 9516 requirements:

9517 1. A veterinarian practicing veterinary telehealth may  
 9518 order, prescribe, or make available medicinal drugs or drugs  
 9519 specifically approved for use in animals by the United States  
 9520 Food and Drug Administration, the use of which conforms to the  
 9521 approved labeling. Prescriptions based solely on a telehealth  
 9522 evaluation may be issued for up to 1 year ~~month~~ for products  
 9523 labeled solely for flea and tick control and up to 14 days of  
 9524 treatment for other animal drugs. Prescriptions based solely on  
 9525 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.—

9676 (1) Notwithstanding the prelicensure requirements set  
 9677 forth under ss. 475.17(2) and (3) ~~(6)~~ and 475.175, the  
 9678 department ~~commission~~ in its discretion may enter into written  
 9679 agreements with similar licensing authorities of other states,  
 9680 territories, or jurisdictions of the United States or foreign  
 9681 national jurisdictions to ensure for Florida licensees  
 9682 nonresident licensure opportunities comparable to those afforded  
 9683 to nonresidents by this section. Whenever the department  
 9684 ~~commission~~ determines that another jurisdiction does not offer  
 9685 nonresident licensure to Florida licensees substantially  
 9686 comparable to those afforded to licensees of that jurisdiction  
 9687 by this section, the department ~~commission~~ shall require  
 9688 licensees of that jurisdiction who apply for nonresident  
 9689 licensure to meet education, experience, and examination  
 9690 requirements substantially comparable to those required by that  
 9691 jurisdiction with respect to Florida licensees who seek  
 9692 nonresident licensure, not to exceed such requirements as  
 9693 prescribed in ss. 475.17(2) and (3) ~~(6)~~ and 475.175.

9694 **Section 289. Subsection (1) of section 475.182, Florida**  
 9695 **Statutes, is amended to read:**

9696 475.182 Renewal of license; ~~continuing education.~~  
 9697 (1) ~~(a)~~ The department shall renew a license upon receipt  
 9698 of the renewal application and fee. ~~The renewal application for~~  
 9699 ~~an active license as broker, broker associate, or sales~~  
 9700 ~~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.~~

**Section 290. Subsections (1), (2), and (4) of section 475.183, Florida Statutes, are amended to read:**

475.183 Inactive status.—

(1) A license which has become voluntarily inactive may be renewed pursuant to s. 475.182 upon application to the department. ~~The commission shall prescribe by rule continuing education requirements, not to exceed 12 classroom hours for each year the license was inactive, as a condition of renewing a voluntarily inactive license. The commission shall substitute for such continuing education requirements, on a classroom-hour-for-classroom-hour basis, any satisfactorily completed education course approved in the manner specified in s. 475.182(1).~~ A person whose license is voluntarily inactive and who renews the license may elect to continue her or his voluntarily inactive status.

~~(2) (a) A licensee may reactivate a license that has been involuntarily inactive for 12 months or less by satisfactorily completing at least 14 hours of a commission-prescribed continuing education course. Notwithstanding the provisions of s. 455.271, a licensee may reactivate a license that has been involuntarily inactive for more than 12 months but fewer than 24 months by satisfactorily completing 28 hours of a commission-prescribed education course.~~

~~(b)~~ Any license that has been involuntarily inactive for 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

9826 the capacity of a supervisory appraiser, and the maximum number  
9827 of registered trainee appraisers to be supervised by an  
9828 individual supervisory appraiser.

9829 (z)~~(aa)~~ "Training" means the process of providing for and  
9830 making available to a registered trainee appraiser, under direct  
9831 supervision, a planned, prepared, and coordinated program, or  
9832 routine of instruction and education, in appraisal professional  
9833 and technical appraisal skills as determined by rule of the  
9834 department board.

9835 (2) Wherever the word "operate" or "operating" appears in  
9836 this part with respect to a registered trainee appraiser,  
9837 registered appraisal management company, licensed appraiser, or  
9838 certified appraiser; in any order, rule, or regulation of the  
9839 department board; in any pleading, indictment, or information  
9840 under this part; in any court action or proceeding; or in any  
9841 order or judgment of a court, it shall be deemed to mean the  
9842 commission of one or more acts described in this part as  
9843 constituting or defining a registered trainee appraiser,  
9844 registered appraisal management company, licensed appraiser, or  
9845 certified appraiser, not including, however, any of the  
9846 exceptions stated therein. A single act is sufficient to bring a  
9847 person within the meaning of this subsection, and each act, if  
9848 prohibited herein, constitutes a separate offense.

9849 **Section 293. Subsection (7) of section 475.612, Florida**  
9850 **Statutes, is amended to read:**

9851           475.612 Certification, licensure, or registration  
 9852 required.—

9853           (7) Notwithstanding any other provision of law, an  
 9854 appraiser may perform an evaluation of real property in  
 9855 connection with a real estate-related financial transaction, as  
 9856 defined by rule of the department board, which is regulated by a  
 9857 federal financial institutions regulatory agency. The appraiser  
 9858 shall comply with the standards for evaluations imposed by the  
 9859 federal financial institutions regulatory agency and other  
 9860 standards as prescribed by the department board. However, an  
 9861 evaluation may not be referred to or construed as an appraisal.

9862           **Section 294. Section 475.614, Florida Statutes, is amended**  
 9863 **to read:**

9864           475.614 Power of department board to adopt rules and  
 9865 decide questions of practice; requirements for protection of  
 9866 appraiser's signature.—

9867           (1) The department ~~may board has authority to~~ adopt rules  
 9868 ~~pursuant to ss. 120.536(1) and 120.54~~ to implement provisions of  
 9869 law conferring duties upon it. The board may decide questions of  
 9870 practice arising in the proceedings before it, having regard to  
 9871 this section and the rules then in force.

9872           (2) The department board shall adopt rules specifying the  
 9873 means by which an appraiser's signature may be affixed to an  
 9874 appraisal report or other work performed by the appraiser. The  
 9875 rules shall include requirements for protecting the security of

9876 an appraiser's signature and prohibiting practices that may  
 9877 discredit the use of an appraiser's signature to authenticate  
 9878 the work performed by the appraiser.

9879 **Section 295. Section 475.6145, Florida Statutes, is**  
 9880 **amended to read:**

9881 475.6145 Seal.—The department ~~board~~ shall adopt a seal by  
 9882 which it shall authenticate its proceedings, records, and acts.  
 9883 Copies of the proceedings, records, and acts of the board, and  
 9884 certificates purporting to relate the facts concerning such  
 9885 proceedings, records, and acts, which are signed by the board  
 9886 chair, the custodian of such records, or any other person  
 9887 authorized to make such certification and which are  
 9888 authenticated by such seal, shall be prima facie evidence of  
 9889 such proceedings, records, and acts in all courts of this state.

9890 **Section 296. Section 475.6147, Florida Statutes, is**  
 9891 **amended to read:**

9892 475.6147 Fees.—

9893 (1) (a) The department ~~board~~ by rule may establish fees to  
 9894 be paid for application, licensing and renewal, certification  
 9895 and recertification, registration and reregistration,  
 9896 reinstatement, and recordmaking and recordkeeping.

9897 (b) The fee for initial application of an appraiser may  
 9898 not exceed \$150, and the combined cost of the application and  
 9899 examination may not exceed \$300. The initial certification,  
 9900 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

10001 approved qualifying education courses in subjects related to  
 10002 real estate appraisal, which must include coverage of the  
 10003 Uniform Standards of Professional Appraisal Practice, or its  
 10004 equivalent, as established by rule of the department board, from  
 10005 a nationally recognized or state-recognized appraisal  
 10006 organization, career center, accredited community college,  
 10007 college, or university, state or federal agency or commission,  
 10008 or proprietary real estate school that holds a permit pursuant  
 10009 to s. 475.451. The department board may increase the required  
 10010 number of hours to not more than 125 hours. All qualifying  
 10011 education courses may be completed through in-person classroom  
 10012 instruction or distance learning. A classroom hour is defined as  
 10013 50 minutes out of each 60-minute segment. Past courses may be  
 10014 approved on an hour-for-hour basis.

10015 (2) To be certified as a residential appraiser, an  
 10016 applicant must present satisfactory evidence to the department  
 10017 ~~board~~ that she or he has met the minimum education and  
 10018 experience requirements prescribed by rule of the department  
 10019 ~~board~~. The department board shall prescribe by rule education  
 10020 and experience requirements that meet or exceed the following  
 10021 real property appraiser qualification criteria adopted on  
 10022 December 9, 2011, by the Appraiser Qualifications Board of the  
 10023 Appraisal Foundation:

10024 (a) Has at least 2,500 hours of experience obtained over a  
 10025 24-month period in real property appraisal as defined by rule.

10026 (b) Has successfully completed at least 200 classroom  
 10027 hours, inclusive of examination, of approved qualifying  
 10028 education courses in subjects related to real estate appraisal,  
 10029 which must include a 15-hour National Uniform Standards of  
 10030 Professional Appraisal Practice course, or its equivalent, as  
 10031 established by rule of the department ~~board~~, from a nationally  
 10032 recognized or state-recognized appraisal organization, career  
 10033 center, accredited community college, college, or university,  
 10034 state or federal agency or commission, or proprietary real  
 10035 estate school that holds a permit pursuant to s. 475.451. All  
 10036 qualifying education courses may be completed through in-person  
 10037 classroom instruction or distance learning. A classroom hour is  
 10038 defined as 50 minutes out of each 60-minute segment. Past  
 10039 courses may be approved by the department ~~board~~ and substituted  
 10040 on an hour-for-hour basis.

10041 (3) To be certified as a general appraiser, an applicant  
 10042 must present evidence satisfactory to the department ~~board~~ that  
 10043 she or he has met the minimum education and experience  
 10044 requirements prescribed by rule of the department ~~board~~. The  
 10045 department ~~board~~ shall prescribe education and experience  
 10046 requirements that meet or exceed the following real property  
 10047 appraiser qualification criteria adopted on December 9, 2011, by  
 10048 the Appraiser Qualifications Board of the Appraisal Foundation:

10049 (a) Has at least 3,000 hours of experience obtained over a  
 10050 30-month period in real property appraisal as defined by rule.

10051 (b) Has successfully completed at least 300 classroom  
10052 hours, inclusive of examination, of approved qualifying  
10053 education courses in subjects related to real estate appraisal,  
10054 which must include a 15-hour National Uniform Standards of  
10055 Professional Appraisal Practice course, or its equivalent, as  
10056 established by rule of the department ~~board~~, from a nationally  
10057 recognized or state-recognized appraisal organization, career  
10058 center, accredited community college, college, or university,  
10059 state or federal agency or commission, or proprietary real  
10060 estate school that holds a permit pursuant to s. 475.451. All  
10061 qualifying education courses may be completed through in-person  
10062 classroom instruction or distance learning. A classroom hour is  
10063 defined as 50 minutes out of each 60-minute segment. Past  
10064 courses may be approved by the department ~~board~~ and substituted  
10065 on an hour-for-hour basis.

10066 (4) A distance learning course may be approved by the  
10067 department ~~board~~ as an option to classroom hours for  
10068 satisfactory completion of the academic courses required under  
10069 this section. The schools authorized by this section have the  
10070 option of providing classroom courses, distance learning  
10071 courses, or both.

10072 (a) A distance learning course must use a delivery method  
10073 that is certified or approved by a department-authorized ~~board-~~  
10074 ~~authorized~~ independent certifying organization.

10075 (b) A distance learning course intended for use as

10076 | academic education must include a written, closed-book final  
 10077 | examination. As used in this paragraph, the term "written"  
 10078 | refers to an exam that might be written on paper or administered  
 10079 | electronically on a computer workstation or other device. Oral  
 10080 | exams are not acceptable.

10081 |         (5) Each applicant must furnish, under oath, a detailed  
 10082 | statement of the experience for each year of experience she or  
 10083 | he claims. Upon request, the applicant shall furnish to the  
 10084 | department board, for its examination, copies of appraisal  
 10085 | reports or file memoranda to support the claim for experience.  
 10086 | Any appraisal report or file memoranda used to support a claim  
 10087 | for experience must be maintained by the applicant for no less  
 10088 | than 5 years after the date of certification.

10089 |         (6) The department board may implement the provisions of  
 10090 | this section by rule.

10091 |         **Section 299. Section 475.6171, Florida Statutes, is**  
 10092 | **amended to read:**

10093 |         475.6171 Issuance of registration or certification.—The  
 10094 | registration or certification of an applicant may be issued upon  
 10095 | receipt by the department board of the following:

10096 |         (1) A complete application indicating compliance with  
 10097 | qualifications as specified in s. 475.615.

10098 |         (2) Proof of successful course completion as specified in  
 10099 | s. 475.617.

10100 |         (3) Proof of experience for certification as specified in

10101 s. 475.617.

10102 (4) If required, proof of passing a written examination as  
 10103 specified in s. 475.616.

10104 (5) The department ~~board~~ shall implement this section by  
 10105 rule.

10106 **Section 300. Subsection (1) of section 475.618, Florida**  
 10107 **Statutes, is amended to read:**

10108 475.618 Renewal of registration, license, certification,  
 10109 or instructor permit; continuing education.—

10110 (1)(a) The department shall renew a registration, license,  
 10111 certification, or instructor permit upon receipt of the renewal  
 10112 application and proper fee. Such application shall include proof  
 10113 satisfactory to the department ~~board~~ that the individual has  
 10114 satisfactorily completed any continuing education that has been  
 10115 prescribed by the department ~~board~~.

10116 (b) A distance learning course or courses shall be  
 10117 approved by the department ~~board~~ as an option to classroom hours  
 10118 as satisfactory completion of the course or courses as required  
 10119 by this section. The schools authorized by this section have the  
 10120 option of providing classroom courses, distance learning  
 10121 courses, or both.

10122 (c) The department ~~board~~ may authorize independent  
 10123 certification organizations to certify or approve the delivery  
 10124 method of distance learning courses. Certification from such  
 10125 authorized organizations must be provided at the time a distance

10126 | learning course is submitted to the department ~~board~~ by an  
 10127 | accredited college, university, community college, career  
 10128 | center, proprietary real estate school, or department-approved  
 10129 | ~~board-approved~~ sponsor for content approval.

10130 | **Section 301. Section 475.619, Florida Statutes, is amended**  
 10131 | **to read:**

10132 | 475.619 Inactive status.—

10133 | (1) A registration, license, or certification which has  
 10134 | become inactive may be renewed upon application to the  
 10135 | department. The department ~~board~~ shall prescribe by rule  
 10136 | continuing education requirements for each year the  
 10137 | registration, license, or certification was inactive, as a  
 10138 | condition of renewing an inactive registration, license, or  
 10139 | certification.

10140 | (2) Any registration, license, or certification which has  
 10141 | been inactive for more than 4 years shall automatically expire.  
 10142 | Once a registration, license, or certification expires, it  
 10143 | becomes null and void without any further action by the ~~board or~~  
 10144 | department. Two years prior to the expiration of the  
 10145 | registration, license, or certification, the department shall  
 10146 | give notice by mail to the registered trainee, licensee, or  
 10147 | certificateholder at her or his last known address. The  
 10148 | department ~~board~~ shall prescribe by rule a fee not to exceed  
 10149 | \$100 for the late renewal of an inactive registration, license,  
 10150 | 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

10201 sent to the department for the purpose of determining whether  
10202 the appraisal management company is statutorily qualified for  
10203 registration.

10204 (4) At the time of filing an application for registration  
10205 of an appraisal management company, each person listed in  
10206 paragraph (2)(f) must sign a pledge to comply with applicable  
10207 standards of professional practice established by rule of the  
10208 department board, including standards for the development or  
10209 communication of a real estate appraisal, and must indicate in  
10210 writing that she or he understands the types of misconduct for  
10211 which disciplinary proceedings may be initiated. The application  
10212 expires 1 year after the date received.

10213 **Section 305. Section 475.624, Florida Statutes, is amended**  
10214 **to read:**

10215 475.624 Discipline of appraisers.—The department board may  
10216 deny an application for registration or certification of an  
10217 appraiser; may investigate the actions of any appraiser  
10218 registered, licensed, or certified under this part; may  
10219 reprimand or impose an administrative fine not to exceed \$5,000  
10220 for each count or separate offense against any such appraiser;  
10221 and may revoke or suspend, for a period not to exceed 10 years,  
10222 the registration, license, or certification of any such  
10223 appraiser, or place any such appraiser on probation, if the  
10224 department board finds that the registered trainee, licensee, or  
10225 certificateholder:

10226 (1) Has violated any provision of this part or s.  
 10227 455.227(1); however, any appraiser registered, licensed, or  
 10228 certified under this part is exempt from s. 455.227(1)(i).

10229 (2) Has been guilty of fraud, misrepresentation,  
 10230 concealment, false promises, false pretenses, dishonest conduct,  
 10231 culpable negligence, or breach of trust in any business  
 10232 transaction in this state or any other state, nation, or  
 10233 territory; has violated a duty imposed upon her or him by law or  
 10234 by the terms of a contract, whether written, oral, express, or  
 10235 implied, in an appraisal assignment; has aided, assisted, or  
 10236 conspired with any other person engaged in any such misconduct  
 10237 and in furtherance thereof; or has formed an intent, design, or  
 10238 scheme to engage in such misconduct and committed an overt act  
 10239 in furtherance of such intent, design, or scheme. It is  
 10240 immaterial to the guilt of the registered trainee appraiser or  
 10241 licensed or certified appraiser that the victim or intended  
 10242 victim of the misconduct has sustained no damage or loss; that  
 10243 the damage or loss has been settled and paid after discovery of  
 10244 the misconduct; or that such victim or intended victim was a  
 10245 customer or a person in confidential relation with the  
 10246 registered trainee appraiser or licensed or certified appraiser,  
 10247 or was an identified member of the general public.

10248 (3) Has advertised services in a manner that is  
 10249 fraudulent, false, deceptive, or misleading in form or content.

10250 (4) Has violated any provision of this part or any lawful

10251 order or rule issued under this part or chapter 455.

10252 (5) Has been convicted or found guilty of, or entered a  
 10253 plea of nolo contendere to, regardless of adjudication, a crime  
 10254 in any jurisdiction that directly relates to the activities of a  
 10255 registered trainee appraiser or licensed or certified appraiser  
 10256 or that involves moral turpitude or fraudulent or dishonest  
 10257 conduct. The record of a conviction certified or authenticated  
 10258 in such form as admissible in evidence under the laws of the  
 10259 state shall be admissible as prima facie evidence of such guilt.

10260 (6) Has had a registration, license, or certification as  
 10261 an appraiser revoked, suspended, or otherwise acted against; has  
 10262 been disbarred; has had her or his registration, license, or  
 10263 certificate to practice or conduct any regulated profession,  
 10264 business, or vocation revoked or suspended by this or any other  
 10265 state, any nation, or any possession or district of the United  
 10266 States; or has had an application for such registration,  
 10267 licensure, or certification to practice or conduct any regulated  
 10268 profession, business, or vocation denied by this or any other  
 10269 state, any nation, or any possession or district of the United  
 10270 States.

10271 (7) Has become temporarily incapacitated from acting as an  
 10272 appraiser with safety to those in a fiduciary relationship with  
 10273 her or him because of drunkenness, use of drugs, or temporary  
 10274 mental derangement; however, suspension of a license,  
 10275 certification, or registration in such cases shall only be for

10276 the period of such incapacity.

10277 (8) Is confined in any county jail, postadjudication; is  
10278 confined in any state or federal prison or mental institution;  
10279 or, through mental disease or deterioration, can no longer  
10280 safely be entrusted to deal with the public or in a confidential  
10281 capacity.

10282 (9) Has failed to inform the department ~~board~~ in writing  
10283 within 30 days after pleading guilty or nolo contendere to, or  
10284 being convicted or found guilty of, any felony.

10285 (10) Has been found guilty, for a second time, of any  
10286 misconduct that warrants disciplinary action, or has been found  
10287 guilty of a course of conduct or practice that shows that she or  
10288 he is incompetent, negligent, dishonest, or untruthful to an  
10289 extent that those with whom she or he may sustain a confidential  
10290 relationship may not safely do so.

10291 (11) Has made or filed a report or record, either written  
10292 or oral, that the registered trainee appraiser or licensed or  
10293 certified appraiser knows to be false; has willfully failed to  
10294 file a report or record required by state or federal law; has  
10295 willfully impeded or obstructed such filing; or has induced  
10296 another person to impede or obstruct such filing. However, such  
10297 reports or records shall include only those that are signed or  
10298 presented in the capacity of a registered trainee appraiser or  
10299 licensed or certified appraiser.

10300 (12) Has obtained or attempted to obtain a registration,

10301 license, or certification by means of knowingly making a false  
 10302 statement, submitting false information, refusing to provide  
 10303 complete information in response to an application question, or  
 10304 engaging in fraud, misrepresentation, or concealment.

10305 (13) Has paid money or other valuable consideration,  
 10306 except as required by this section, to any member or employee of  
 10307 the department ~~board~~ to obtain a registration, license, or  
 10308 certification under this section.

10309 (14) Has violated any standard of professional practice  
 10310 established by rule of the department ~~board~~, including standards  
 10311 for the development or communication of a real estate appraisal.

10312 (15) Has failed or refused to exercise reasonable  
 10313 diligence in developing an appraisal or preparing an appraisal  
 10314 report.

10315 (16) Has failed to communicate an appraisal without good  
 10316 cause.

10317 (17) Has accepted an appraisal assignment if the  
 10318 employment itself is contingent upon the appraiser reporting a  
 10319 predetermined result, analysis, or opinion or if the fee to be  
 10320 paid for the performance of the appraisal assignment is  
 10321 contingent upon the opinion, conclusion, or valuation reached  
 10322 upon the consequences resulting from the appraisal assignment.

10323 (18) Has failed to timely notify the department of any  
 10324 change in business location, or has failed to fully disclose all  
 10325 business locations from which she or he operates as a registered

10326 | trainee appraiser or licensed or certified appraiser.

10327 |       **Section 306. Section 475.6245, Florida Statutes, is**  
 10328 | **amended to read:**

10329 |       475.6245 Discipline of appraisal management companies.—

10330 |       (1) The department ~~board~~ may deny an application for  
 10331 | registration or renewal registration of an appraisal management  
 10332 | company; may investigate the actions of any appraisal management  
 10333 | company registered under this part; may reprimand or impose an  
 10334 | administrative fine not to exceed \$5,000 for each count or  
 10335 | separate offense against any such appraisal management company;  
 10336 | and may revoke or suspend, for a period not to exceed 10 years,  
 10337 | the registration of any such appraisal management company, or  
 10338 | place any such appraisal management company on probation, if the  
 10339 | department ~~board~~ finds that the appraisal management company or  
 10340 | any person listed in s. 475.6235(2) (f):

10341 |       (a) Has violated any provision of this part or s.  
 10342 | 455.227(1); however, any appraisal management company registered  
 10343 | under this part is exempt from s. 455.227(1) (i).

10344 |       (b) Has been guilty of fraud, misrepresentation,  
 10345 | concealment, false promises, false pretenses, dishonest conduct,  
 10346 | culpable negligence, or breach of trust in any business  
 10347 | transaction in this state or any other state, nation, or  
 10348 | territory; has violated a duty imposed upon her or him by law or  
 10349 | by the terms of a contract, whether written, oral, express, or  
 10350 | 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

10376 company revoked, suspended, or otherwise acted against; has been  
10377 disbarred; has had her or his registration, license, or  
10378 certificate to practice or conduct any regulated profession,  
10379 business, or vocation revoked or suspended by this or any other  
10380 state, any nation, or any possession or district of the United  
10381 States; or has had an application for such registration,  
10382 licensure, or certification to practice or conduct any regulated  
10383 profession, business, or vocation denied by this or any other  
10384 state, any nation, or any possession or district of the United  
10385 States.

10386 (g) Has become temporarily incapacitated from acting as an  
10387 appraisal management company with safety to those in a fiduciary  
10388 relationship with her or him because of drunkenness, use of  
10389 drugs, or temporary mental derangement; however, suspension of a  
10390 registration in such cases shall only be for the period of such  
10391 incapacity.

10392 (h) Is confined in any county jail, postadjudication; is  
10393 confined in any state or federal prison or mental institution;  
10394 or, through mental disease or deterioration, can no longer  
10395 safely be entrusted to deal with the public or in a confidential  
10396 capacity.

10397 (i) Has failed to inform the department ~~board~~ in writing  
10398 within 30 days after pleading guilty or nolo contendere to, or  
10399 being convicted or found guilty of, any felony.

10400 (j) Has been found guilty, for a second time, of any

10401 misconduct that warrants disciplinary action, or has been found  
 10402 guilty of a course of conduct or practice that shows that she or  
 10403 he is incompetent, negligent, dishonest, or untruthful to an  
 10404 extent that those with whom she or he may sustain a confidential  
 10405 relationship may not safely do so.

10406 (k) Has made or filed a report or record, either written  
 10407 or oral, that the appraisal management company knows to be  
 10408 false; has willfully failed to file a report or record required  
 10409 by state or federal law; has willfully impeded or obstructed  
 10410 such filing; or has induced another person to impede or obstruct  
 10411 such filing. However, such reports or records shall include only  
 10412 those that are signed or presented in the capacity of an  
 10413 appraisal management company.

10414 (l) Has obtained or attempted to obtain a registration,  
 10415 license, or certification by means of knowingly making a false  
 10416 statement, submitting false information, refusing to provide  
 10417 complete information in response to an application question, or  
 10418 engaging in fraud, misrepresentation, or concealment.

10419 (m) Has paid money or other valuable consideration, except  
 10420 as required by this section, to any member or employee of the  
 10421 department ~~board~~ to obtain a registration, license, or  
 10422 certification under this section.

10423 (n) Has instructed an appraiser to violate any standard of  
 10424 professional practice established by rule of the department  
 10425 ~~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

10501 any indemnification agreement that would require the client to  
10502 hold harmless the appraisal management company or its owners,  
10503 agents, or employees from any liability, damage, loss, or claim  
10504 arising from the services performed by an appraiser.

10505 (2) The department ~~board~~ may reprimand an appraisal  
10506 management company, conditionally or unconditionally suspend or  
10507 revoke any registration of an appraisal management company  
10508 issued under this part, or impose administrative fines not to  
10509 exceed \$5,000 for each count or separate offense against any  
10510 such appraisal management company if the department ~~board~~  
10511 determines that the appraisal management company is attempting  
10512 to perform, has performed, or has attempted to perform any of  
10513 the following acts:

10514 (a) Committing any act in violation of this part.

10515 (b) Violating any rule adopted by the department ~~board~~  
10516 under this part.

10517 (c) Obtaining a registration of an appraisal management  
10518 company by fraud, misrepresentation, or deceit.

10519 (3) This section does not prohibit an appraisal management  
10520 company from requesting an appraiser to:

10521 (a) Provide additional information about the basis of a  
10522 valuation, including consideration of additional comparable  
10523 data; or

10524 (b) Correct objective factual errors in an appraisal  
10525 report.

10526           **Section 307. Section 475.625, Florida Statutes, is amended**  
 10527 **to read:**

10528           475.625 Final orders.—The department ~~board~~ may publish and  
 10529 distribute, in such manner and form as it may prescribe, any of  
 10530 its final orders or decisions made under this section, after  
 10531 they become final by lapse of time or upon affirmance on appeal,  
 10532 or opinions of appellate courts for the guidance of appraisers,  
 10533 appraiser users, and the public. The department ~~board~~ may also  
 10534 publish or withhold from publication the names and addresses of  
 10535 any parties concerned. This section shall not be construed to  
 10536 affect compliance with chapter 119.

10537           **Section 308. Paragraphs (c), (d), and (e) of subsection**  
 10538 **(1) of section 475.626, Florida Statutes, are amended to read:**

10539           475.626 Violations and penalties.—

10540           (1) A person may not:

10541           (c) Make any false affidavit or affirmation intended for  
 10542 use as evidence by or before the department ~~board~~ or any member  
 10543 thereof, or by any of its authorized representatives, nor may  
 10544 any person give false testimony under oath or affirmation to or  
 10545 before the department ~~board~~ or any member thereof in any  
 10546 proceeding authorized by this section.

10547           (d) Fail or refuse to appear at the time and place  
 10548 designated in a subpoena issued with respect to a violation of  
 10549 this section, unless such failure to appear is the result of  
 10550 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

10576 the following requirements:

10577 (a) Hold a valid certification as a residential real  
 10578 estate appraiser in this or any other state.

10579 (b) Pass an appraiser instructor's examination which shall  
 10580 test knowledge of residential appraisal topics.

10581 (2) Where the course or courses to be taught are  
 10582 prescribed by the department ~~board~~ or approved precedent to  
 10583 registration, licensure, certification, or renewal as a  
 10584 registered trainee appraiser, licensed appraiser, or certified  
 10585 appraiser, before commencing to instruct noncredit college  
 10586 courses in a college, university, or community college, or  
 10587 courses in a career center or proprietary real estate school, a  
 10588 person must certify her or his competency by meeting one of the  
 10589 following requirements:

10590 (a) Hold a valid certification as a general real estate  
 10591 appraiser in this or any other state.

10592 (b) Pass an appraiser instructor's examination which shall  
 10593 test knowledge of residential and nonresidential appraisal  
 10594 topics.

10595 (3) Possession of a permit to teach prescribed or approved  
 10596 appraisal courses does not entitle the permitholder to teach any  
 10597 courses outside the scope of the permit.

10598 **Section 310. Section 475.628, Florida Statutes, is amended**  
 10599 **to read:**

10600 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

10626 Appraisal Foundation.

10627 **Section 311. Section 475.629, Florida Statutes, is amended**  
 10628 **to read:**

10629 475.629 Retention of records.—An appraiser registered,  
 10630 licensed, or certified under this part shall prepare and retain  
 10631 a work file for each appraisal, appraisal review, or appraisal  
 10632 consulting assignment. An appraisal management company  
 10633 registered under this part shall prepare and retain an order  
 10634 file for each appraisal, appraisal review, or appraisal  
 10635 consulting assignment. The work file and the order file shall be  
 10636 retained for 5 years or the period specified in the Uniform  
 10637 Standards of Professional Appraisal Practice, whichever is  
 10638 greater. The work file must contain original or true copies of  
 10639 any contracts engaging the appraiser's or appraisal management  
 10640 company's services, appraisal reports, and supporting data  
 10641 assembled and formulated by the appraiser or company in  
 10642 preparing appraisal reports or engaging in appraisal management  
 10643 services and all other data, information, and documentation  
 10644 required by the standards for the development or communication  
 10645 of a real estate appraisal as approved and adopted by the  
 10646 Appraisal Standards Board of The Appraisal Foundation, as  
 10647 established by rule of the department ~~board~~. The order file must  
 10648 contain original or true copies of any contracts engaging the  
 10649 appraiser's services, the appraisal reports, any engagement  
 10650 materials or instructions from the client, and all other

10651 documents required by the standards for the development or  
10652 communication of a real estate appraisal as approved and adopted  
10653 by the Appraisal Standards Board of The Appraisal Foundation, as  
10654 established by rule of the department ~~board~~. Notwithstanding the  
10655 foregoing, while general contracts and materials pertaining to  
10656 impaneling of an appraiser by an appraisal management company  
10657 shall be retained under this section, such contracts and  
10658 materials are not required to be maintained within the order  
10659 file. Except as otherwise specified in the Uniform Standards of  
10660 Professional Appraisal Practice, the period for retention of the  
10661 records applicable to each engagement of the services of the  
10662 appraiser or appraisal management company runs from the date of  
10663 the submission of the appraisal report to the client. Appraisal  
10664 management companies shall also retain the company accounts,  
10665 correspondence, memoranda, papers, books, and other records in  
10666 accordance with administrative rules adopted by the department  
10667 ~~board~~. These records must be made available by the appraiser or  
10668 appraisal management company for inspection and copying by the  
10669 department upon reasonable notice to the appraiser or company.  
10670 If an appraisal has been the subject of or has served as  
10671 evidence for litigation, reports and records must be retained  
10672 for at least 2 years after the trial or the period specified in  
10673 the Uniform Standards of Professional Appraisal Practice,  
10674 whichever is greater.

10675 **Section 312. Section 475.630, Florida Statutes, is amended**

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

10701 documents or to appear in conjunction with an investigation and  
 10702 the nonresident appraiser fails to comply with that request, the  
 10703 department board ~~board~~ may impose on that nonresident appraiser any  
 10704 disciplinary action or penalty authorized under this part.

10705 (d) Sign a notarized statement that the applicant has read  
 10706 this section and all applicable rules and agrees to abide by  
 10707 these provisions in all appraisal activities.

10708 **Section 313. Section 475.631, Florida Statutes, is amended**  
 10709 **to read:**

10710 475.631 Nonresident licenses and certifications.—

10711 (1) Any resident state-certified appraiser who becomes a  
 10712 nonresident shall, within 60 days, notify the department board  
 10713 of the change in residency and comply with nonresident  
 10714 requirements. Failure to notify and comply is a violation of the  
 10715 license law, subject to the penalties in s. 475.624.

10716 (2) All nonresident applicants, certified appraisers, and  
 10717 licensees shall comply with all requirements of department board  
 10718 rules and this part.

10719 **Section 314. Section 475.613, Florida Statutes, is amended**  
 10720 **to read:**

10721 475.613 Authority of the department ~~Florida Real Estate~~  
 10722 ~~Appraisal Board.~~—

10723 ~~(1) There is created the Florida Real Estate Appraisal~~  
 10724 ~~Board, which shall consist of nine members appointed by the~~  
 10725 ~~Governor, subject to confirmation by the Senate. Four members of~~

10726 ~~the board must be real estate appraisers who have been engaged~~  
10727 ~~in the general practice of appraising real property in this~~  
10728 ~~state for at least 5 years immediately preceding appointment. In~~  
10729 ~~appointing real estate appraisers to the board, while not~~  
10730 ~~excluding other appraisers, the Governor shall give preference~~  
10731 ~~to real estate appraisers who are not primarily engaged in real~~  
10732 ~~estate brokerage or mortgage lending activities. One member of~~  
10733 ~~the board must represent the appraisal management industry. One~~  
10734 ~~member of the board must represent organizations that use~~  
10735 ~~appraisals for the purpose of eminent domain proceedings,~~  
10736 ~~financial transactions, or mortgage insurance. Three members of~~  
10737 ~~the board must represent the general public and may not be~~  
10738 ~~connected in any way with the practice of real estate appraisal.~~  
10739 ~~The appraiser members shall be as representative of the entire~~  
10740 ~~industry as possible, and membership in a nationally recognized~~  
10741 ~~or state-recognized appraisal organization may not be a~~  
10742 ~~prerequisite to membership on the board. To the extent possible,~~  
10743 ~~no more than two members of the board shall be primarily~~  
10744 ~~affiliated with any one particular national or state appraisal~~  
10745 ~~association. Two of the members must be licensed or certified~~  
10746 ~~residential real estate appraisers and two of the members must~~  
10747 ~~be certified general real estate appraisers at the time of their~~  
10748 ~~appointment.~~

10749 ~~(a) Members of the board shall be appointed for 4-year~~  
10750 ~~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~~

10776 ~~department, to the extent authorized pursuant to such permit,~~  
10777 ~~may offer, conduct, or teach any course prescribed or approved~~  
10778 ~~by the board or the department.~~

10779 **Section 315. Subsections (2), (8), and (9) of section**  
10780 **476.184, Florida Statutes, are amended, and subsection (11) is**  
10781 **added to that section, to read:**

10782 476.184 Barbershop licensure; requirements; fee;  
10783 inspection; license display.-

10784 (2) The department ~~board~~ shall adopt rules governing the  
10785 licensure and operation of a barbershop and its facilities,  
10786 personnel, safety and sanitary requirements, and the license  
10787 application and granting process.

10788 (8) Renewal of license registration for barbershops shall  
10789 be accomplished pursuant to rules adopted by the department  
10790 ~~board~~. The department ~~board~~ is further authorized to adopt rules  
10791 governing delinquent renewal of licenses and may impose penalty  
10792 fees for delinquent renewal.

10793 (9) The department ~~board~~ is authorized to adopt rules  
10794 governing the operation and periodic inspection of barbershops  
10795 licensed under this chapter.

10796 (11) (a) The department shall adopt rules governing the  
10797 licensure, operation, and inspection of mobile barbershops,  
10798 including their facilities, personnel, and safety and sanitary  
10799 requirements.

10800 (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:**

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

10876 applicable, and has satisfied the internship requirements set  
 10877 forth in s. 481.211 for architects;

10878 (b) Holds a valid license to practice architecture or a  
 10879 license, registration, or certification to practice interior  
 10880 design issued by another jurisdiction of the United States or a  
 10881 foreign jurisdiction, if the criteria for issuance of such  
 10882 license were substantially equivalent to the licensure criteria  
 10883 that existed in this state at the time the license was issued;  
 10884 or

10885 (c) Has passed the prescribed licensure examination and  
 10886 holds a valid certificate issued by the National Council of  
 10887 Architectural Registration Boards, and holds a valid license to  
 10888 practice architecture issued by another state or jurisdiction of  
 10889 the United States or a foreign jurisdiction.

10890  
 10891 An architect who is licensed in another state, another  
 10892 jurisdiction of the United States, or a foreign jurisdiction,  
 10893 who seeks qualification for licensure ~~license~~ by endorsement  
 10894 under this subsection must complete a 2-hour class approved by  
 10895 the department ~~board~~ on wind mitigation techniques.

10896 (4) The department ~~board~~ may refuse to certify any  
 10897 applicant who has violated any of the provisions of s. 481.223,  
 10898 s. 481.225, or s. 481.2251, as applicable.

10899 (5) The department ~~board~~ may refuse to certify any  
 10900 applicant who is under investigation in any jurisdiction for any

10901 act which would constitute a violation of this part or of  
10902 chapter 455 until such time as the investigation is complete and  
10903 disciplinary proceedings have been terminated.

10904 (6) The department ~~board~~ shall adopt rules to implement  
10905 the provisions of this part relating to the examination,  
10906 internship, and licensure of applicants.

10907 (7) For persons whose licensure requires satisfaction of  
10908 the requirements of ss. 481.209 and 481.211, the board shall, by  
10909 rule, establish qualifications for certification of such persons  
10910 as special inspectors of threshold buildings, as defined in ss.  
10911 553.71 and 553.79, and shall compile a list of persons who are  
10912 certified. A special inspector is not required to meet standards  
10913 for certification other than those established by the department  
10914 ~~board~~, and the fee owner of a threshold building may not be  
10915 prohibited from selecting any person certified by the board to  
10916 be a special inspector. The department ~~board~~ shall develop  
10917 minimum qualifications for the qualified representative of the  
10918 special inspector who is authorized under s. 553.79 to perform  
10919 inspections of threshold buildings on behalf of the special  
10920 inspector.

10921 (8) A certificate of registration is not required for a  
10922 person whose occupation or practice is confined to interior  
10923 decorator services or for a person whose occupation or practice  
10924 is confined to interior design as provided in this part.

10925 **Section 318. Subsections (1), (2), and (4) of section**

10926 | **481.321, Florida Statutes, are amended to read:**

10927 |       481.321 Seals; display of certificate number.—

10928 |       (1) The department ~~board~~ shall prescribe, by rule, one or  
 10929 | more forms of seals for use by a registered landscape architect  
 10930 | who holds a valid certificate of registration. Each registered  
 10931 | landscape architect shall obtain one seal in a form approved by  
 10932 | rule of the department ~~board~~ and may, in addition, register her  
 10933 | or his seal electronically in accordance with ss. 668.001-  
 10934 | 668.006. All final plans, specifications, or reports prepared or  
 10935 | issued by the registered landscape architect and filed for  
 10936 | public record shall be signed by the registered landscape  
 10937 | architect, dated, and stamped or sealed electronically with her  
 10938 | or his seal. The signature, date, and seal constitute evidence  
 10939 | of the authenticity of that to which they are affixed. Final  
 10940 | plans, specifications, or reports prepared or issued by a  
 10941 | registered landscape architect may be transmitted electronically  
 10942 | and may be signed by the registered landscape architect, dated,  
 10943 | and sealed electronically with the seal in accordance with ss.  
 10944 | 668.001-668.006.

10945 |       (2) It is unlawful for any person to sign and seal by any  
 10946 | means any final plan, specification, or report after her or his  
 10947 | certificate of registration is expired, suspended, or revoked. A  
 10948 | registered landscape architect whose certificate of registration  
 10949 | is suspended or revoked shall, within 30 days after the  
 10950 | 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

11050 subsection (8) ~~or certification under subsection (15)~~, a person  
11051 may submit the following in lieu of satisfying the requirements  
11052 of paragraphs (a), (b), and (c):

11053 1. A photograph of the individual taken within 180 days;  
11054 and

11055 2. A copy of the personal information statement form most  
11056 recently submitted to the department and a certification under  
11057 oath, on a form specified by the department, that the individual  
11058 has reviewed the previously submitted personal information  
11059 statement form and that the information contained therein  
11060 remains unchanged.

11061 ~~(15) (a) Each establishment that is issued an initial or~~  
11062 ~~renewal permit as a prescription drug wholesale distributor or~~  
11063 ~~an out-of-state prescription drug wholesale distributor must~~  
11064 ~~designate in writing to the department at least one natural~~  
11065 ~~person to serve as the designated representative of the~~  
11066 ~~wholesale distributor. Such person must have an active~~  
11067 ~~certification as a designated representative from the~~  
11068 ~~department.~~

11069 ~~(b) To be certified as a designated representative, a~~  
11070 ~~natural person must:~~

11071 1. ~~Submit an application on a form furnished by the~~  
11072 ~~department and pay the appropriate fees.~~

11073 2. ~~Be at least 18 years of age.~~

11074 3. ~~Have at least 2 years of verifiable full-time:~~

11075           ~~a. Work experience in a pharmacy licensed in this state or~~  
 11076 ~~another state, where the person's responsibilities included, but~~  
 11077 ~~were not limited to, recordkeeping for prescription drugs;~~  
 11078           ~~b. Managerial experience with a prescription drug~~  
 11079 ~~wholesale distributor licensed in this state or in another~~  
 11080 ~~state;~~  
 11081           ~~c. Managerial experience with the United States Armed~~  
 11082 ~~Forces, where the person's responsibilities included, but were~~  
 11083 ~~not limited to, recordkeeping, warehousing, distributing, or~~  
 11084 ~~other logistics services pertaining to prescription drugs;~~  
 11085           ~~d. Managerial experience with a state or federal~~  
 11086 ~~organization responsible for regulating or permitting~~  
 11087 ~~establishments involved in the distribution of prescription~~  
 11088 ~~drugs, whether in an administrative or a sworn law enforcement~~  
 11089 ~~capacity; or~~  
 11090           ~~e. Work experience as a drug inspector or investigator~~  
 11091 ~~with a state or federal organization, whether in an~~  
 11092 ~~administrative or a sworn law enforcement capacity, where the~~  
 11093 ~~person's responsibilities related primarily to compliance with~~  
 11094 ~~state or federal requirements pertaining to the distribution of~~  
 11095 ~~prescription drugs.~~  
 11096           ~~4. Receive a passing score of at least 75 percent on an~~  
 11097 ~~examination given by the department regarding federal laws~~  
 11098 ~~governing distribution of prescription drugs and this part and~~  
 11099 ~~the rules adopted by the department governing the wholesale~~

11100 ~~distribution of prescription drugs. This requirement shall be~~  
11101 ~~effective 1 year after the results of the initial examination~~  
11102 ~~are mailed to the persons that took the examination. The~~  
11103 ~~department shall offer such examinations at least four times~~  
11104 ~~each calendar year.~~

11105 ~~5. Provide the department with a personal information~~  
11106 ~~statement and fingerprints pursuant to subsection (9).~~

11107 ~~(c) The department may deny an application for~~  
11108 ~~certification as a designated representative or may suspend or~~  
11109 ~~revoke a certification of a designated representative pursuant~~  
11110 ~~to s. 499.067.~~

11111 ~~(d) A designated representative:~~

11112 ~~1. Must be actively involved in and aware of the actual~~  
11113 ~~daily operation of the wholesale distributor.~~

11114 ~~2. Must be employed full time in a managerial position by~~  
11115 ~~the wholesale distributor.~~

11116 ~~3. Must be physically present at the establishment during~~  
11117 ~~normal business hours, except for time periods when absent due~~  
11118 ~~to illness, family illness or death, scheduled vacation, or~~  
11119 ~~other authorized absence.~~

11120 ~~4. May serve as a designated representative for only one~~  
11121 ~~wholesale distributor at any one time.~~

11122 ~~(e) A wholesale distributor must notify the department~~  
11123 ~~when a designated representative leaves the employ of the~~  
11124 ~~wholesale distributor. Such notice must be provided to the~~

11125 | ~~department within 10 business days after the last day of~~  
11126 | ~~designated representative's employment with the wholesale~~  
11127 | ~~distributor.~~

11128 | ~~(f) A wholesale distributor may not operate under a~~  
11129 | ~~prescription drug wholesale distributor permit or an out-of-~~  
11130 | ~~state prescription drug wholesale distributor permit for more~~  
11131 | ~~than 10 business days after the designated representative leaves~~  
11132 | ~~the employ of the wholesale distributor, unless the wholesale~~  
11133 | ~~distributor employs another designated representative and~~  
11134 | ~~notifies the department within 10 business days of the identity~~  
11135 | ~~of the new designated representative.~~

11136 | ~~(15)(16)~~ A permit for a prescription drug manufacturer or  
11137 | a nonresident prescription drug manufacturer is subject to the  
11138 | requirements of s. 499.026.

11139 | **Section 320. Subsection (9) of section 499.0121, Florida**  
11140 | **Statutes, is amended, and subsection (16) is added to that**  
11141 | **section, to read:**

11142 | 499.0121 Storage and handling of prescription drugs;  
11143 | recordkeeping.—The department shall adopt rules to implement  
11144 | this section as necessary to protect the public health, safety,  
11145 | and welfare. Such rules shall include, but not be limited to,  
11146 | requirements for the storage and handling of prescription drugs  
11147 | and for the establishment and maintenance of prescription drug  
11148 | distribution records.

11149 | (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.