

**By** Senator Burgess

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30       requiring such persons or entities to provide  
31       specified information on the department's online  
32       system; requiring such persons to use forms furnished  
33       by the department; prohibiting the department from  
34       processing an application not submitted through its  
35       online system; amending s. 471.015, F.S.; revising the  
36       criteria for the Board of Professional Engineers to  
37       certify applicants as qualified for licensure by  
38       endorsement as engineers; amending s. 473.3065, F.S.;  
39       renaming the Certified Public Accountant Education  
40       Minority Assistance Advisory Council as the Certified  
41       Public Accountant Education Opportunity Assistance  
42       Advisory Council; revising the purpose of the Clay  
43       Ford Scholarship Program; revising eligibility  
44       criteria for receipt of the scholarship; revising the  
45       criteria for membership and filling a vacancy on the  
46       council; amending s. 475.628, F.S.; prohibiting the  
47       board regulating appraisers from adopting standards  
48       that violate the laws of this state; deleting a  
49       requirement that an appraiser comply with certain  
50       standards for nonfederally related transactions;  
51       amending s. 476.034, F.S.; revising the definition of  
52       the term "barbershop"; amending s. 476.054, F.S.;  
53       deleting certain prohibitions on term limits for  
54       persons appointed to serve on the Barbers' Board;  
55       amending s. 476.064, F.S.; deleting what constitutes a  
56       quorum at board meetings; amending s. 476.184, F.S.;  
57       requiring the department to adopt rules; requiring a  
58       mobile barbershop to comply with all licensure and

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59 operating requirements that apply to a barbershop at a  
60 fixed location; providing an exception; requiring a  
61 mobile barbershop to have a permanent business address  
62 in a specified location; requiring that certain  
63 records be kept at the permanent business address;  
64 requiring a mobile barbershop licenseholder to file  
65 with the department a written monthly itinerary that  
66 provides certain information; requiring a mobile  
67 barbershop licenseholder to comply with certain laws  
68 and ordinances; making technical changes; amending s.  
69 476.188, F.S.; providing that a barbershop must be  
70 licensed, rather than registered, with the department;  
71 authorizing the practice of barbering to be performed  
72 in a location other than a licensed barbershop under  
73 certain circumstances; conforming provisions to  
74 changes made by the act; amending s. 477.015, F.S.;  
75 revising the number of, and criteria for, members of  
76 the Board of Cosmetology; deleting a prohibition  
77 against a specified number of consecutive term limits;  
78 deleting what constitutes a quorum at board meetings;  
79 amending s. 481.213, F.S.; revising the criteria for  
80 the Board of Architecture and Interior Design to  
81 certify applicants as qualified for licensure by  
82 endorsement as architects or for registration as  
83 registered interior designers; conforming provisions  
84 to changes made by the act; making technical changes;  
85 amending s. 489.107, F.S.; revising the quorum  
86 requirements of the Construction Industry Licensing  
87 Board; making a technical change; amending s. 489.111,

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88 F.S.; deleting a requirement that the Department of  
89 Business and Professional Regulation ensure a  
90 sensitivity review committee is established; amending  
91 s. 489.115, F.S.; revising the criteria for the  
92 Construction Industry Licensing Board to certify  
93 applicants as qualified for certification by  
94 endorsement for a construction contractor's license;  
95 amending s. 489.511, F.S.; revising the criteria for  
96 the Electrical Contractors' Licensing Board to certify  
97 applicants as qualified for certification by  
98 endorsement for an electrical contractor's license;  
99 amending s. 499.012, F.S.; revising permit application  
100 requirements for a prescription drug wholesale  
101 distributor; amending s. 499.0121, F.S.; revising the  
102 list of responsible persons a prescription drug  
103 wholesale distributor is required to establish and  
104 maintain; repealing s. 499.01211, F.S., relating to  
105 the Drug Wholesale Distributor Advisory Council;  
106 amending s. 499.041, F.S.; deleting a requirement that  
107 the department assess each person applying for  
108 certification as a designated representative a fee,  
109 plus the cost of processing a criminal history record  
110 check; amending ss. 499.0661 and 499.067, F.S.;  
111 conforming provisions to changes made by the act;  
112 amending s. 509.2015, F.S.; revising where a public  
113 lodging establishment must post notice of a telephone  
114 surcharge; deleting the size of such notice; amending  
115 s. 553.73, F.S.; requiring local amendments to the  
116 administrative provisions of the Florida Building Code

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117       be more stringent than the minimum standards described  
118       in this section; making technical changes; amending s.  
119       553.791, F.S.; revising the requirements for private  
120       providers or any duly authorized representatives who  
121       perform certain plan reviews or inspections; requiring  
122       the department to adopt rules; reenacting ss.  
123       120.54(3)(c) and 120.74(2)(b) and (3)(a), F.S.,  
124       relating to adoption procedures and agency annual  
125       rulemaking and regulatory plans and reports,  
126       respectively, to incorporate the amendment made to s.  
127       20.165, F.S., in references thereto; reenacting ss.  
128       326.003 and 326.004(5) and (7)(b), F.S., relating to  
129       administration and licensing, respectively, to  
130       incorporate the amendment made to s. 326.001, F.S., in  
131       references thereto; reenacting ss. 499.003(4), F.S.,  
132       relating to definitions of terms, to incorporate the  
133       amendment made to s. 499.012, F.S., in a reference  
134       thereto; providing an effective date.  
135

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

137  
138       Section 1. Paragraph (a) of subsection (4) and subsection  
139       (5) of section 20.165, Florida Statutes, are amended to read:

140       20.165 Department of Business and Professional Regulation.—  
141       There is created a Department of Business and Professional  
142       Regulation.

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

145       1. Board of Architecture and Interior Design, created under

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146 part I of chapter 481.

147 2. Florida Board of Auctioneers, created under part VI of

148 chapter 468.

149 3. Barbers' Board, created under chapter 476.

150 4. Florida Building Code Administrators and Inspectors

151 Board, created under part XII of chapter 468.

152 5. Construction Industry Licensing Board, created under

153 part I of chapter 489.

154 6. Board of Cosmetology, created under chapter 477.

155 7. Electrical Contractors' Licensing Board, created under

156 part II of chapter 489.

157 8. Board of Employee Leasing Companies, created under part

158 XI of chapter 468.

159 9. Board of Landscape Architecture, created under part II

160 of chapter 481.

161 10. Board of Pilot Commissioners, created under chapter

162 310.

163 11. Board of Professional Engineers, created under chapter

164 471.

165 12. Board of Professional Geologists, created under chapter

166 492.

167 13. Board of Veterinary Medicine, created under chapter

168 474.

169 14. Home inspection services licensing program, created

170 under part XV of chapter 468.

171 15. Mold-related services licensing program, created under

172 part XVI of chapter 468.

173 16. Talent agency licensing program, created under part VII

174 of chapter 468.

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

176        18. Regulatory Council of Community Association Managers,

177        created under part VIII of chapter 468.

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

180        (5) The members of each board, commission, or council  
181        established pursuant to subsection (4) shall be appointed by the  
182        Governor, subject to confirmation by the Senate. Consumer  
183        members on the board, commission, or council are ~~shall be~~  
184        appointed pursuant to subsection (6). Members are ~~shall be~~  
185        appointed for 4-year terms, and such terms ~~shall~~ expire on  
186        October 31. However, a term of less than 4 years may be used  
187        ~~utilized~~ to ensure that:

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

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

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

194  
195        A member whose term has expired continues ~~shall continue~~ to  
196        serve on the board until such time as a replacement is  
197        appointed. A vacancy on the board is ~~shall be~~ filled for the  
198        unexpired portion of the term in the same manner as the original  
199        appointment. No member may serve for more than the remaining  
200        portion of a previous member's unexpired term, plus two  
201        consecutive 4-year terms of the member's own appointment  
202        thereafter.

203        Section 2. Subsection (2) of section 326.002, Florida

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204 Statutes, is amended to read:

205 326.002 Definitions.—As used in ss. 326.001-326.006, the  
206 term:

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

210 Section 3. Paragraph (d) of subsection (2) and subsection  
211 (3) of section 326.006, Florida Statutes, are amended to read:

212 326.006 Powers and duties of division.—

213 (2) The division has the power to enforce and ensure  
214 compliance with the provisions of this chapter and rules adopted  
215 under this chapter relating to the sale and ownership of yachts  
216 and ships. In performing its duties, the division has the  
217 following powers and duties:

218 (d) Notwithstanding any remedies available to a yacht or  
219 ship purchaser, if the division has reasonable cause to believe  
220 that a violation of ~~any provision of~~ this chapter or rule  
221 adopted under this chapter has occurred, the division may  
222 institute enforcement proceedings in its own name against any  
223 broker or salesperson or any of his or her assignees or agents,  
224 or against any unlicensed person or any of his or her assignees  
225 or agents, as follows:

226 1. The division may permit a person whose conduct or  
227 actions are under investigation to waive formal proceedings and  
228 enter into a consent proceeding whereby orders, rules, or  
229 letters of censure or warning, whether formal or informal, may  
230 be entered against the person.

231 2. The division may issue an order requiring the broker or  
232 salesperson or any of his or her assignees or agents, or

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233 requiring any unlicensed person or any of his or her assignees  
234 or agents, to cease and desist from the unlawful practice and  
235 take such affirmative action as in the judgment of the division  
236 will carry out the purposes of this chapter.

237 3. The division may bring an action in circuit court on  
238 behalf of a class of yacht or ship purchasers for declaratory  
239 relief, injunctive relief, or restitution.

240 4. The division may impose a civil penalty against a broker  
241 or salesperson or any of his or her assignees or agents, or  
242 against an unlicensed person or any of his or her assignees or  
243 agents, for any violation of this chapter or a rule adopted  
244 under this chapter. A penalty may be imposed for each day of  
245 continuing violation, but in no event may the penalty for any  
246 offense exceed \$10,000. All amounts collected must be deposited  
247 with the Chief Financial Officer to the credit of the  
248 Professional Regulation Division of Florida Condominiums,  
249 ~~Timeshares, and Mobile Homes~~ Trust Fund. If a broker,  
250 salesperson, or unlicensed person working for a broker, fails to  
251 pay the civil penalty, the division must shall issue an order  
252 suspending the broker's license until such time as the civil  
253 penalty is paid or may pursue enforcement of the penalty in a  
254 court of competent jurisdiction. The order imposing the civil  
255 penalty or the order of suspension may not become effective  
256 until 20 days after the date of such order. Any action commenced  
257 by the division must be brought in the county in which the  
258 division has its executive offices or in the county where the  
259 violation occurred.

260 (3) All fees must be deposited in the Professional  
261 Regulation Division of Florida Condominiums, Timeshares, and

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262 ~~Mobile Homes~~ Trust Fund as provided by law.

263       Section 4. Subsection (2) of section 399.035, Florida  
264 Statutes, is amended to read:

265       399.035 Elevator accessibility requirements for the  
266 physically handicapped.—

267       (2) Any building that is more than three stories high or in  
268 which the vertical distance between the bottom terminal landing  
269 and the top terminal landing exceeds 25 feet must be constructed  
270 to contain at least one passenger elevator that is operational  
271 and will accommodate the an ambulance stretcher size specified  
272 in the Florida Building Code edition that was in effect at the  
273 time of receipt of application for the construction permit for  
274 the elevator 76 inches long and 24 inches wide in the horizontal  
275 position.

276       Section 5. Paragraph (a) of subsection (3) of section  
277 455.02, Florida Statutes, is amended to read:

278       455.02 Licensure of members of the Armed Forces in good  
279 standing and their spouses or surviving spouses with  
280 administrative boards or programs.—

281       (3) (a) The department shall issue a professional license to  
282 an applicant who is or was an active duty member of the Armed  
283 Forces of the United States, or who is a spouse or surviving  
284 spouse of such member, upon application to the department in a  
285 format prescribed by the department. An application must include  
286 proof that:

287       1. The applicant is or was an active duty member of the  
288 Armed Forces of the United States or is married to a member of  
289 the Armed Forces of the United States and was married to the  
290 member during any period of active duty or was married to such a

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291 member who at the time of the member's death was serving on  
292 active duty. An applicant who was an active duty member of the  
293 Armed Forces of the United States must have received an  
294 honorable discharge upon separation or discharge from the Armed  
295 Forces of the United States.

296 2. The applicant holds a valid license for the profession  
297 issued by another state, the District of Columbia, any  
298 possession or territory of the United States, or any foreign  
299 jurisdiction.

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

302 4.a. A complete set of the applicant's fingerprints is  
303 submitted to the Department of Law Enforcement for a statewide  
304 criminal history check for those professions that require  
305 fingerprints for initial licensure.

306 b. The Department of Law Enforcement shall forward the  
307 fingerprints submitted pursuant to sub subparagraph a. to the  
308 Federal Bureau of Investigation for a national criminal history  
309 check. The department shall, and the board may, review the  
310 results of the criminal history checks according to the level 2  
311 screening standards in s. 435.04 and determine whether the  
312 applicant meets the licensure requirements. The costs of  
313 fingerprint processing shall be borne by the applicant. If the  
314 applicant's fingerprints are submitted through an authorized  
315 agency or vendor, the agency or vendor shall collect the  
316 required processing fees and remit the fees to the Department of  
317 Law Enforcement.

318 Section 6. Paragraphs (a) and (b) of subsection (3) and  
319 subsection (12) of section 455.213, Florida Statutes, are

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320 amended to read:

321 455.213 General licensing provisions.—

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

326 1. A barber under chapter 476;

327 2. ~~A cosmetologist or cosmetology specialist under chapter~~  
328 ~~477;~~329 3. Any of the following construction professions under  
330 chapter 489:

331 a. Air-conditioning contractor;

332 b. Electrical contractor;

333 c. Mechanical contractor;

334 d. Plumbing contractor;

335 e. Pollutant storage systems contractor;

336 f. Roofing contractor;

337 g. Sheet metal contractor;

338 h. Solar contractor;

339 i. Swimming pool and spa contractor;

340 j. Underground utility and excavation contractor; or

341 k. Other specialty contractors; or

342 3.4. Any other profession for which the department issues a  
343 license, provided the profession is offered to inmates in any  
344 correctional institution or correctional facility as vocational  
345 training or through an industry certification program.346 (b)1. A conviction, or any other adjudication, for a crime  
347 more than 5 years before the date the application is received by  
348 the applicable board may not be grounds for denial of a license

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349 specified in paragraph (a). For purposes of this paragraph, the  
350 term "conviction" means a determination of guilt that is the  
351 result of a plea or trial, regardless of whether adjudication is  
352 withheld. This paragraph does not limit the applicable board  
353 from considering an applicant's criminal history that includes a  
354 crime listed in s. 775.21(4)(a)1. or s. 776.08 at any time, but  
355 only if such criminal history has been found to relate to the  
356 practice of the applicable profession.

357 2. The applicable board may consider the criminal history  
358 of an applicant for licensure under subparagraph (a)2.  
359 ~~subparagraph (a)3.~~ if such criminal history has been found to  
360 relate to good moral character.

361 (12) (a) A person or an entity licensed or permitted by the  
362 Division of Professions or the Division of Real Estate, or  
363 applying for a license or a permit, must create and maintain an  
364 account with the department's online system and provide an e-  
365 mail address to the department to function as the primary means  
366 of contact for all communication by the department to the  
367 licensee, permitholder, or applicant. Licensees, permitholders,  
368 and applicants are responsible for maintaining accurate contact  
369 information on file with the department. A person or an entity  
370 seeking a license or a permit under this chapter or under the  
371 applicable practice act must apply using forms furnished by the  
372 department which are filed through the department's online  
373 system before the person or entity commences operations. The  
374 department may not process an application for a license or a  
375 permit issued by the department under this chapter or under the  
376 applicable practice act unless the application is submitted  
377 through the department's online system ~~Any submission required~~

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378 ~~to be in writing may otherwise be required by the department to~~  
379 ~~be made by electronic means.~~

380       (b) The department is authorized to contract with private  
381 vendors, or enter into interagency agreements, to collect  
382 electronic fingerprints where fingerprints are required for  
383 registration, certification, or the licensure process or where  
384 criminal history record checks are required.

385       Section 7. Subsection (3) of section 471.015, Florida  
386 Statutes, is amended to read:

387       471.015 Licensure.—

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

390       (a) Qualifies to take the fundamentals examination and the  
391 principles and practice examination as set forth in s. 471.013,  
392 has passed a United States national, regional, state, or  
393 territorial licensing examination that is substantially  
394 equivalent to the fundamentals examination and principles and  
395 practice examination required by s. 471.013, and has satisfied  
396 the experience requirements set forth in paragraph (2) (a) and s.  
397 471.013; or

398       (b) Holds a valid license to practice engineering issued by  
399 another state or territory of the United States, if the criteria  
400 for issuance of the license were substantially the same as the  
401 licensure criteria that existed in this state at the time the  
402 license was issued; or

403       (c) Holds a valid license to practice engineering issued by  
404 a foreign jurisdiction approved by the board and holds an active  
405 council record with the National Council of Examiners for  
406 Engineering and Surveying.

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407       Section 8. Section 473.3065, Florida Statutes, is amended  
408 to read:

409       473.3065 Clay Ford Scholarship Program; Certified Public  
410 Accountant Education Opportunity ~~Minority~~ Assistance Advisory  
411 Council.—

412       (1) The Clay Ford Scholarship Program for Florida residents  
413 is hereby established in the division for the purpose of  
414 providing scholarships to ~~minority persons as defined in s.~~  
415 ~~288.703~~ who are students enrolled in their fifth year of an  
416 accounting education program at an institution in this state  
417 approved by the board by rule. A Certified Public Accountant  
418 Education Opportunity ~~Minority~~ Assistance Advisory Council shall  
419 assist the board in administering the program.

420       (2) All moneys used to provide scholarships under the Clay  
421 Ford Scholarship Program shall be funded by a portion of  
422 existing license fees, as set by the board, not to exceed \$10  
423 per license. Such moneys shall be deposited into the  
424 Professional Regulation Trust Fund in a separate account  
425 maintained for that purpose. The department may spend up to  
426 \$200,000 per year for the program from this program account but  
427 may not allocate overhead charges to it. Moneys for scholarships  
428 shall be disbursed twice per year upon recommendation of the  
429 advisory council and approval by the board, based on the adopted  
430 eligibility criteria and comparative evaluation of all  
431 applicants. Funds in the program account may be invested by the  
432 Chief Financial Officer under the same limitations as apply to  
433 investment of other state funds, and all interest earned thereon  
434 shall be credited to the program account.

435       (3) The board shall adopt rules as necessary for

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436 administration of the Clay Ford Scholarship Program, including  
437 rules relating to the following:

438 (a) Eligibility criteria for receipt of a scholarship,  
439 which, at a minimum, shall include the following factors:

440 1. Financial need.

441 2. ~~Ethnic, gender, or racial minority status pursuant to s.~~  
442 ~~288.703(4).~~

443 3. Scholastic ability and performance.

444 (b) Scholarship application procedures.

445 (c) Amounts in which scholarships may be provided, the  
446 total amount that may be provided, the timeframe for payments or  
447 partial payments, and criteria for how scholarship funds may be  
448 expended.

449 (d) The total amount of scholarships that can be made each  
450 year.

451 (e) The minimum balance that must be maintained in the  
452 program account.

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

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

462 (6) There is hereby created the Certified Public Accountant  
463 Education Opportunity ~~Minority~~ Assistance Advisory Council to  
464 assist the board in administering the Clay Ford Scholarship

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465 Program. The council shall be diverse and representative of the  
466 gender, ethnic, and racial categories set forth in s.

467 ~~288.703(4)~~.

468 (a) The council shall consist of five licensed Florida-  
469 certified public accountants selected by the board, of whom one  
470 shall be a board member who serves as chair of the council, ~~one~~  
471 ~~shall be a representative of the National Association of Black~~  
472 ~~Accountants, one shall be a representative of the Cuban American~~  
473 ~~CPA Association, and two shall be selected at large. At least~~  
474 ~~one member of the council must be a woman.~~

475 (b) The board shall determine the terms for initial  
476 appointments and appointments thereafter.

477 (c) ~~Any vacancy on the council shall be filled in the~~  
478 ~~manner provided for the selection of the initial member.~~ Any  
479 member appointed to fill a vacancy of an unexpired term shall be  
480 appointed for the remainder of that term.

481 (d) Three consecutive absences or absences constituting 50  
482 percent or more of the council's meetings within any 12-month  
483 period shall cause the council membership of the member in  
484 question to become void, and the position shall be considered  
485 vacant.

486 (e) The members of the council shall serve without  
487 compensation, and any necessary and actual expenses incurred by  
488 a member while engaged in the business of the council shall be  
489 borne by such member or by the organization or agency such  
490 member represents. However, the council member who is a member  
491 of the board shall be compensated in accordance with ss.

492 455.207(4) and 112.061.

493 Section 9. Section 475.628, Florida Statutes, is amended to

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494 read:

495 496 497 498 499 500 501 502 503 504 505 506 507 508 509 510 511 512 513 514 515 516 517 518 519 520 521 522 475.628 Professional standards for appraisers registered, licensed, or certified under this part.—

(1) The board shall adopt rules establishing standards of professional practice which meet or exceed nationally recognized standards of appraisal practice, including standards adopted by the Appraisal Standards Board of the Appraisal Foundation, except for those standards that otherwise violate the laws of this state. Each appraiser registered, licensed, or certified under this part must comply with the rules, except for those rules that otherwise violate the laws of this state. Statements on appraisal standards which may be issued for the purpose of clarification, interpretation, explanation, or elaboration through the Appraisal Foundation are binding on any appraiser registered, licensed, or certified under this part, upon adoption by rule of the board.

(2) The board may adopt rules establishing standards of professional practice other than standards adopted by the Appraisal Standards Board of the Appraisal Foundation for nonfederally related transactions. The board shall require that when performing an appraisal or appraisal service for any purpose other than a federally related transaction, an appraiser must comply with the ~~Ethics and Competency Rules of the standards adopted by the Appraisal Standards Board of the Appraisal Foundation, and other~~ requirements as determined by rule of the board. An assignment completed using alternate standards does not satisfy the experience requirements under s. 475.617 unless the assignment complies with the standards adopted by the Appraisal Standards Board of the Appraisal

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523 Foundation.

524 Section 10. Subsection (3) of section 476.034, Florida  
525 Statutes, is amended to read:

526 476.034 Definitions.—As used in this act:

527 (3) "Barbershop" means a licensed ~~any~~ place of business  
528 wherein the practice of barbering is carried on.529 Section 11. Subsection (4) of section 476.054, Florida  
530 Statutes, is amended to read:

531 476.054 Barbers' Board.—

532 ~~(4) No person shall be appointed to serve more than two~~  
533 ~~consecutive terms.~~ Any vacancy shall be filled by appointment by  
534 the Governor for the unexpired portion of the term.535 Section 12. Subsection (3) of section 476.064, Florida  
536 Statutes, is amended to read:

537 476.064 Organization; headquarters; personnel; meetings.—

538 (3) The board shall hold an annual meeting and such other  
539 meetings during the year as it may determine to be necessary.  
540 The chair of the board may call other meetings at her or his  
541 discretion. ~~A quorum of the board shall consist of not less than~~  
542 ~~four members.~~543 Section 13. Section 476.184, Florida Statutes, is amended  
544 to read:545 476.184 Barbershop licensure; requirements; fee;  
546 inspection; license display; mobile barbershops.—547 (1) ~~A~~ No barbershop may not ~~shall~~ be permitted to operate  
548 without a license issued by the department.549 (2) The board shall adopt rules governing the licensure and  
550 operation of a barbershop and its facilities, personnel, safety  
551 and sanitary requirements, and the license application and

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552 granting process.

553 (3) Any person, firm, or corporation desiring to operate a  
554 barbershop in the state shall submit to the department an  
555 application upon forms provided by the department and  
556 accompanied by any relevant information requested by the  
557 department and by an application fee.

558 (4) Upon receiving the application, the department may  
559 cause an investigation to be made of the proposed barbershop.

560 (5) When an applicant fails to meet all the requirements  
561 provided in this section, the department shall deny the  
562 application in writing and shall list the specific requirements  
563 not met. An ~~No~~ applicant denied licensure because of failure to  
564 meet the requirements of this section may not ~~shall~~ be precluded  
565 from reapplying for licensure.

566 (6) When the department determines that the proposed  
567 barbershop meets the requirements set forth in this section, the  
568 department shall grant the license upon such conditions as it  
569 deems proper and upon payment of the original licensing fee.

570 (7) A ~~No~~ license for operation of a barbershop may not be  
571 transferred from the name of the original licensee to another.  
572 It may be transferred from one location to another only after  
573 inspection and approval by the department, which approval may  
574 ~~shall~~ not be unreasonably withheld, and payment of a \$125  
575 transfer fee.

576 (8) Renewal of license registration for barbershops must  
577 ~~shall~~ be accomplished pursuant to rules adopted by the board.  
578 The board is further authorized to adopt rules governing  
579 delinquent renewal of licenses and may impose penalty fees for  
580 delinquent renewal.

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581        (9) The board is authorized to adopt rules governing the  
582 operation and periodic inspection of barbershops licensed under  
583 this chapter.

584        (10) Each barbershop shall display, in a conspicuous place,  
585 the barbershop license and each individual licensee's  
586 certificate.

587        (11) (a) The department shall adopt rules governing the  
588 licensure, operation, and inspection of mobile barbershops,  
589 including their facilities, personnel, and safety and sanitary  
590 requirements.

591        (b) A mobile barbershop shall comply with all licensure and  
592 operating requirements specified in this chapter, chapter 455,  
593 or rules of the department which apply to barbershops at fixed  
594 locations, except to the extent that such requirements conflict  
595 with this subsection or rules adopted pursuant to this  
596 subsection.

597        (c) A mobile barbershop shall maintain a permanent business  
598 address, located in the inspection area of the local department  
599 office, at which records of appointments, itineraries, employee  
600 license numbers, and vehicle identification number of any  
601 vehicle used by the licenseholder as a mobile barbershop must be  
602 kept and made available for verification purposes by department  
603 personnel, and at which correspondence from the department can  
604 be received.

605        (d) To facilitate periodic inspections of a mobile  
606 barbershop, before the beginning of each month each mobile  
607 barbershop licenseholder shall file with the department a  
608 written monthly itinerary listing the locations where and the  
609 dates and hours when the mobile barbershop will be operating.

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610        (e) A licenseholder shall comply with all local laws and  
611        ordinances regulating business establishments, with all  
612        applicable requirements of the Americans with Disabilities Act  
613        relating to accommodations for persons with disabilities, and  
614        with all applicable requirements of the Occupational Safety and  
615        Health Administration.

616        Section 14. Section 476.188, Florida Statutes, is amended  
617        to read:

618        476.188 Barber services to be performed in a licensed  
619        ~~registered~~ barbershop; exception.—

620        (1) Barber services shall be performed only by licensed  
621        barbers in registered barbershops, except as otherwise provided  
622        in this section.

623        (2) Pursuant to rules established by the board, barber  
624        services may be performed by a licensed barber in a location  
625        other than a licensed ~~registered~~ barbershop, including, but not  
626        limited to, a nursing home, hospital, or residence, when a  
627        client for reasons of ill health is unable to go to a licensed  
628        ~~registered~~ barbershop. Arrangements for the performance of  
629        barber services in a location other than a licensed ~~registered~~  
630        barbershop must ~~shall~~ be made only through a licensed ~~registered~~  
631        barbershop. However, a barber may shampoo, cut, or arrange hair  
632        in a location other than a licensed ~~registered~~ barbershop  
633        without such arrangements.

634        (3) Any person who holds a valid barber's license in any  
635        state or who is authorized to practice barbering in any country,  
636        territory, or jurisdiction of the United States may perform  
637        barber services in a location other than a licensed ~~registered~~  
638        barbershop when such services are performed in connection with

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639 the motion picture, fashion photography, theatrical, or  
640 television industry; a manufacturer trade show demonstration; or  
641 an educational seminar.

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

647 Section 15. Subsections (2), (3), and (6) of section  
648 477.015, Florida Statutes, are amended to read:

649 477.015 Board of Cosmetology.—

650 (2) Four ~~Five~~ members of the board shall be licensed  
651 cosmetologists and shall have been engaged in the practice of  
652 cosmetology in this state for not less than 5 years, two members  
653 must be registered as specialists in any specialty practice  
654 within the practice of cosmetology, and one member must. ~~Two~~  
655 ~~members of the board shall be a layperson~~ laypersons. Each board  
656 member shall be a resident of this state and shall have been a  
657 resident of this state for not less than 5 continuous years.

658 (3) The Governor may at any time fill vacancies on the  
659 board for the remainder of unexpired terms. Each member of the  
660 board shall hold over after the expiration of his or her term  
661 until a successor is duly appointed and qualified. ~~No board~~  
662 ~~member shall serve more than two consecutive terms, whether full~~  
663 ~~or partial.~~

664 (6) The board shall hold such meetings during the year as  
665 it may determine to be necessary, one of which shall be the  
666 annual meeting. The chair of the board shall have the authority  
667 to call other meetings at his or her discretion. ~~A quorum of the~~

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668 ~~board shall consist of not less than four members.~~

669 Section 16. Subsections (3) and (4) of section 481.213,  
670 Florida Statutes, are amended to read:

671 481.213 Licensure and registration.—

672 (3) The board shall certify as qualified for a license by  
673 endorsement as an architect or registration as a registered  
674 interior designer an applicant who:

675 (a) Qualifies to take the prescribed licensure ~~or~~  
676 ~~registration~~ examination, and has passed the prescribed  
677 licensure ~~or registration~~ examination or a substantially  
678 equivalent examination in another jurisdiction, as set forth in  
679 s. 481.209 for architects or registered interior designers, as  
680 applicable, and has satisfied the internship requirements set  
681 forth in s. 481.211 for architects;

682 (b) Holds a valid license to practice architecture or a  
683 license, registration, or certification to practice interior  
684 design issued by another jurisdiction of the United States, if  
685 the criteria for issuance of such license were substantially  
686 equivalent to the licensure criteria that existed in this state  
687 at the time the license was issued; or

688 (c) ~~Has passed the prescribed licensure examination and~~  
689 Holds a valid certificate issued by the National Council of  
690 Architectural Registration Boards, and holds a valid license to  
691 practice architecture issued by another state, another ~~or~~  
692 jurisdiction of the United States, or a foreign jurisdiction  
693 approved by the board.

694  
695 An architect who is licensed in another state, another  
696 jurisdiction of the United States, or a foreign jurisdiction

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697 approved by the board who seeks qualification for licensure  
698 ~~license~~ by endorsement under this subsection must complete a 2-  
699 hour class approved by the board on wind mitigation techniques.

700 (4) The board may refuse to certify any applicant who has  
701 violated ~~any of the provisions of~~ s. 481.223, s. 481.225, or s.  
702 481.2251, as applicable.

703 Section 17. Subsection (5) of section 489.107, Florida  
704 Statutes, is amended to read:

705 489.107 Construction Industry Licensing Board.—

706 (5) Fifty-one percent or more of the appointed ~~Five~~ members  
707 of Division I constitute a quorum, and 51 percent or more of the  
708 appointed ~~five~~ members of Division II constitute a quorum. The  
709 combined divisions shall meet together at such times as the  
710 board deems necessary, but neither division, nor any committee  
711 thereof, may ~~shall~~ take action on any matter under the  
712 jurisdiction of the other division. However, if either division  
713 is unable to obtain a quorum ~~for the purpose of conducting~~  
714 ~~disciplinary proceedings~~, it may request members of the other  
715 division, who are otherwise qualified to serve on the division  
716 unable to obtain a quorum, to join in its deliberations. Such  
717 additional members shall vote and count toward a quorum ~~only~~  
718 ~~during those disciplinary proceedings~~.

719 Section 18. Subsection (4) of section 489.111, Florida  
720 Statutes, is amended to read:

721 489.111 Licensure by examination.—

722 ~~(4) The department shall ensure that a sensitivity review~~  
723 ~~committee has been established including representatives of~~  
724 ~~various ethnic/minority groups. No question found by this~~  
725 ~~committee to be discriminatory against any ethnic/minority group~~

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726 ~~shall be included in the examination.~~

727       Section 19. Subsection (3) of section 489.115, Florida  
728 Statutes, is amended to read:

729       489.115 Certification and registration; endorsement;  
730 reciprocity; renewals; continuing education.—

731       (3) The board shall certify as qualified for certification  
732 by endorsement any applicant who:

733           (a) Meets the requirements for certification as set forth  
734 in this section; has passed a national, regional, state, or  
735 United States territorial licensing examination that is  
736 substantially equivalent to the examination required by this  
737 part; and has satisfied the requirements set forth in s.  
738 489.111;

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

743           (c) Holds a valid, current license to practice contracting  
744 issued by another state or territory of the United States, if  
745 the state or territory has entered into a reciprocal agreement  
746 with the board for the recognition of contractor licenses issued  
747 in that state, based on criteria for the issuance of such  
748 licenses that are substantially equivalent to the criteria for  
749 certification in this state; or

750           (d) Has held a valid, current license to practice  
751 contracting issued by another state or territory of the United  
752 States, or a county or municipality within a state or territory  
753 of the United States, for at least 10 years before the date of  
754 application and is applying for the same or similar license in

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755 this state, subject to subsections (5)-(9). The board may  
756 consider an applicant's technical competence to ensure the  
757 applicant is able to meet the requirements of this state's codes  
758 and standards for wind mitigation and water intrusion. The board  
759 may also consider whether such applicant has had a license to  
760 practice contracting revoked, suspended, or otherwise acted  
761 against by the licensing authority of another state, territory,  
762 county, municipality, or country. Such application must be made  
763 either when the license in another state, or territory, county,  
764 or municipality is active or within 2 years after such license  
765 was last active. Division I contractors and roofing contractors  
766 must complete a 2-hour course on the Florida Building Code which  
767 includes information on wind mitigation techniques. The required  
768 courses may be completed online.

769 Section 20. Subsection (5) of section 489.511, Florida  
770 Statutes, is amended to read:

771 489.511 Certification; application; examinations;  
772 endorsement.—

773 (5) The board shall certify as qualified for certification  
774 by endorsement any individual applying for certification who:

775 (a) Meets the requirements for certification as set forth  
776 in this section; has passed a national, regional, state, or  
777 United States territorial licensing examination that is  
778 substantially equivalent to the examination required by this  
779 part; and has satisfied the requirements set forth in s.

780 489.521;

781 (b) Holds a valid license to practice electrical or alarm  
782 system contracting issued by another state or territory of the  
783 United States, if the criteria for issuance of such license were

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784 substantially equivalent to the certification criteria that  
785 existed in this state at the time the certificate was issued; or  
786 (c) Has held a valid, current license to practice  
787 electrical or alarm system contracting issued by another state  
788 or territory of the United States, or a county or municipality  
789 of a state or territory of the United States, for at least 10  
790 years before the date of application and is applying for the  
791 same or similar license in this state, subject to ss. 489.510  
792 and 489.521(3)(a) and subparagraph (1)(b)1. Such application  
793 must be made either when the license in another state or  
794 territory, or a county or municipality of a state or territory  
795 of the United States, is active or within 2 years after such  
796 license was last active. Electrical contractors and alarm system  
797 contractors must complete a 2-hour course on the Florida  
798 Building Code. The required courses may be completed online.

799 Section 21. Paragraph (c) of subsection (5), paragraph (1)  
800 of subsection (8), paragraphs (a) and (d) of subsection (9), and  
801 subsection (15) of section 499.012, Florida Statutes, are  
802 amended to read:

803 499.012 Permit application requirements.—

804 (5)

805 (c) At least 90 days before the expiration date of a  
806 permit, the department shall forward via electronic mail a  
807 permit renewal notification to the permittee at the electronic  
808 mailing address of the permitted establishment on file with the  
809 department. The permit renewal notification must state  
810 conspicuously the date on which the permit for the establishment  
811 will expire and that the establishment may not operate unless  
812 the permit for the establishment is renewed timely.

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813       (8) An application for a permit or to renew a permit for a  
814 prescription drug wholesale distributor or an out-of-state  
815 prescription drug wholesale distributor submitted to the  
816 department must include:

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

821       (9) (a) Each person required by subsection (8) ~~or subsection~~  
822 ~~(15)~~ to provide a personal information statement and  
823 fingerprints shall provide the following information to the  
824 department on forms prescribed by the department:

- 825       1. The person's places of residence for the past 7 years.
- 826       2. The person's date and place of birth.

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

829       4. The principal business and address of any business,  
830 corporation, or other organization in which each such office of  
831 the person was held or in which each such occupation or position  
832 of employment was carried on.

833       5. Whether the person has been, during the past 7 years,  
834 the subject of any proceeding for the revocation of any license  
835 and, if so, the nature of the proceeding and the disposition of  
836 the proceeding.

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

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842        7. A description of any involvement by the person with any  
843 business, including any investments, other than the ownership of  
844 stock in a publicly traded company or mutual fund, during the  
845 past 4 years, which manufactured, administered, prescribed,  
846 distributed, or stored pharmaceutical products and any lawsuits  
847 in which such businesses were named as a party.

848        8. A description of any felony criminal offense of which  
849 the person, as an adult, was found guilty, regardless of whether  
850 adjudication of guilt was withheld or whether the person pled  
851 guilty or nolo contendere. A criminal offense committed in  
852 another jurisdiction which would have been a felony in this  
853 state must be reported. If the person indicates that a criminal  
854 conviction is under appeal and submits a copy of the notice of  
855 appeal of that criminal offense, the applicant must, within 15  
856 days after the disposition of the appeal, submit to the  
857 department a copy of the final written order of disposition.

858        9. A photograph of the person taken in the previous 180  
859 days.

860        10. A set of fingerprints for the person on a form and  
861 under procedures specified by the department, together with  
862 payment of an amount equal to the costs incurred by the  
863 department for the criminal record check of the person.

864        11. ~~The name, address, occupation, and date and place of  
865 birth for each member of the person's immediate family who is 18  
866 years of age or older. As used in this subparagraph, the term  
867 "member of the person's immediate family" includes the person's  
868 spouse, children, parents, siblings, the spouses of the person's  
869 children, and the spouses of the person's siblings.~~

870        12. Any other relevant information that the department

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871 requires.

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

876       1. A photograph of the individual taken within 180 days;  
877 and

878       2. A copy of the personal information statement form most  
879 recently submitted to the department and a certification under  
880 oath, on a form specified by the department, that the individual  
881 has reviewed the previously submitted personal information  
882 statement form and that the information contained therein  
883 remains unchanged.

884       ~~(15) (a) Each establishment that is issued an initial or  
885 renewal permit as a prescription drug wholesale distributor or  
886 an out-of-state prescription drug wholesale distributor must  
887 designate in writing to the department at least one natural  
888 person to serve as the designated representative of the  
889 wholesale distributor. Such person must have an active  
890 certification as a designated representative from the  
891 department.~~

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

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

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

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

898       a. ~~Work experience in a pharmacy licensed in this state or  
899 another state, where the person's responsibilities included, but~~

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900 were not limited to, recordkeeping for prescription drugs;

901 b. Managerial experience with a prescription drug wholesale

902 distributor licensed in this state or in another state;

903 c. Managerial experience with the United States Armed

904 Forces, where the person's responsibilities included, but were

905 not limited to, recordkeeping, warehousing, distributing, or

906 other logistics services pertaining to prescription drugs;

907 d. Managerial experience with a state or federal

908 organization responsible for regulating or permitting

909 establishments involved in the distribution of prescription

910 drugs, whether in an administrative or a sworn law enforcement

911 capacity; or

912 e. Work experience as a drug inspector or investigator with

913 a state or federal organization, whether in an administrative or

914 a sworn law enforcement capacity, where the person's

915 responsibilities related primarily to compliance with state or

916 federal requirements pertaining to the distribution of

917 prescription drugs.

918 4. Receive a passing score of at least 75 percent on an

919 examination given by the department regarding federal laws

920 governing distribution of prescription drugs and this part and

921 the rules adopted by the department governing the wholesale

922 distribution of prescription drugs. This requirement shall be

923 effective 1 year after the results of the initial examination

924 are mailed to the persons that took the examination. The

925 department shall offer such examinations at least four times

926 each calendar year.

927 5. Provide the department with a personal information

928 statement and fingerprints pursuant to subsection (9).

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

(d) A designated representative:

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

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

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

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

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

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

Section 22. Subsection (9) of section 499.0121, Florida

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958 Statutes, is amended to read:

959 499.0121 Storage and handling of prescription drugs;  
960 recordkeeping.—The department shall adopt rules to implement  
961 this section as necessary to protect the public health, safety,  
962 and welfare. Such rules shall include, but not be limited to,  
963 requirements for the storage and handling of prescription drugs  
964 and for the establishment and maintenance of prescription drug  
965 distribution records.

966 (9) RESPONSIBLE PERSONS.—Wholesale distributors must  
967 establish and maintain lists of officers, directors, managers,  
968 ~~designated representatives,~~ and other persons in charge of  
969 wholesale drug distribution, storage, and handling, including a  
970 description of their duties and a summary of their  
971 qualifications.

972 Section 23. Section 499.01211, Florida Statutes, is  
973 repealed.

974 Section 24. Subsection (9) of section 499.041, Florida  
975 Statutes, is amended to read:

976 499.041 Schedule of fees for drug, device, and cosmetic  
977 applications and permits, product registrations, and free-sale  
978 certificates.—

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

982 Section 25. Paragraph (e) of subsection (2) of section  
983 499.0661, Florida Statutes, is amended to read:

984 499.0661 Cease and desist orders; removal of certain  
985 persons.—

986 (2) REMOVAL OF AFFILIATED PARTIES BY THE DEPARTMENT.—

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(e)1. The chief executive officer, ~~designated representative~~, or the person holding the equivalent office, of a permittee shall promptly notify the department if she or he has actual knowledge that any affiliated party is charged with a felony in a state or federal court.

2. Whenever any affiliated party is charged with a felony in a state or federal court or with the equivalent of a felony in the courts of any foreign country with which the United States maintains diplomatic relations, and the charge alleges violation of any law involving prescription drugs, pharmaceuticals, fraud, theft, or moral turpitude, the department may enter an emergency order suspending the affiliated party or restricting or prohibiting participation by the affiliated party in the affairs of the particular permittee or of any other permittee upon service of the order upon the permittee and the affiliated party charged. The order must contain notice of opportunity for a hearing pursuant to ss. 120.569 and 120.57, where the affiliated party may request a postsuspension hearing to show that continued service to or participation in the affairs of the permittee does not pose a threat to the public health or the interests of the permittee and does not threaten to impair public confidence in the permittee. In accordance with applicable departmental rules, the department shall notify the affiliated party whether the order suspending or prohibiting the person from participation in the affairs of a permittee will be rescinded or otherwise modified. The emergency order remains in effect, unless otherwise modified by the department, until the criminal charge is disposed of. The acquittal of the person charged, or the final, unappealed

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1016      dismissal of all charges against the person, dissolves the  
1017      emergency order but does not prohibit the department from  
1018      instituting proceedings under paragraph (a). If the person  
1019      charged is convicted or pleads guilty or nolo contendere,  
1020      whether or not an adjudication of guilt is entered by the court,  
1021      the emergency order becomes ~~shall become~~ final.

1022      Section 26. Paragraph (b) of subsection (1) of section  
1023      499.067, Florida Statutes, is amended to read:

1024      499.067 Denial, suspension, or revocation of permit,  
1025      certification, or registration.—

1026      (1)

1027      (b) The department may deny an application for a permit or  
1028      certification, or suspend or revoke a permit or certification,  
1029      if the department finds that:

1030      1. The applicant is not of good moral character or that it  
1031      would be a danger or not in the best interest of the public  
1032      health, safety, and welfare if the applicant were issued a  
1033      permit or certification.

1034      2. The applicant has not met the requirements for the  
1035      permit or certification.

1036      3. The applicant is not eligible for a permit or  
1037      certification for any of the reasons enumerated in s. 499.012.

1038      4. ~~The applicant, permittee, or person certified under s.~~  
1039 ~~499.012(15) demonstrates any of the conditions enumerated in s.~~  
1040 ~~499.012.~~

1041      5. ~~The applicant, permittee, or person certified under s.~~  
1042 ~~499.012(15) has committed any violation of this chapter.~~

1043      Section 27. Subsection (1) of section 509.2015, Florida  
1044      Statutes, is amended to read:

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1045        509.2015 Telephone surcharges by public lodging  
1046        establishments.—

1047        (1) A public lodging establishment which imposes a  
1048        surcharge for any telephone call must post notice of such  
1049        surcharge in a conspicuous place in each lodging unit that  
1050        ~~contains a telephone located by each telephone from which a call~~  
1051        ~~which is subject to a surcharge may originate.~~ Such notice must  
1052        ~~be plainly visible and printed on a sign that is not less than 3~~  
1053        ~~inches by 5 inches in size, and such notice shall clearly state~~  
1054        if the surcharge applies whether or not the telephone call has  
1055        been attempted or completed.

1056        Section 28. Subsections (4) and (8) of section 553.73,  
1057        Florida Statutes, is amended to read:

1058        553.73 Florida Building Code.—

1059        (4) (a) All entities authorized to enforce the Florida  
1060        Building Code under s. 553.80 shall comply with applicable  
1061        standards for issuance of mandatory certificates of occupancy,  
1062        minimum types of inspections, and procedures for plans review  
1063        and inspections as established by the commission by rule. Local  
1064        governments may adopt amendments to the administrative  
1065        provisions of the Florida Building Code, subject to the  
1066        limitations in this paragraph subsection. Local amendments to  
1067        the administrative provisions of the Florida Building Code must  
1068        be more stringent than the minimum standards described in this  
1069        section and must be transmitted to the commission within 30 days  
1070        after enactment. The local government shall make such amendments  
1071        available to the general public in a usable format. The State  
1072        Fire Marshal is responsible for establishing the standards and  
1073        procedures required in this paragraph subsection for

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1074 governmental entities with respect to applying the Florida Fire  
1075 Prevention Code and the Life Safety Code.

1076 (b) Local governments may, subject to the limitations in  
1077 this section and not more than once every 6 months, adopt  
1078 amendments to the technical provisions of the Florida Building  
1079 Code that apply solely within the jurisdiction of such  
1080 government and that provide for more stringent requirements than  
1081 those specified in the Florida Building Code.

1082 1. A local government may adopt technical amendments that  
1083 address local needs if:

1084 a.1. The local governing body determines, following a  
1085 public hearing which has been advertised in a newspaper of  
1086 general circulation at least 10 days before the hearing, that  
1087 there is a need to strengthen the requirements of the Florida  
1088 Building Code. The determination must be based upon a review of  
1089 local conditions by the local governing body, which review  
1090 demonstrates by evidence or data that the geographical  
1091 jurisdiction governed by the local governing body exhibits a  
1092 local need to strengthen the Florida Building Code beyond the  
1093 needs or regional variation addressed by the Florida Building  
1094 Code, that the local need is addressed by the proposed local  
1095 amendment, and that the amendment is no more stringent than  
1096 necessary to address the local need.

1097 b.2. Such additional requirements are not discriminatory  
1098 against materials, products, or construction techniques of  
1099 demonstrated capabilities.

1100 c.3. Such additional requirements do ~~may~~ not introduce a  
1101 new subject not addressed in the Florida Building Code.

1102 2.(e) The enforcing agency shall make readily available, in

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1103 a usable format, all amendments adopted under this section.

1104 3.~~d~~ Any amendment to the Florida Building Code adopted  
1105 under this paragraph must ~~shall~~ be transmitted within 30 days  
1106 after adoption by the local government to the commission. The  
1107 commission shall maintain copies of all such amendments in a  
1108 format that is usable and obtainable by the public. Local  
1109 technical amendments are not effective until 30 days after the  
1110 amendment has been received and published by the commission.

1111 4.~~e~~ An amendment to the Florida Building Code adopted by  
1112 a local government under this paragraph subsection is effective  
1113 only until the adoption of the new edition of the Florida  
1114 Building Code by the commission every third year. At such time,  
1115 the commission shall review such amendment for consistency with  
1116 the criteria in paragraph (9)(a) and adopt such amendment as  
1117 part of the Florida Building Code or rescind the amendment. The  
1118 commission shall immediately notify the respective local  
1119 government of the rescission of any amendment. After receiving  
1120 such notice, the respective local government may readopt the  
1121 rescinded amendment ~~under the provisions of this paragraph~~  
1122 subsection.

1123 5.~~f~~ Each county and municipality desiring to make local  
1124 technical amendments to the Florida Building Code shall  
1125 establish by interlocal agreement a countywide compliance review  
1126 board to review any amendment to the Florida Building Code that  
1127 is adopted by a local government within the county under this  
1128 paragraph subsection and that is challenged by a substantially  
1129 affected party for purposes of determining the amendment's  
1130 compliance with this paragraph subsection. If challenged, the  
1131 local technical amendments are not effective until the time for

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1132 filing an appeal under subparagraph 6. ~~paragraph (g)~~ has expired  
1133 or, if there is an appeal, until the commission issues its final  
1134 order determining if the adopted amendment is in compliance with  
1135 this paragraph subsection.

1136 6.(g) If the compliance review board determines such  
1137 amendment is not in compliance with this paragraph subsection,  
1138 the compliance review board must ~~shall~~ notify such local  
1139 government of the noncompliance and that the amendment is  
1140 invalid and unenforceable until the local government corrects  
1141 the amendment to bring it into compliance. The local government  
1142 may appeal the decision of the compliance review board to the  
1143 commission. If the compliance review board determines that such  
1144 amendment is in compliance with this paragraph subsection, any  
1145 substantially affected party may appeal such determination to  
1146 the commission. Any such appeal must be filed with the  
1147 commission within 14 days after the board's written  
1148 determination. The commission shall promptly refer the appeal to  
1149 the Division of Administrative Hearings by electronic means  
1150 through the division's website for the assignment of an  
1151 administrative law judge. The administrative law judge shall  
1152 conduct the required hearing within 30 days after being assigned  
1153 to the appeal, and shall enter a recommended order within 30  
1154 days after the conclusion of such hearing. The commission shall  
1155 enter a final order within 30 days after an order is rendered.  
1156 Chapter 120 and the uniform rules of procedure applies ~~shall~~  
1157 apply to such proceedings. The local government adopting the  
1158 amendment that is subject to challenge has the burden of proving  
1159 that the amendment complies with this paragraph subsection in  
1160 proceedings before the compliance review board and the

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1161 commission, as applicable. Actions of the commission are subject  
1162 to judicial review under s. 120.68. The compliance review board  
1163 shall determine whether its decisions apply to a respective  
1164 local jurisdiction or apply countywide.

1165 7.(h) An amendment adopted under this paragraph subsection  
1166 must include a fiscal impact statement that documents the costs  
1167 and benefits of the proposed amendment. Criteria for the fiscal  
1168 impact statement must shall include the impact to local  
1169 government relative to enforcement and the impact to property  
1170 and building owners and industry relative to the cost of  
1171 compliance. The fiscal impact statement may not be used as a  
1172 basis for challenging the amendment for compliance.

1173 (c)(i) ~~In addition to paragraphs (f) and (g),~~ The  
1174 commission may review any amendment ~~amendments~~ adopted under  
1175 this subsection and make nonbinding recommendations related to  
1176 compliance of such amendments with this subsection.

1177 (d)(j) Any amendment adopted by a local enforcing agency  
1178 under this subsection may not apply to state or school district  
1179 owned buildings, manufactured buildings or factory-built school  
1180 buildings approved by the commission, or prototype buildings  
1181 approved under s. 553.77(3). The respective responsible entities  
1182 shall consider the physical performance parameters  
1183 substantiating such amendments when designing, specifying, and  
1184 constructing such exempt buildings.

1185 (e)(k) A technical amendment to the Florida Building Code  
1186 related to water conservation practices or design criteria  
1187 adopted by a local government under paragraph (b) this  
1188 ~~subsection~~ is not void when the code is updated if the technical  
1189 amendment is necessary to protect or provide for more efficient

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1190 use of water resources as provided in s. 373.621. However, any  
1191 such technical amendment carried forward into the next edition  
1192 of the code under this paragraph is subject to review or  
1193 modification as provided in this part.

1194 (f) (1) If a local government adopts a regulation, law,  
1195 ordinance, policy, amendment, or land use or zoning provision  
1196 without using the process established in this subsection, and a  
1197 substantially affected person considers such regulation, law,  
1198 ordinance, policy, amendment, or land use or zoning provision to  
1199 be a technical amendment to the Florida Building Code, ~~then~~ the  
1200 substantially affected person may submit a petition to the  
1201 commission for a nonbinding advisory opinion. If a substantially  
1202 affected person submits a request in accordance with this  
1203 paragraph, the commission must ~~shall~~ issue a nonbinding advisory  
1204 opinion stating whether or not the commission interprets the  
1205 regulation, law, ordinance, policy, amendment, or land use or  
1206 zoning provision as a technical amendment to the Florida  
1207 Building Code. As used in this paragraph, the term "local  
1208 government" means a county, municipality, special district, or  
1209 political subdivision of the state.

1210 1. Requests to review a local government regulation, law,  
1211 ordinance, policy, amendment, or land use or zoning provision  
1212 may be initiated by any substantially affected person. A  
1213 substantially affected person includes an owner or builder  
1214 subject to the regulation, law, ordinance, policy, amendment, or  
1215 land use or zoning provision, or an association of owners or  
1216 builders having members who are subject to the regulation, law,  
1217 ordinance, policy, amendment, or land use or zoning provision.

1218 2. In order to initiate a review, a substantially affected

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1219 person must file a petition with the commission. The commission  
1220 shall adopt a form for the petition and directions for filing,  
1221 which shall be published on the Building Code Information  
1222 System. The form must shall, at a minimum, require the  
1223 following:

1224 a. The name of the local government that enacted the  
1225 regulation, law, ordinance, policy, amendment, or land use or  
1226 zoning provision.

1227 b. The name and address of the local government's general  
1228 counsel or administrator.

1229 c. The name, address, and telephone number of the  
1230 petitioner; the name, address, and telephone number of the  
1231 petitioner's representative, if any; and an explanation of how  
1232 the petitioner's substantial interests are being affected by the  
1233 regulation, law, ordinance, policy, amendment, or land use or  
1234 zoning provision.

1235 d. A statement explaining why the regulation, law,  
1236 ordinance, policy, amendment, or land use or zoning provision is  
1237 a technical amendment to the Florida Building Code, and which  
1238 provisions of the Florida Building Code, if any, are being  
1239 amended by the regulation, law, ordinance, policy, amendment, or  
1240 land use or zoning provision.

1241 3. The petitioner shall serve the petition on the local  
1242 government's general counsel or administrator by certified mail,  
1243 return receipt requested, and send a copy of the petition to the  
1244 commission, in accordance with the commission's published  
1245 directions. The local government shall respond to the petition  
1246 in accordance with the form by certified mail, return receipt  
1247 requested, and send a copy of its response to the commission,

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1248 within 14 days after receipt of the petition, including  
1249 Saturdays, Sundays, and legal holidays.

1250       4. Upon receipt of a petition that meets the requirements  
1251 of this paragraph, the commission shall publish the petition,  
1252 including any response submitted by the local government, on the  
1253 Building Code Information System in a manner that allows  
1254 interested persons to address the issues by posting comments.

1255       5. Before issuing an advisory opinion, the commission shall  
1256 consider the petition, the response, and any comments posted on  
1257 the Building Code Information System. The commission may also  
1258 provide the petition, the response, and any comments posted on  
1259 the Building Code Information System to a technical advisory  
1260 committee, and may consider any recommendation provided by the  
1261 technical advisory committee. The commission shall issue an  
1262 advisory opinion stating whether the regulation, law, ordinance,  
1263 policy, amendment, or land use or zoning provision is a  
1264 technical amendment to the Florida Building Code within 30 days  
1265 after the filing of the petition, including Saturdays, Sundays,  
1266 and legal holidays. The commission shall publish its advisory  
1267 opinion on the Building Code Information System and in the  
1268 Florida Administrative Register. The commission's advisory  
1269 opinion is nonbinding and is not a declaratory statement under  
1270 s. 120.565.

1271       (8) ~~Notwithstanding subsection (3) or subsection (7),~~ The  
1272 commission may address issues identified in this subsection by  
1273 amending the code under the rule adoption procedures in chapter  
1274 120. Updates to the Florida Building Code, including provisions  
1275 contained in referenced standards and criteria which relate to  
1276 wind resistance or the prevention of water intrusion, may not be

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1277 amended under this subsection to diminish those standards;  
1278 however, the commission may amend the Florida Building Code to  
1279 enhance such standards. Following the approval of any amendments  
1280 to the Florida Building Code by the commission and publication  
1281 of the amendments on the commission's website, authorities  
1282 having jurisdiction to enforce the Florida Building Code may  
1283 enforce the amendments.

1284 (a) The commission may approve amendments that are needed  
1285 to address:

1286 1. Conflicts within the updated code;

1287 2. Conflicts between the updated code and the Florida Fire  
1288 Prevention Code adopted under chapter 633;

1289 3. Unintended results from the integration of previously  
1290 adopted amendments with the model code;

1291 4. Equivalency of standards;

1292 5. Changes to or inconsistencies with federal or state law;

1293 or

1294 6. Adoption of an updated edition of the National  
1295 Electrical Code if the commission finds that delay of  
1296 implementing the updated edition causes undue hardship to  
1297 stakeholders or otherwise threatens the public health, safety,  
1298 and welfare.

1299 (b) The commission may issue errata to the code pursuant to  
1300 the rule adoption procedures in chapter 120 to list demonstrated  
1301 errors in provisions contained within the Florida Building Code.  
1302 The determination of such errors and the issuance of errata to  
1303 the code must be approved by a 75-percent supermajority vote of  
1304 the commission. For purposes of this paragraph, "errata to the  
1305 code" means a list of errors on current and previous editions of

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1306 the Florida Building Code.

1307 Section 29. Subsection (3) of section 553.791, Florida  
1308 Statutes, is amended to read:

1309 553.791 Alternative plans review and inspection.—

1310 (3) A private provider and any duly authorized  
1311 representative may only perform building code inspection  
1312 services that are within the disciplines covered by that  
1313 person's licensure or certification under chapter 468, chapter  
1314 471, or chapter 481, including single-trade inspections.

1315 However, a private provider and any duly authorized  
1316 representative licensed as a building code administrator may  
1317 perform any plan review or inspection requiring licensure or  
1318 certification under part XII of chapter 468 if the private  
1319 provider or duly authorized representative served for at least 3  
1320 consecutive years as a building code administrator authorized by  
1321 a municipal or county government to perform any plan review or  
1322 inspection requiring licensure or certification under part XII  
1323 of chapter 468 and has had no disciplinary action imposed  
1324 against his or her license. The department shall adopt rules to  
1325 identify those building code administrator licensees who meet  
1326 the requirements of this subsection. A private provider may not  
1327 provide building code inspection services pursuant to this  
1328 section upon any building designed or constructed by the private  
1329 provider or the private provider's firm.

1330 Section 30. For the purpose of incorporating the amendment  
1331 made by this act to section 20.165, Florida Statutes, in a  
1332 reference thereto, paragraph (c) of subsection (3) of section  
1333 120.54, Florida Statutes, is reenacted to read:

1334 120.54 Rulemaking.—

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1335 (3) ADOPTION PROCEDURES.—

1336 (c) *Hearings.*—

1337 1. If the intended action concerns any rule other than one  
1338 relating exclusively to procedure or practice, the agency shall,  
1339 on the request of any affected person received within 21 days  
1340 after the date of publication of the notice of intended agency  
1341 action, give affected persons an opportunity to present evidence  
1342 and argument on all issues under consideration. The agency may  
1343 schedule a public hearing on the rule and, if requested by any  
1344 affected person, shall schedule a public hearing on the rule.  
1345 When a public hearing is held, the agency must ensure that staff  
1346 are available to explain the agency's proposal and to respond to  
1347 questions or comments regarding the rule. If the agency head is  
1348 a board or other collegial body created under s. 20.165(4) or s.  
1349 20.43(3)(g), and one or more requested public hearings is  
1350 scheduled, the board or other collegial body shall conduct at  
1351 least one of the public hearings itself and may not delegate  
1352 this responsibility without the consent of those persons  
1353 requesting the public hearing. Any material pertinent to the  
1354 issues under consideration submitted to the agency within 21  
1355 days after the date of publication of the notice or submitted to  
1356 the agency between the date of publication of the notice and the  
1357 end of the final public hearing shall be considered by the  
1358 agency and made a part of the record of the rulemaking  
1359 proceeding.

1360 2. Rulemaking proceedings shall be governed solely by the  
1361 provisions of this section unless a person timely asserts that  
1362 the person's substantial interests will be affected in the  
1363 proceeding and affirmatively demonstrates to the agency that the

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1364 proceeding does not provide adequate opportunity to protect  
1365 those interests. If the agency determines that the rulemaking  
1366 proceeding is not adequate to protect the person's interests, it  
1367 shall suspend the rulemaking proceeding and convene a separate  
1368 proceeding under the provisions of ss. 120.569 and 120.57.  
1369 Similarly situated persons may be requested to join and  
1370 participate in the separate proceeding. Upon conclusion of the  
1371 separate proceeding, the rulemaking proceeding shall be resumed.

1372 Section 31. For the purpose of incorporating the amendment  
1373 made by this act to section 20.165, Florida Statutes, in  
1374 references thereto, paragraph (b) of subsection (2) and  
1375 paragraph (a) of subsection (3) of section 120.74, Florida  
1376 Statutes, are reenacted to read:

1377 120.74 Agency annual rulemaking and regulatory plans;  
1378 reports.—

1379 (2) PUBLICATION AND DELIVERY TO THE COMMITTEE.—

1380 (b) To satisfy the requirements of paragraph (a), a board  
1381 established under s. 20.165(4), and any other board or  
1382 commission receiving administrative support from the Department  
1383 of Business and Professional Regulation, may coordinate with the  
1384 Department of Business and Professional Regulation, and a board  
1385 established under s. 20.43(3)(g) may coordinate with the  
1386 Department of Health, for inclusion of the board's or  
1387 commission's plan and notice of publication in the coordinating  
1388 department's plan and notice and for the delivery of the  
1389 required documentation to the committee.

1390 (3) DEPARTMENT REVIEW OF BOARD PLAN.—By October 15 of each  
1391 year:

1392 (a) For each board established under s. 20.165(4) and any

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1393 other board or commission receiving administrative support from  
1394 the Department of Business and Professional Regulation, the  
1395 Department of Business and Professional Regulation shall file  
1396 with the committee a certification that the department has  
1397 reviewed each board's and commission's regulatory plan. A  
1398 certification may relate to more than one board or commission.

1399 Section 32. For the purpose of incorporating the amendment  
1400 made by this act to section 326.001, Florida Statutes, in  
1401 references thereto, section 326.003, Florida Statutes, is  
1402 reenacted to read:

1403 326.003 Administration.—The division shall:

1404 (1) Administer ss. 326.001-326.006 and collect fees  
1405 sufficient to administer ss. 326.001-326.006.

1406 (2) Adopt rules pursuant to ss. 120.536(1) and 120.54 to  
1407 implement ss. 326.001-326.006 and to classify brokers and  
1408 salespersons and regulate their activities.

1409 (3) Enforce the provisions of ss. 326.001-326.006 against  
1410 any person who operates as a broker or salesperson without a  
1411 license.

1412 Section 33. For the purpose of incorporating the amendment  
1413 made by this act to section 326.001, Florida Statutes, in  
1414 references thereto, subsection (5) and paragraph (b) of  
1415 subsection (7) of section 326.004, Florida Statutes, are  
1416 reenacted to read:

1417 326.004 Licensing.—

1418 (5) The division by rule shall establish fees for  
1419 application, initial licensing, biennial renewal, and  
1420 reinstatement of licenses in an amount not to exceed \$500. The  
1421 fees must be set in an amount that is adequate to

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1422 proportionately fund the expenses of the division in ss.

1423 326.001-326.006.

1424 (7)

1425 (b) Surety bonds and irrevocable letters of credit must be  
1426 in a form to be approved by the division and must be conditioned  
1427 upon the broker complying with the terms of any written contract  
1428 made by such broker in connection with the sale or exchange of  
1429 any yacht or ship and not violating any of the provisions of the  
1430 Yacht and Ship Brokers' Act in the conduct of the business for  
1431 which he or she is licensed. The bonds and letters of credit  
1432 must be delivered to the division and in favor of any person in  
1433 a transaction who suffers any loss as a result of any violation  
1434 of the conditions in ss. 326.001-326.006. When the division  
1435 determines that a person has incurred a loss as a result of a  
1436 violation of the Yacht and Ship Brokers' Act, it shall notify  
1437 the person in writing of the existence of the bond or letter of  
1438 credit. The bonds and letters of credit must cover the license  
1439 period, and a new bond or letter of credit or a proper  
1440 continuation certificate must be delivered to the division at  
1441 the beginning of each license period. However, the aggregate  
1442 liability of the surety in any one year may not exceed the sum  
1443 of the bond or, in the case of a letter of credit, the aggregate  
1444 liability of the issuing bank may not exceed the sum of the  
1445 credit.

1446

1447 The security for a broker must remain on deposit for a period of  
1448 1 year after he or she ceases to be a broker.

1449 Section 34. For the purpose of incorporating the amendment  
1450 made by this act to section 499.012, Florida Statutes, in a

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1451 reference thereto, subsection (4) of section 499.003, Florida  
1452 Statutes, is reenacted to read:

1453 499.003 Definitions of terms used in this part.—As used in  
1454 this part, the term:

1455 (4) "Affiliated party" means:

1456 (a) A director, officer, trustee, partner, or committee  
1457 member of a permittee or applicant or a subsidiary or service  
1458 corporation of the permittee or applicant;

1459 (b) A person who, directly or indirectly, manages,  
1460 controls, or oversees the operation of a permittee or applicant,  
1461 regardless of whether such person is a partner, shareholder,  
1462 manager, member, officer, director, independent contractor, or  
1463 employee of the permittee or applicant;

1464 (c) A person who has filed or is required to file a  
1465 personal information statement pursuant to s. 499.012(9) or is  
1466 required to be identified in an application for a permit or to  
1467 renew a permit pursuant to s. 499.012(8); or

1468 (d) The five largest natural shareholders that own at least  
1469 5 percent of the permittee or applicant.

1470 Section 35. This act shall take effect July 1, 2026.