

By Senator Burgess

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A bill to be entitled

An act relating to the Department of Business and Professional Regulation; amending s. 20.165, F.S.; revising the list of boards and programs established under the Division of Professions within the department; conforming provisions to changes made by the act; amending s. 326.002, F.S.; designating the Division of Professions of the department as the division overseeing yacht and ship brokers; amending s. 326.006, F.S.; designating the Professional Regulation Trust Fund as the trust fund related to the regulation of yacht and ship brokers; revising that all fees related to the regulation of yacht and ship brokers be deposited in the Professional Regulation Trust Fund, rather than the Division of Florida Condominiums, Timeshares, and Mobile Homes Trust Fund; amending s. 399.035, F.S.; revising elevator accessibility requirements for ambulance stretchers; amending s. 455.02, F.S.; providing that members of the Armed Forces in good standing and their spouses or surviving spouses who apply to administrative boards or programs for licensure are required to submit fingerprints only for those professions that require fingerprints for initial licensure; amending s. 455.213, F.S.; deleting a requirement that the board regulating cosmetologists or cosmetology specialists review an applicant's criminal record; requiring specified persons or entities to create and maintain an account with the department's online system;

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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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operating requirements that apply to a barbershop at a fixed location; providing an exception; requiring a mobile barbershop to have a permanent business address in a specified location; requiring that certain records be kept at the permanent business address; requiring a mobile barbershop licenseholder to file with the department a written monthly itinerary that provides certain information; requiring a mobile barbershop licenseholder to comply with certain laws and ordinances; making technical changes; amending s. 476.188, F.S.; providing that a barbershop must be licensed, rather than registered, with the department; authorizing the practice of barbering to be performed in a location other than a licensed barbershop under certain circumstances; conforming provisions to changes made by the act; amending s. 477.015, F.S.; revising the number of, and criteria for, members of the Board of Cosmetology; deleting a prohibition against a specified number of consecutive term limits; deleting what constitutes a quorum at board meetings; amending s. 481.213, F.S.; revising the criteria for the Board of Architecture and Interior Design to certify applicants as qualified for licensure by endorsement as architects or for registration as registered interior designers; conforming provisions to changes made by the act; making technical changes; amending s. 489.107, F.S.; revising the quorum requirements of the Construction Industry Licensing Board; making a technical change; amending s. 489.111,

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

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

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

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

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

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

1. Board of Architecture and Interior Design, created under

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part I of chapter 481.

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

3. Barbers' Board, created under chapter 476.

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

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

6. Board of Cosmetology, created under chapter 477.

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

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

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

10. Board of Pilot Commissioners, created under chapter 310.

11. Board of Professional Engineers, created under chapter 471.

12. Board of Professional Geologists, created under chapter 492.

13. Board of Veterinary Medicine, created under chapter 474.

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

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

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

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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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Statutes, is amended to read:

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

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

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

326.006 Powers and duties of division.—

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

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

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

2. The division may issue an order requiring the broker or 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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member who at the time of the member's death was serving on active duty. An applicant who was an active duty member of the Armed Forces of the United States must have received an honorable discharge upon separation or discharge from the Armed Forces of the United States.

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

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

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

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

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

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amended to read:

455.213 General licensing provisions.—

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

1. A barber under chapter 476;

2. ~~A cosmetologist or cosmetology specialist under chapter 477;~~

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

a. Air-conditioning contractor;

b. Electrical contractor;

c. Mechanical contractor;

d. Plumbing contractor;

e. Pollutant storage systems contractor;

f. Roofing contractor;

g. Sheet metal contractor;

h. Solar contractor;

i. Swimming pool and spa contractor;

j. Underground utility and excavation contractor; or

k. Other specialty contractors; or

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

(b)1. A conviction, or any other adjudication, for a crime more than 5 years before the date the application is received by the applicable board may not be grounds for denial of a license

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

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

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

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

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

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

471.015 Licensure.—

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

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

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

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

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

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

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

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

(3) The board shall adopt rules as necessary for

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

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

1. Financial need.

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

3. Scholastic ability and performance.

(b) Scholarship application procedures.

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

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

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

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

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

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

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Program. ~~The council shall be diverse and representative of the gender, ethnic, and racial categories set forth in s. 288.703(4).~~

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

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

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

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

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

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

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494 read:

495 475.628 Professional standards for appraisers registered,
496 licensed, or certified under this part.—

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

510 (2) The board may adopt rules establishing standards of
511 professional practice other than standards adopted by the
512 Appraisal Standards Board of the Appraisal Foundation for
513 nonfederally related transactions. The board shall require that
514 when performing an appraisal or appraisal service for any
515 purpose other than a federally related transaction, an appraiser
516 must comply with the ~~Ethics and Competency Rules of the~~
517 ~~standards adopted by the Appraisal Standards Board of the~~
518 ~~Appraisal Foundation, and other~~ requirements as determined by
519 rule of the board. An assignment completed using alternate
520 standards does not satisfy the experience requirements under s.
521 475.617 unless the assignment complies with the standards
522 adopted by the Appraisal Standards Board of the Appraisal

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Foundation.

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

476.034 Definitions.—As used in this act:

(3) “Barbershop” means a licensed ~~any~~ place of business wherein the practice of barbering is carried on.

Section 11. Subsection (4) of section 476.054, Florida Statutes, is amended to read:

476.054 Barbers’ Board.—

(4) ~~No person shall be appointed to serve more than two consecutive terms.~~ Any vacancy shall be filled by appointment by the Governor for the unexpired portion of the term.

Section 12. Subsection (3) of section 476.064, Florida Statutes, is amended to read:

476.064 Organization; headquarters; personnel; meetings.—

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

Section 13. Section 476.184, Florida Statutes, is amended to read:

476.184 Barbershop licensure; requirements; fee; inspection; license display; mobile barbershops.—

(1) A ~~No~~ barbershop may not ~~shall~~ be permitted to operate without a license issued by the department.

(2) The board shall adopt rules governing the licensure and operation of a barbershop and its facilities, personnel, safety and sanitary requirements, and the license application and

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granting process.

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

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

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

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

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

(8) Renewal of license registration for barbershops must ~~shall~~ be accomplished pursuant to rules adopted by the board. The board is further authorized to adopt rules governing delinquent renewal of licenses and may impose penalty fees for 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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(e) A licenseholder shall comply with all local laws and ordinances regulating business establishments, with all applicable requirements of the Americans with Disabilities Act relating to accommodations for persons with disabilities, and with all applicable requirements of the Occupational Safety and Health Administration.

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

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

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

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

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

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

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

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

477.015 Board of Cosmetology.—

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

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

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

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

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

481.213 Licensure and registration.—

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

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

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

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

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

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

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

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

489.107 Construction Industry Licensing Board.—

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

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

489.111 Licensure by examination.—

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

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~~shall be included in the examination.~~

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

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

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

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

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

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

(d) Has held a valid, current license to practice contracting issued by another state or territory of the United States, or a county or municipality within a state or territory of the United States, for at least 10 years before the date of 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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substantially equivalent to the certification criteria that existed in this state at the time the certificate was issued; or

(c) Has held a valid, current license to practice electrical or alarm system contracting issued by another state or territory of the United States, or a county or municipality of a state or territory of the United States, for at least 10 years before the date of application and is applying for the same or similar license in this state, subject to ss. 489.510 and 489.521(3)(a) and subparagraph (1)(b)1. Such application must be made either when the license in another state or territory, or a county or municipality of a state or territory of the United States, is active or within 2 years after such license was last active. Electrical contractors and alarm system contractors must complete a 2-hour course on the Florida Building Code. The required courses may be completed online.

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

499.012 Permit application requirements.—

(5)

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

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

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

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

1. The person's places of residence for the past 7 years.
2. The person's date and place of birth.
3. The person's occupations, positions of employment, and offices held during the past 7 years.
4. The principal business and address of any business, corporation, or other organization in which each such office of the person was held or in which each such occupation or position of employment was carried on.
5. Whether the person has been, during the past 7 years, the subject of any proceeding for the revocation of any license and, if so, the nature of the proceeding and the disposition of the proceeding.
6. Whether, during the past 7 years, the person has been enjoined, temporarily or permanently, by a court of competent jurisdiction from violating any federal or state law regulating the possession, control, or distribution of prescription drugs, 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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requires.

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

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

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

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

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

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

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

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

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

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

~~b. Managerial experience with a prescription drug wholesale distributor licensed in this state or in another state;~~

~~c. Managerial experience with the United States Armed Forces, where the person's responsibilities included, but were not limited to, recordkeeping, warehousing, distributing, or other logistics services pertaining to prescription drugs;~~

~~d. Managerial experience with a state or federal organization responsible for regulating or permitting establishments involved in the distribution of prescription drugs, whether in an administrative or a sworn law enforcement capacity; or~~

~~e. Work experience as a drug inspector or investigator with a state or federal organization, whether in an administrative or a sworn law enforcement capacity, where the person's responsibilities related primarily to compliance with state or federal requirements pertaining to the distribution of prescription drugs.~~

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

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

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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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Statutes, is amended to read:

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

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

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

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

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

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

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

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

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

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

992 2. Whenever any affiliated party is charged with a felony
993 in a state or federal court or with the equivalent of a felony
994 in the courts of any foreign country with which the United
995 States maintains diplomatic relations, and the charge alleges
996 violation of any law involving prescription drugs,
997 pharmaceuticals, fraud, theft, or moral turpitude, the
998 department may enter an emergency order suspending the
999 affiliated party or restricting or prohibiting participation by
1000 the affiliated party in the affairs of the particular permittee
1001 or of any other permittee upon service of the order upon the
1002 permittee and the affiliated party charged. The order must
1003 contain notice of opportunity for a hearing pursuant to ss.
1004 120.569 and 120.57, where the affiliated party may request a
1005 postsuspension hearing to show that continued service to or
1006 participation in the affairs of the permittee does not pose a
1007 threat to the public health or the interests of the permittee
1008 and does not threaten to impair public confidence in the
1009 permittee. In accordance with applicable departmental rules, the
1010 department shall notify the affiliated party whether the order
1011 suspending or prohibiting the person from participation in the
1012 affairs of a permittee will be rescinded or otherwise modified.
1013 The emergency order remains in effect, unless otherwise modified
1014 by the department, until the criminal charge is disposed of. The
1015 acquittal of the person charged, or the final, unappealed

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

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

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

(1)

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

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

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

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

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

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

Section 27. Subsection (1) of section 509.2015, Florida 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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governmental entities with respect to applying the Florida Fire Prevention Code and the Life Safety Code.

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

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

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

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

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

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

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a usable format, all amendments adopted under this section.

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

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

5.~~(f)~~ Each county and municipality desiring to make local
technical amendments to the Florida Building Code shall
establish by interlocal agreement a countywide compliance review
board to review any amendment to the Florida Building Code that
is adopted by a local government within the county under this
paragraph ~~subsection~~ and that is challenged by a substantially
affected party for purposes of determining the amendment's
compliance with this paragraph ~~subsection~~. If challenged, the
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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commission, as applicable. Actions of the commission are subject to judicial review under s. 120.68. The compliance review board shall determine whether its decisions apply to a respective local jurisdiction or apply countywide.

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

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

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

(e)~~(k)~~ A technical amendment to the Florida Building Code related to water conservation practices or design criteria adopted by a local government under paragraph (b) ~~this subsection~~ is not void when the code is updated if the technical 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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the Florida Building Code.

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

553.791 Alternative plans review and inspection.—

(3) A private provider and any duly authorized representative may only perform building code inspection services that are within the disciplines covered by that person's licensure or certification under chapter 468, chapter 471, or chapter 481, including single-trade inspections. However, a private provider and any duly authorized representative licensed as a building code administrator may perform any plan review or inspection requiring licensure or certification under part XII of chapter 468 if the private provider or duly authorized representative served for at least 3 consecutive years as a building code administrator authorized by a municipal or county government to perform any plan review or inspection requiring licensure or certification under part XII of chapter 468 and has had no disciplinary action imposed against his or her license. The department shall adopt rules to identify those building code administrator licensees who meet the requirements of this subsection. A private provider may not provide building code inspection services pursuant to this section upon any building designed or constructed by the private provider or the private provider's firm.

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

120.54 Rulemaking.—

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(3) ADOPTION PROCEDURES.—

(c) *Hearings*.—

1. If the intended action concerns any rule other than one relating exclusively to procedure or practice, the agency shall, on the request of any affected person received within 21 days after the date of publication of the notice of intended agency action, give affected persons an opportunity to present evidence and argument on all issues under consideration. The agency may schedule a public hearing on the rule and, if requested by any affected person, shall schedule a public hearing on the rule.

When a public hearing is held, the agency must ensure that staff are available to explain the agency's proposal and to respond to questions or comments regarding the rule. If the agency head is a board or other collegial body created under s. 20.165(4) or s. 20.43(3)(g), and one or more requested public hearings is scheduled, the board or other collegial body shall conduct at least one of the public hearings itself and may not delegate this responsibility without the consent of those persons requesting the public hearing. Any material pertinent to the issues under consideration submitted to the agency within 21 days after the date of publication of the notice or submitted to the agency between the date of publication of the notice and the end of the final public hearing shall be considered by the agency and made a part of the record of the rulemaking proceeding.

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

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proceeding does not provide adequate opportunity to protect those interests. If the agency determines that the rulemaking proceeding is not adequate to protect the person's interests, it shall suspend the rulemaking proceeding and convene a separate proceeding under the provisions of ss. 120.569 and 120.57.

Similarly situated persons may be requested to join and participate in the separate proceeding. Upon conclusion of the separate proceeding, the rulemaking proceeding shall be resumed.

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

120.74 Agency annual rulemaking and regulatory plans; reports.—

(2) PUBLICATION AND DELIVERY TO THE COMMITTEE.—

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

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

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

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

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

326.003 Administration.—The division shall:

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

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

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

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

326.004 Licensing.—

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

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proportionately fund the expenses of the division in ss.
326.001-326.006.

(7)

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

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

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

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

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

(4) "Affiliated party" means:

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

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

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

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

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